
APPENDIX.

TREATY AT AUGUSTA,

WITH THE CHEROKEE AND CREEK INDIANS, IN 1778.

Georgia.

At a congress held at Augusta, in the province of Georgia, on the first day of June, in the year of our Lord one thousand seven hundred and seventy-three, by his excellency Sir James Wright, bart. captain general and commander in chief of the said province, and the honorable John Stewart, esq. his majesty's sole agent for and superintendent of Indian affairs in the southern district of North America, and the several chiefs of the Cherokee and Creek Indians, who are authorized and empowered by the several tribes of the Cherokees and Creeks to attend at this congress, and to act for them and each of them: Treaty with the Creeks and Cherokees.

WHEREAS the Cherokee Indians did some time ago propose to the aforesaid governor and the superintendent, to cede unto his most sacred majesty king George the Third a certain tract of land, situate, lying and being within the province of Georgia, on the river Savannah, above Little River, and extending up Savannah River above Broad River, and across the country towards the Oconee River, and which the said Cherokee Indians claimed as their right and property: *And whereas* the said Cherokee Indians, having considered of their great poverty and distress, and finding it to be out of their power to pay their debts due from them to their traders in the usual way, by hunting and getting deer skins, declared themselves under the necessity of making the above proposition, and requested the said governor and superintendent to lay their distressed situation before his majesty, and to implore that he would be graciously pleased to accept of a cession of the said lands from them, and that the same might be appropriated towards the payment of their debts justly due to the unfortunate people who had been trading amongst them since the peace made with them, which was in the year one thousand seven hundred and sixty-one, that so their traders might be enabled to furnish them with goods as usual: *And whereas* the distressed state and condition of the said Indians, together with their proposition and request as aforesaid, having been fully represented unto his majesty, who being graciously disposed to relieve the said Indians from their necessities and distress, and to promote and preserve peace and good order between and amongst them and his majesty's subjects trading with them, was pleased to consent to receive a cession of the

said lands for the purposes aforesaid, and hath given instructions to his said governor and superintendent to hold a congress with them, and to take a cession of the said lands accordingly :

And whereas the Creek Indians do also claim to have a right and property in the said lands claimed by the Cherokee Indians, and proposed to be ceded by them as aforesaid: *And whereas* the said Creek Indians, in consideration of the payment of the debts justly due from them to the persons trading with them since the above period, have also consented and agreed to join in the said cession, and also to add some further lands to those proposed to be ceded by the Cherokee Indians: *And whereas* his majesty hath been also pleased to approve of the same, and to direct that a cession of all the said lands be received and taken jointly from both the Cherokee and Creek Indians; It is therefore consented and agreed by and between the several Indian chiefs present, and who have signed this treaty of cession, as well Creeks as Cherokees, and who declare themselves to be fully and absolutely authorized and empowered by the several kings, head men and warriors of the Upper and Lower Creeks and of all the Cherokee country, for and in behalf of themselves and their several nations and tribes, in manner and form following, that is to say: We, the said Indian chiefs, as well Creeks as Cherokees, do freely offer and request, that the said governor and superintendent, in behalf and for the use of his most sacred majesty George the Third, and to his successors forever, will accept of a grant and cession of the several lands herein after mentioned and described, that is to say: To begin at the place where the Lower Creek Path intersects Ogechee River; and along the main branch of said river, to the source of the southernmost branch of said river; and from thence along the ridge between the waters of Broad River and Oconee River, up to the Buffalo Lick; and from thence in a straight line to the tree marked by the Cherokees, near the head of a branch falling into the Oconee River; and from thence along the said ridge, twenty miles above the line already run by the Cherokees; and from thence across to Savannah River by a line run parallel with that formerly marked by them: And the Creeks, by Saleachie, and Taleachie, and other head men of the Lower Creeks, also cede from the present boundary line at Pinhotaway Creek, on the Alatomaha River, up the said river to an island opposite to the mouth of Barber Creek, and from thence across to Ogechee River, opposite to the road about four miles above Buck-head, where a canoe ferry used to be kept. And we, the said several Indian chiefs, for ourselves and our several nations and tribes of Indians, do hereby solemnly declare, that we do fully and clearly understand every part of this treaty and cession, it having been fully interpreted and explained to us, and that the same is made at our own requests and for our own benefit and advantage, and for and towards the payment and satisfaction of the several debts which are justly due and owing from us to the several persons who have traded and supplied us with goods as aforesaid. And we, the said Creek Indian chiefs and Cherokee Indian chiefs, in consideration aforesaid, do by these presents, in the most solemn manner, for us and our several nations and tribes, fully and absolutely give, grant and confirm unto his most sacred majesty king George the Third, all and singular the lands herein before mentioned and described. And we do, for ourselves and our nations and tribes as aforesaid, and for each and every of us and them, surrender and yield up all and each and every of our respective rights, titles, interest, claim and property of and in the aforesaid lands, unto his said majesty king George the Third; TO HOLD the same unto him and his successors forever. And we the said Creek Indian chiefs do hereby fully and absolutely agree, that from

henceforth the above lines and bounding shall be the mark of division of lands between his majesty's subjects in the province aforesaid, and as the said Creek Indians, notwithstanding any former agreement or boundary to the contrary; and that we will not disturb any of his majesty's subjects in their settlements, or otherwise within the lines aforesaid. In consideration whereof, it is agreed on the part of his majesty, that the monies arising by sale of the lands ceded as aforesaid, after defraying the expence of this congress and such other charges and expences as will necessarily arise in carrying this measure into execution, shall be applied towards the payment and satisfaction of such debts as shall appear to be justly due and owing from the Indians to their traders as aforesaid.

In testimony whereof, We, the said governor and superintendent, have signed this present treaty or deed of cession, and put to it our respective seals, the day and year above written; and the several kings and chiefs of the several nations and tribes of Indians, have also set their hands and seals to the same, at the time and place aforesaid.

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TREATY AT AUGUSTA,

WITH THE CHEROKEE INDIANS, IN 1783.

Georgia.

Articles of a convention held at Augusta, in the county of Richmond, and state aforesaid, this thirty-first day of May, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the independence of the said state, between his honor Lyman Hall, esq. governor and commander in chief in and over the said state, general John Twiggs, colonel Elijah Clark, colonel W. Few, the honorable Edward Telfair, esq. and general Samuel Elbert, commissioners appointed by the legislature of the same, on the one part, and Tarpin, of the Lower Towns, Tarpin, son of the great warrior, the Bird-in-close, or the Che qua ena, Nenean Jack, Claunaw, Chicafaw Tue, Ascaster, Amakantie, Claw Wastie, Joenatua, Julataha, John Chisqua Una, China Wata, Calata, Junastuta and Canauta, head men, warriors and chiefs of the hordes or tribes of Cherokee Indians, in behalf of the said nation, on the other part, as follows:

WHEREAS a good understanding and union between the inhabitants of the said state and the Indians aforesaid, is reciprocally necessary and convenient, as well on account of a friendly intercourse and trade, as for the purposes of peace and humanity: It is therefore agreed and covenanted:

I. That all differences between the said parties heretofore subsisting, shall cease and be forgotten.

II. That all just debts due by any of the said Indians to any of the merchants or traders of the said state, shall be fairly and fully paid, and all negroes, horses, or other property, taken during the late war shall be restored.

III. That a new line shall be drawn without delay, between the present settlements in the said state and the hunting grounds of the said Indians; to begin on Savannah River where the present line strikes it, thence up the said river to a place, on the most northern branch of the same (commonly called Keowee) where a north east line, to be drawn from the top of the Oconna Mountain, shall intersect; thence along the said line in a southwest direction, to the top of the said mountain; thence in the same direction to the Tugalo River; thence to the top of the Currohee Mountain; thence to the head or source of the most southern branch of the Oconee River, including all the waters of the same; and thence down the middle of said branch to the Creek line.

IV. In consideration of the friendship, which the people and government of the said state bear to the Indians aforesaid, and of their good will evinced by their present attendance, the governor and commissioners aforesaid, have made presents to them of a considerable amount, which they hereby acknowledge to have received.

V. That a trade shall be carried on by the traders and merchants of the said state, to the towns of the said Indians; in which the traders who shall reside among them and the pack-horsmen in going and coming shall be protected; the trade to be subject to future regulations of government.

VI. And lastly, they the said head men, warriors and chiefs, whose hands and seals are hereunto affixed, do hereby, for themselves and for the nation they are empowered and do effectually represent, recognize, declare and acknowledge, that all the lands, waters, woods and game lying and being in the state, eastward of the line herein before particularly mentioned and described, is, are and do belong, and of right appertain to the people and government of the state of Georgia; and they the Indians aforesaid, as well for themselves as the said nation, do give up, release, alien, relinquish and forever quit claim to the same or any part thereof.

Done and executed at Augusta aforesaid, the day and year above mentioned, in the presence of those whose names are subscribed.

LYMAN HALL.	(L. S.)	TARPINE.	X (L. S.)
JOHN TWIGGS.	(L. S.)	TARPINE.	X (L. S.)
ELIJAH CLARK.	(L. S.)	CHEQUA ENA.	X (L. S.)
W. FEW.	(L. S.)	NENEAN JACK.	X (L. S.)
EDWARD TELFAIR.	(L. S.)	CLAUNAU.	X (L. S.)
S. ELBERT.	(L. S.)	CHICKASAW-TUE.	X (L. S.)
		ASCATER.	X (L. S.)
		AMAKANTIE.	X (L. S.)
		CLAWASTIE.	X (L. S.)
		JOENATUA.	X (L. S.)
		JULATAHA.	X (L. S.)
		JOHN.	X (L. S.)
		CHISQUA UNA.	X (L. S.)
		CHINA WATA.	X (L. S.)
		CALATA.	X (L. S.)
		JUNASLUTA.	X (L. S.)
		CANAUTA.	X (L. S.)
		CAT.	X (L. S.)

Witness,
 GEORGE WALTON.
 ANDREW M'LEAN,

TREATY AT AUGUSTA,

WITH THE CREEK INDIANS, IN 1783.

Georgia.

Articles of convention held at Augusta, in the county of Richmond, and state afore said, this first day of November, in the year of our Lord one thousand seven hundred and eighty-three, and in the eighth year of the independence of the said state, between John Twiggs, Elijah Clark, Edward Telfair, Andrew Burns and William Glascock, commissioners appointed by the authority of the same, on the one part, and the Tallesee King, Tallesee Warrior, the Fat King, Mad Fish, Top-war King, Alachago, Hitcheto Warrior, Okoney, Okolege, Cuse King, Second Man, Inomatwhata, Inomatawtusnigua, Head Warrior, Gugahacho, head men, warriors and chiefs of the hordes or tribes of Creek Indians, in behalf of the said nation, on the other part, as follows:

WHEREAS a good understanding and union between the inhabitants of the said state and the Indians aforesaid, is reciprocally necessary and convenient, as well on account of a friendly intercourse and trade as for the purposes of peace and humanity: It is therefore agreed and covenanted:

I. That all differences between the said parties heretofore subsisting, shall cease and be forgotten.

II. That all just debts due by any of the said Indians to any of the merchants or traders of the said state, shall be fairly and fully paid; and all negroes, horses, cattle or other property taken during the late war, shall be restored.

III. That a new line shall be drawn without delay, between the present settlements in the said state and the hunting grounds of the said Indians; to begin on Savannah River, where the present line strikes it, thence up the said river to a place on the most northern branch of the same, commonly called Keowee, where a northeast line, to be drawn from the top of the Ocunna mountain, shall intersect; thence along the said line in a southwest direction to the said mountain; thence in the same direction to Tugalo River: thence to the top of the Currohee mountain; thence to the head or source of the most southern branch of the Oconee River, including all the waters of the same; thence down the said river to the old line.

IV. In consideration of the friendship which the people and government of the said state bear to the Indians aforesaid, and of their good will evinced by their present attendance, the commissioners aforesaid have made presents to them to a considerable amount, which they hereby acknowledge to have received.

V. That a trade shall be carried on by the traders and merchants of the said state to the towns of the said Indians; in which the traders, who shall reside among them

and the pack-horsemen in going and coming shall be protected; the trade to be subject to future regulations of government.

VI. And lastly, they the said head men, warriors and chiefs, whose hands and seals are hereunto affixed, do hereby for themselves and for the nation they are empowered and do effectually represent, recognize, declare and acknowledge, that all the lands, waters, woods and game, lying and being in the state eastward of the line herein before particularly mentioned and described, is, are and do belong, and of right appertain to the people and government of the state of Georgia; and they the said Indians aforefaid, as well for themselves as the said nation, do give up, release, alien, relinquish, and forever quit claim to the same and every part thereof.

Done and executed at Augusta aforefaid, the day and year above mentioned, in the presence of those whose names are subscribed.

JOHN TWIGGS.	(L. S.)	TALLESEE KING.	X (L. S.)
ELIJAH CLARK.	(L. S.)	TALLESEE WARRIOR.	X (L. S.)
EDWARD TELFAIR.	(L. S.)	FAT KING.	X (L. S.)
ANDREW BURNS.	(L. S.)	MAD FISH.	X (L. S.)
WILLIAM GLASCOCK.	(L. S.)	TOPWAR KING.	X (L. S.)
		ALACHAGO.	X (L. S.)
		HITCHETO WARRIOR.	X (L. S.)
		OKOLEGE.	X (L. S.)
		COWETAW.	X (L. S.)
		CUSE KING.	X (L. S.)
		SECOND MAN.	X (L. S.)
		INOMATUHATA.	X (L. S.)
		INOMATAWTUSNIGUA.	X (L. S.)
		SUGAHACHO.	X (L. S.)

Signed, sealed and delivered in presence of Cornelius Dyfart, Richard Henson, John Lamar.

TREATY AT GALPHINTON,

WITH THE CREEK INDIANS, IN 1785.

Articles of a treaty concluded at Galphinton, on the twelfth day of November, one thousand seven hundred and eighty-five, between the underwritten commissioners, in behalf of the state of Georgia, of the one part; and the kings, head men and warriors in behalf of themselves, and all the Indians in the Creek nation of the other in the following conditions.

ARTICLE I.

THE said Indians for themselves and all the tribes or towns within their respective nations, within the limits of the state of Georgia, have been and now are members of the same, since the day and date of the constitution of the said state of Georgia.

II. If any citizen of this state or other person or persons shall attempt to settle or run any of the lands reserved to the Indians for their hunting grounds, such person or persons may be detained until the governor shall demand him or them, and then it shall be lawful for any of the tribes near such offenders to come and see the punishment, according to such laws as now are or hereafter shall be enacted by the said state for trying such offences.

III. It shall in no case be understood, that the punishment of the innocent, under the idea of retaliation shall be practised on either side.

IV. If any citizen of this state or other white person or persons shall commit a robbery or murder or other capital crime on any Indian, such offenders shall be delivered up to justice, and shall be tried according to the laws of the state, and due notice of such intended punishment shall be sent to some one of the tribes.

V. If any Indian shall commit a robbery or murder or other capital crime on any white person, such offenders shall receive a punishment adequate to such offence, and due notice of such intended punishment shall be given to his honor the governor.

VI. In case of any design being formed in any neighboring tribes, against the peace or safety of the state, which they shall know or suspect, they shall make known the same to his honor the governor.

VII. All white person or persons shall be at liberty and conducted in safety into the settled parts of the state when they shall require it, except such persons as shall come under the restrictions pointed out in the second article.

VIII. The said Indians shall restore all the negroes, horses or other property

that are or may be among them, belonging to any citizen of this state or any other person or persons whatever, to such person as the governor shall direct.

IX. That the trade with the said Indians shall be carried on as heretofore.

X. All horses belonging to any Indian that shall be found in the said state, such horses shall be restored to such person as the head men or the tribe where such Indian may reside shall direct.

XI. The present temporary line reserved to the Indians for their hunting ground, shall be agreeable to the treaty held at Augusta in the year one thousand seven hundred and eighty-three; and that a new temporary line shall begin at the forks of the Oconee and Oakmulgee Rivers, thence in a southwest direction, until it shall intersect the most southern part of the stream called St. Mary's River, including all the islands and waters of the said stream, thence down the said river to the old line. And all the ground without the said new temporary lines, when run and completed, shall be reserved to the Indians for their hunting grounds as aforesaid.

In witness whereof the parties have hereunto affixed their hands and seals the day and year above written.

On the part of the state,		
JOHN TWIGGS.	(L. S.)	} <i>Commissioners.</i>
ELIJAH CLARK,	(L. S.)	

On the part of the Indians,	
WARRIOR KING.	X (L. S.)
O'KEMULGEY TUSKONUCKY.	X (L. S.)
TUSKIA MICKO.	X (L. S.)
CUSRATER MICKO.	X (L. S.)
ENCHALUCKO.	X (L. S.)
POHILLKE OAKFUSKIES.	X (L. S.)
INNEHANA UFOLLIES.	X (L. S.)
ABICO TUSKANUCKY.	X (L. S.)
INNEHA MICKO.	X (L. S.)
YAHOLO MICKO.	X (L. S.)
COSO MICKO.	X (L. S.)
OPOHELTHE MICKO.	X (L. S.)
CUSO MICKO.	X (L. S.)
DICKSON TALLICUS.	X (L. S.)
UPALAH AJOE.	X (L. S.)
OPOYHA JOE.	X (L. S.)
WARTUCKO MICKO.	X (L. S.)

Signed, sealed and delivered in presence of Thomas Glascock, John King, J. Clements, Jared Irwin, James Darouzeaux, I. P. T. for the state of Georgia, Philip Scott, *his X mark*, William Moore.

TREATY AT HOPEWELL,

WITH THE CHEROKEE INDIANS, IN 1785.

ORIGINAL.

Articles of a treaty concluded at Hopewell, on the Keowee, between Benjamin Hawkins, Andrew Pickens, Joseph Martin and Lachlan M'Intosh, commissioners plenipotentiary of the United States of America, of the one part, and the head men and warriors of all the Cherokees of the other:

THE commissioners plenipotentiary of the United States in Congress assembled, give peace to all the Cherokees, and receive them into the favor and protection of the United States of America, on the following conditions:

ARTICLE I.

The head men and warriors of all the Cherokees, shall restore all the prisoners, citizens of the United States, or subjects of their allies, to their entire liberty: They shall also restore all the negroes, and all other property taken during the late war from the citizens, to such person, and at such time and place as the commissioners shall appoint.

ARTICLE II.

The commissioners of the United States in congress assembled, shall restore all the prisoners taken from the Indians, during the late war, to the head men and warriors of the Cherokees, as early as is practicable.

ARTICLE III.

The said Indians for themselves, and their respective tribes and towns, do acknowledge all the Cherokees to be under the protection of the United States of America, and of no other sovereign whatsoever.

ARTICLE IV.

The boundary allotted to the Cherokees for their hunting grounds, between the said Indians and the citizens of the United States, within the limits of the United States of America is, and shall be the following, viz. Beginning at the mouth of Duck River on the Tennessee; thence running northeast to the ridge dividing the waters running into Columbia from those running into the Tennessee; thence eastwardly along the said ridge to a northeast line to be run, which strikes the river Cumberland forty miles above Nashville; thence along the said line to the river; thence up the said river to the ford where the Kentucky road crosses the river: thence to Campbell's line, near Cumberland gap; thence to the mouth of Claud's Creek on Holstein; thence to the Chimneytop Mountain; thence to Camp Creek, near the mouth of big Limestone, on Nolichucky; thence a southerly course six miles to a mountain; thence south to the North-Carolina line; thence to South-Carolina Indian boundary, and along the same southwest over the top of the Oconee Mountain till it shall strike Tugalo River; thence a direct line to the top of the Currohee Mountain; thence to the head of the south fork of Oconee River.

ARTICLE V.

If any citizen of the United States, or other person not being an Indian, shall attempt to settle on any of the lands westward or southward of the said boundary which are hereby allotted to the Indians for their hunting grounds, or having already settled and will not remove from the same within six months after the ratification of this treaty, such person shall forfeit the protection of the United States, and the Indians may punish him or not as they please: *Provided nevertheless*, That this article shall not extend to the people settled between the fork of French Broad and Holstein Rivers, whose particular situation shall be transmitted to the United States in congress assembled for their decision thereon, which the Indians agree to abide by.

ARTICLE VI.

If any Indian or Indians, or person residing among them, or who shall take refuge in their nation, shall commit a robbery, or murder, or other capital crime, on any citizen of the United States or person under their protection, the nation or the tribe to which such offender or offenders may belong shall be bound to deliver him or them up to be punished according to the ordinances of the United States: *Provided*, That the punishment shall not be greater than if the robbery, or murder, or other capital crime, had been committed by a citizen on a citizen.

ARTICLE VII.

If any citizen of the United States, or person under their protection, shall commit a robbery, or murder, or other capital crime, on any Indian, such offender or offenders shall be punished in the same manner as if the murder, or robbery, or other capital crime had been committed on a citizen of the United States; and the punishment shall be in presence of some of the Cherokees, if any shall attend at the time and place, and that they may have an opportunity to do, due notice of the time of such intended punishment shall be sent to some one of the tribes.

ARTICLE VIII.

It is understood, that the punishment of the innocent, under the idea of retaliation, is unjust, and shall not be practised on either side, except where there is a manifest violation of this treaty, and then it shall be preceded first by a demand of justice, and if refused, then by a declaration of hostilities.

ARTICLE IX.

For the benefit and comfort of the Indians, and for the prevention of injuries or oppressions on the part of the citizens or Indians, the United States in congress assembled, shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs in such manner as they think proper.

ARTICLE X.

Until the pleasure of congress be known respecting the ninth article, all traders, citizens of the United States, shall have liberty to go to any of the tribes or towns of the Cherokees to trade with them, and they shall be protected in their persons and property, and kindly treated.

ARTICLE XI.

The said Indians shall give notice to the citizens of the United States, of any designs which they may know or suspect to be formed in any neighboring tribe, or by any person whatsoever, against the peace, trade or interest of the United States,

ARTICLE XII.

That the Indians may have full confidence in the United States respecting their interests, they shall have the right to send a deputy of their choice, whenever they think fit, to congress.

ARTICLE XIII.

The hatchet shall be forever buried, and the peace given by the United States and friendship re-established between the said states on the one part, and all the Cherokees on the other, shall be universal; and the contracting parties shall use their utmost endeavors to maintain the peace given as aforesaid, and friendship re-established.

In witness of all and every thing herein determined between the United States of America and all the Cherokees, We, their underwritten commissioners, by virtue of our full powers have signed this definitive treaty, and have caused our seals to be hereunto affixed.

Done at Hopewell, on the Keowee, this twenty-eighth of November, in the year of our Lord one thousand seven hundred and eighty-five.

BENJAMIN HAWKINS.	(L. S.)
ANDREW PICKENS.	(L. S.)
JOSEPH MARTIN.	(L. S.)
LACHLAN M'INTOSH.	(L. S.)

KOATOHEE, or Corn Tassel of Toquo	X (L. S.)
SCHOLAUETTA, or Hanging Man of Chota.	X (L. S.)
TUSKEGATAHU, or Long Fellow of Christohoe.	X (L. S.)
OSKWHA, or Abraham of Chilkowa.	X (L. S.)
KOLAKUSTA, or Prince of North.	X (L. S.)
NEWOTA, or the Gritzs of Chicamaga.	X (L. S.)
KONATOTA, or the Rising Fawn of Highwassay.	X (L. S.)
TUCKASEE, or Young Tarrapin of Allajoy.	X (L. S.)
TOOSTAKA, or the Waker of Oostanwa.	X (L. S.)
UNTOOLA, or Gun Rod of Seteco.	X (L. S.)
UNSUOAKANAIL, Buffalo White Calf New Cussee.	X (L. S.)
KOASTAYEAK, or Sharp Fellow, Wataga.	X (L. S.)
CHONOSTA, of Cowe.	X (L. S.)
CHESCOONWHA, Bird in clofe of Tomotlug.	X (L. S.)
TUCKASEE, or Tarrapin of Hightowa.	X (L. S.)
CHESETOA, or the Rabbit of Flacoa.	X (L. S.)
CHESICOTETONA, or Yellow Bird of the Pine Log.	X (L. S.)
SKETALOSKA, Second Man of Tillico.	X (L. S.)
CHOKASOTAHE, Chickafaw Killer Dafonta.	X (L. S.)
ONANOOTA, of Koosfoatee.	X (L. S.)
OOKOSETA, or Sower Mufh of Kooloque.	X (L. S.)
UMATOOETHA, the Water Hunter, Choikamawgu.	X (L. S.)
WYUKA, of Lookout Mountain.	X (L. S.)
TULCO, or Tom of Chatuga.	X (L. S.)
WILL, of Akoha.	X (L. S.)
NECATEE, of Sawta.	X (L. S.)

AMOKONTAKONO, Kutcloa.	X (L. S.)
KOWETATAHEE, in Frog Town.	X (L. S.)
KEUKUCH, Talkoa.	X (L. S.)
TULATISCA, of Chaway.	X (L. S.)
WOOALUKA, the Way Layer, Chota.	X (L. S.)
TATLUISTA, or Porpus of Tilaffi.	X (L. S.)
JOHN, of Little Tallico.	X (L. S.)
SKELILAK.	X (L. S.)
AKONOLUCHTA, the Cabin.	X (L. S.)
CHENANOKA, of Kawetakac.	X (L. S.)
YELLOW BIRD.	X (L. S.)

Witness, William Blount, Samuel Taylor, major John Owen, Jesse Walton, John Cowan, captain commandant, Thomas Gegg, W. Hazard. James Madison, Arthur Coody, sworn interpreters.

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TREATY AT HOPEWELL,

WITH THE CHOCTAW INDIANS, IN 1786.

ORIGINAL.

Articles of a treaty concluded at Hopewell, on the Keowee, near Seneca Old Town, between Benjamin Hawkins, Andrew Pickens and Joseph Martin, commissioners plenipotentiary of the United States of America, of the one part, and Yockonahoma, great medal chief of Soonacoha; Yockahoopoie, leading chief of Bugtoogoloo; Mingohoopoie, leading chief of Hoshooqua; Tobocoh, great medal chief of Congetoo; Pooshemaftubie, gorget captain of Senayazo; and thirteen small medal chiefs of the first class, twelve medal and gorget captains, commissioners plenipotentiary of all the Choctaw nation, of the other part:

THE commissioners plenipotentiary of the United States of America give peace to all the Choctaw nation, and receive them into the favor and protection of the United States of America, on the following conditions:

ARTICLE I.

The commissioners plenipotentiary of all the Choctaw nation, shall restore all the prisoners, citizens of the United States, or subjects of their allies, to their entire liberty, if any there be in the Choctaw nation; they shall also restore all the negroes; and all other property taken during the late war, from the citizens, to such person and at such time and places as the commissioners of the United States of America shall appoint, if any there be in the Choctaw nation.

ARTICLE II.

The commissioners plenipotentiary of all the Choctaw nation, do hereby acknowledge the tribes and towns of the said nation, and the lands within the boundary al-

lotted to the said Indians to live and hunt on, as mentioned in the third article, to be under the protection of the United States of America, and of no other sovereign whosoever.

ARTICLE III.

The boundary of the lands hereby allotted to the Choctaw nation to live and hunt on, within the limits of the United States of America, is and shall be the following, viz. Beginning at a point on the thirty-first degree of north latitude where the eastern boundary of the Natches district shall touch the same, thence east along the said thirty-first degree of north latitude, being the southern boundary of the United States of America, until it shall strike the eastern boundary of the lands on which the Indians of the said nation did live and hunt on the twenty-ninth of November, one thousand seven hundred and eighty-two while they were under the protection of the king of Great-Britain; thence northerly along the said eastern boundary, until it shall meet the northern boundary of the said lands; thence westerly along the said northern boundary until it shall meet the western boundary thereof; thence southerly along the same to the beginning saving and preserving for the establishment of trading posts, three tracts or parcels of land of six miles square each, at such places as the United States in congress assembled shall think proper; which posts, and the lands annexed to them, shall be to the use and under the government of the United States of America.

ARTICLE IV.

If any citizen of the United States, or other person not being an Indian, shall attempt to settle on any of the lands hereby allotted to the Indians to live and hunt on, such person shall forfeit the protection of the United States of America, and the Indians may punish him or not as they please.

ARTICLE V.

If any Indian or Indians, or person residing among them, or who shall take refuge in their nation, shall commit a robbery or murder or other capital crime on any citizen of the United States of America, or person under their protection, the tribe to which such offender may belong, or the nation, shall be bound to deliver him or them up to be punished according to the ordinances of the United States in congress assembled: *Provided*, That the punishment shall not be greater than if the robbery or murder, or other capital crime, had been committed by a citizen on a citizen.

ARTICLE VI.

If any citizen of the United States of America, or person under their protection, shall commit a robbery or murder, or other capital crime, on any Indian, such offender or offenders, shall be punished in the same manner, as if the robbery or murder, or other capital crime had been committed on a citizen of the United States of America; and the punishment shall be in presence of some of the Choctaws, if any will attend at the time and place; and that they may have an opportunity so to do, due notice if practicable, of the time of such intended punishment shall be sent to some one of the tribes.

ARTICLE VII.

It is understood that the punishment of the innocent, under the idea of retaliation, is unjust, and shall not be practised on either side, except where there is a manifest vio-

lation of this treaty ; and then it shall be preceded, first by a demand of justice, and if refused, then by a declaration of hostilities.

ARTICLE VIII.

For the benefit and comfort of the Indians, and for the prevention of injuries or oppressions on the part of the citizens or Indians, the United States in congress assembled shall have the sole and exclusive right of regulating the trade with the Indians and managing all their affairs in such manner as they think proper.

ARTICLE IX.

Until the pleasure of congress be known, respecting the eighth article, all traders, citizens of the United States of America, shall have liberty to go to any of the tribes or towns of the Choctaws, to trade with them, and they shall be protected in their persons and property, and kindly treated.

ARTICLE X.

The said Indians shall give notice to the citizens of the United States of America, of any designs which they may know or suspect to be formed in any neighboring tribe, or by any person whosoever, against the peace, trade or interest of the United States of America.

ARTICLE XI.

The hatchet shall be forever buried, and the peace given by the United States of America, and friendship re-established between the said states on the one part, and all the Choctaw nation on the other part, shall be universal ; and the contracting parties shall use their utmost endeavours to maintain the peace given as aforesaid, and friendship re-established.

In witness of all and every thing herein determined, between the United States of America and all the Choctaws, We, their underwritten commissioners, by virtue of our full powers have signed this definitive treaty, and have caused our seals to be hereunto affixed.

Done at Hopewell on the Keowee this third day of January, in the year of our Lord one thousand seven hundred and eighty-six.

BENJAMIN HAWKINS.	X (L. S.)
ANDREW PICKENS.	X (L. S.)
JOSEPH MARTIN,	X (L. S.)

TOOTEHOOMA.	X (L. S.)	SHINSHEMASTUBY.	X (L. S.)
TOOBENOHOOMOCH.	X (L. S.)	YOOPAKOOMA.	X (L. S.)
YOCKENAHOMA.	X (L. S.)	STOONOKOOHOPOIE.	X (L. S.)
YOCKEHOPOIE.	X (L. S.)	TEHAKUHBAY.	X (L. S.)
MINGOHOPOIE.	X (L. S.)	POOSHEMASTUBY.	X (L. S.)
TOBOCOH.	X (L. S.)	TUSKKAHOOMOCH.	X (L. S.)
POOSHEMASTUBY.	X (L. S.)	TUSHKAHOOMOCH.	X (L. S.)
POOSHAHOOMA.	X (L. S.)	YOOSTENOCHHA.	X (L. S.)
TUSCOONOOHOPOIE.	X (L. S.)	CHECOOPOOHOOMOCH.	X (L. S.)

STONAKOOHOPOIE.	X (L. S.)	STEABEE.	X (L. S.)
TUSHKOHEEGOHTA.	X (L. S.)	TENCTEHENNA.	X (L. S.)
TESHUHENNOCHLOCH.	X (L. S.)	TUSHKEMENTAHOCK.	X (L. S.)
POOSHONALTLA.	X (L. S.)	TUSHTALLAY.	X (L. S.)
OKANCONNOOBA.	X (L. S.)	ESHNAANGCHABBA.	X (L. S.)
HUTOONACHUBA.	X (L. S.)	CUNNOPOIE.	X (L. S.)
PANGUKOOLOCH.	X (L. S.)		

Witness, William Blount, John Woods, Samuel Taylor, Robert Anderson, Benjamin Lawrence, John Pitchlym, James Cob, interpreters.

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TREATY AT HOPEWELL,

WITH THE CHICKASAW INDIANS, IN 1786.

ORIGINAL.

Articles of a treaty concluded at Hopewell, on the Keowee, near Seneca Old Town, between Benjamin Hawkins, Andrew Pickens and Joseph Martin, commissioners plenipotentiary of the United States of America, of the one part, and Pomingo, head warrior and first minister of the Chickasaw nation, Mingatufka, one of the leading chiefs, and Latopora, first beloved man of the said nation, commissioners plenipotentiary of all the Chickasaws, of the other part.

THE commissioners plenipotentiary of the United States of America give peace to the Chickasaw nation, and receive them into the favor and protection of the said states, on the following conditions:

ARTICLE I.

The commissioners plenipotentiary of the Chickasaw nation shall restore all the prisoners, citizens of the United States, to their entire liberty, if any there be in the Chickasaw nation. They shall also restore all the negroes and other property taken during the late war from the citizens, if any there be in the Chickasaw nation, to such person and at such time and place as the commissioners of the United States of America shall appoint.

ARTICLE II.

The commissioners plenipotentiary of the Chickasaws, do hereby acknowledge the tribes and towns of the Chickasaw nation; to be under the protection of the United States of America, and of no other sovereign whatsoever.

ARTICLE III.

The boundary of the lands hereby allotted to the Chickasaw nation to live and hunt on, within the limits of the United States of America, is, and shall be the following, viz. Beginning on the ridge that divides the waters running into the Cumber-

land, from those running into the Tennessee, at a point to be run in a line northeast, which shall strike the Tennessee, at the mouth of Duck River, thence running westerly along the said ridge, till it shall strike the Ohio; thence down the southern banks thereof to the Mississippi; thence down the same, to the Choctaw line or Natches district; thence along the said line, or the line of the district eastwardly as far as the Chickasaws claimed, and lived and hunted on, the twenty-ninth of November, one thousand seven hundred and eighty-two; thence the said boundary eastwardly, shall be the lands allotted to the Choctaws and Cherokees to live and hunt on, and the lands present in the possession of the Creeks; saving and reserving for the establishment of a trading post, a tract or parcel of land to be laid out at the lower post of the Muscle Shoals at the mouth of Ocochappo, in a circle, the diameter of which shall be five miles on the* River, which post, and the lands annexed thereto, shall be to the use and under the government of the United States of America.

ARTICLE IV.

If any citizen of the United States, or other person not being an Indian, shall attempt to settle on any of the lands hereby allotted to the Chickasaws to live and hunt on, such person shall forfeit the protection of the United States of America, and the Chickasaws may punish him or not as they please.

ARTICLE V.

If any Indian or Indians, or persons residing among them, or who shall take refuge in their nation, shall commit a robbery or murder, or other capital crime, on any citizen of the United States, or person under their protection, the tribe to which such offender or offenders may belong, or the nation shall be bound to deliver him or them up to be punished according to the ordinances of the United States in congress assembled: *Provided*, That the punishment shall not be greater, than if the robbery or murder, or other capital crime had been committed by a citizen on a citizen.

ARTICLE VI.

If any citizen of the United States of America, or person under their protection, shall commit a robbery, or murder, or other capital crime, on any Indian, such offender or offenders shall be punished in the same manner as if the robbery, or murder, or other capital crime had been committed on a citizen of the United States of America; and the punishment shall be in presence of some of the Chickasaws, if any will attend at the time and place, and that they may have an opportunity so to do, due notice, if practicable, of such intended punishment shall be sent to some one of the tribes.

ARTICLE VII.

It is understood, that the punishment of the innocent under the idea of retaliation is unjust, and shall not be practised on either side, except where there is a manifest violation of this treaty, and then it shall be preceded first by a demand of justice, and if refused, then by a declaration of hostilities.

ARTICLE VIII.

For the benefit and comfort of the Indians, and for the prevention of injuries or oppressions on the part of the citizens or Indians, the United States in Congress as-

* The name of the river is not in the original.

sembled, shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs in such manner as they think proper.

ARTICLE IX.

Until the pleasure of congress be known respecting the eighth article, all traders, citizens of the United States, shall have liberty to go to any of the tribes or towns of the Chickasaws to trade with them, and they shall be protected in their persons and property, and kindly treated.

ARTICLE X.

The said Indians shall give notice to the citizens of the United States of America of any designs which they may know or suspect to be formed in any neighboring tribe, or by any person whosoever, against the peace, trade or interest of the United States of America.

ARTICLE XI.

The hatchet shall be forever buried, and the peace given by the United States of America, and friendship re-established between the said states on the one part, and the Chickasaw nation on the other part, shall be universal; and the contracting parties shall use their utmost endeavors to maintain the peace given as aforesaid and friendship re-established.

In witness of all and every thing herein contained between the said states and Chickasaws, We, their underwritten commissioners, by virtue of our full powers, have signed this definitive treaty, and have caused our seals to be hereunto affixed.

Done at Hopewell, on the Keowee, this tenth day of January, in the year of our Lord one thousand seven hundred and eighty-six.

BENJAMIN HAWKINS.	(L. S.)	PIOMINGO.	X (L. S.)
ANDREW PICKENS.	(L. S.)	MINGATUSKA.	X (L. S.)
JOSEPH MARTIN.	(L. S.)	LATOPOIA.	X (L. S.)

Witness, William Blount, William Hazzard, Samuel Taylor, James Cole, sworn interpreter.

TREATY AT SHOULDER-BONE,

WITH THE CREEK INDIANS, IN 1786.

Georgia.

Articles of a treaty of peace, amity and commerce, concluded near the mouth of Shoulder-bone Creek, a branch of the Oconee River, the third day of November, in the year of our Lord one thousand seven hundred and eighty-six, and of the independence of the United States of America the eleventh, between the subscribing commissioners, in behalf of the state of Georgia, of the one part, and the underwritten kings, head men and warriors, in behalf of the Creek nation, on the other, on the following conditions, namely:

WHEREAS, since the signing of the last treaty held at Galphinton, and dated the twelfth day of November, one thousand seven hundred and eighty-five, between commissioners appointed by the said state and the kings, head men and warriors of the said Creek nation, acts of hostility have been committed by parties of the Indians on the inhabitants of the said state, in violation of the said treaty, whereby the friendship and harmony so essentially necessary to both parties have been greatly disturbed: *And whereas* the said parties are now mutually desirous of renewing a treaty, which may comprehend such articles as will give satisfaction to the party injured, and restore peace, friendship and commerce to both. It is therefore covenanted and agreed:

First, The Indians for themselves and the rest of the kings, head men and warriors of the Creek nation, do promise and engage that six of their people who were of the parties that murdered the same number (say six) of the white inhabitants last spring, shall be put to death in a manner satisfactory to the person or persons whom his honor the governor or the commissioners may send to see it done. And that the white people who were the means of the said murders being committed shall be removed from the nation without delay.

Second, All negroes, horses, cattle and other property now in the nation, and which were taken from the inhabitants of Georgia, shall be restored to such person or persons as his honor the governor or the commissioners shall direct. All white or other free people in the nation who are held as prisoners or slaves shall also be delivered up to the aforesaid persons.

Third, If any citizen of this state or other person or persons shall attempt to settle or run any of the lands reserved for the Indians for their hunting grounds, such person or persons may be detained until the governor shall be informed thereof, and demand him or them, and then any of the tribes near such offenders, to come and see the punishment according to such laws as now are or hereafter may be enacted by the said state for trying such offenders.

Fourth, The punishing of innocent persons under the idea of retaliation shall not be practised on either side.

Fifth, If any citizen of the state or other white person or persons shall commit a robbery or murder or other capital crime on any Indian, such offender shall be delivered up to justice and be tried according to the laws of the state, and due notice of such intended punishment shall be sent to some one of the tribes.

Sixth, If any Indian shall commit a robbery or murder or other capital crime on any white person, such offender shall receive a punishment adequate to the offence, and due notice of such intended punishment shall be given to his honor the governor.

Seventh, If the Indians shall know or suspect of any design of any neighboring tribes against the peace or safety of this state, they shall make the same known in the most expeditious manner to his honor the governor.

Eighth, All white persons shall be at liberty, and conducted in safety into the settled parts of the state when they shall require it; except such persons as shall come under the restrictions pointed out in the third article.

Ninth, The trade with the Indians shall be carried on as heretofore. And all just debts due by any of the said Indians to any of the merchants or traders of the said state shall be fairly and fully paid.

Tenth, the present temporary lines reserved to the Indians for their hunting grounds shall be agreeable to the treaties held at Augusta and Galphinton, the former bearing date the first day of November, one thousand seven hundred and eighty-three, and the latter the twelfth day of November, one thousand seven hundred and eighty-five, every part of which is hereby fully confirmed. And the said lines shall be marked as soon as the Indians can possibly make it convenient to come down and see it done, the present being their hunting season. And of their intention of attending for the said purpose they shall notify his honor the governor, at least one month before their departure from the nation.

Eleventh, After the aforesaid lines are marked, neither white persons nor Indians shall be allowed to pass them without a special license for that purpose; that for a white person to be from under the hand of his honor the governor, and that for a trader or Indian from under the hand of the agent of the state, or his deputy residing in the nation. Any person of either party who shall be found transgressing this article, shall be detained until the authority to whom such offender belongs shall be informed thereof.

Twelfth, In proof of their good faith and sincere intentions to perform the before mentioned articles, and for the security of the inhabitants of the said state, the Indians agree to leave in the hands of the commissioners five of their people, namely, Chuwockie Micko, of the Cowetas; Cuchas, of the Cussetas; Suckawockie, brother to the last named, also of the Cussetas; Emathlocks, second man of the Broken Arrow, and Enautaleche, nephew to the head man of the Swaglos. The said Indians, during their stay among the white people, shall be provided with comfortable diet, lodging and clothing, and be well treated in every other respect.

In witness whereof the parties have hereunto affixed their hands and seals the day and year above mentioned.

On the part of the state.

JOHN HABERSHAM.	(L. S.)
ABRAHAM RAVOT.	(L. S.)
J. CLEMENTS.	(L. S.)
JAMES M'NEIL.	(L. S.)
JOHN KING.	(L. S.)
JAMES POWELL.	(L. S.)
FERDINAND O'NEIL.	(L. S.)
JARED IRWIN.	(L. S.)

On the part of the Indians.

CUSA MICO.	X (L. S.)
NINNEHOMOHTA TUSTE.	X (L. S.)
NUCKIE MICO.	X (L. S.)
MICO CHEE.	X (L. S.)
HOTHLEPOYA MICO.	X (L. S.)
OPOHETHLE MICO, or Tallifée king.	X (L. S.)
OPAYA LATA.	X (L. S.)
OPAYA HAJO.	X (L. S.)
EUFALA TESLONOKY.	X (L. S.)
OKELLASA HAJO.	X (L. S.)
ENEATHLACO OPAYA.	X (L. S.)
WAWLATA MICO.	X (L. S.)
OPAYA EMATHLA.	X (L. S.)
OCKEHAN HAJO.	X (L. S.)
OLACKTA.	X (L. S.)
TULJISCA MICO.	X (L. S.)
TUSTO NUCKIE.	X (L. S.)
HOTTESY MICO.	X (L. S.)
OSUCHEE MATHTA.	X (L. S.)
CVSSITA MICO.	X (L. S.)
ENEA MICO.	X (L. S.)
ENEA THLACO.	X (L. S.)
EPHA TUSTO NUCKIE.	X (L. S.)
ESPANE TUSTO NUKIS.	X (L. S.)
GOPPITCHU TUSTO NUCKIE.	X (L. S.)
OKE LESA.	X (L. S.)
COUSA TUSTOMUCKIE.	X (L. S.)
YAHOLA MICO.	X (L. S.)
ECONEHOT HAJO.	X (L. S.)
CUSA MICO.	X (L. S.)
CUCHAS MICO.	X (L. S.)
OCHUNNEE HOLA.	X (L. S.)
FOUSACHEE MICO.	X (L. S.)
HOLAU HAJO.	X (L. S.)
TUSIKIA MICO.	X (L. S.)
AUSUNUCK TUSTONUCKIE.	X (L. S.)

TUSIKIA MICO.	X (L. S.)
JEOMY JUSTO NUCKIE.	X (L. S.)
TOLOBE MATHLA.	X (L. S.)
HITCHETA MICO.	X (L. S.)
OPAYE JUSTO NUCHIE.	X (L. S.)
TUSTO NUCHIE.	X (L. S.)
AULACK HAJO.	X (L. S.)
ENEA THLACO.	X (L. S.)
HOPAYE MICO.	X (L. S.)
OTHLEPOYA MICO.	X (L. S.)
CHUWACKLE MICO.	X (L. S.)
ENEUTHLOGKO.	X (L. S.)
OLACTE EMATHLA.	X (L. S.)
MUOJOY.	X (L. S.)
HALLATOWEGIE.	X (L. S.)
WILL JONES.	X (L. S.)
CHATOSSAHA.	X (L. S.)
SOKAKOWAY.	X (L. S.)
CUCHAS HAJO.	X (L. S.)
TOUTKIS HAJO.	X (L. S.)
OPAYOUCHEE.	X (L. S.)
TUSK ENCHA.	X (L. S.)
WAKSE HAJO.	X (L. S.)

Signed, Sealed and delivered in presence of John Twiggs, Daniel M^cMurphy,
John Graves, James Darouzeaux, Philip Scot, *P. S. his mark*, James M. Stewart.

TREATY AT NEW-YORK,

WITH THE CREEK INDIANS, IN 1790.

A treaty of peace and friendship made and concluded between the president of the United States of America, on the part and behalf of the said states, and the undersigned, kings, chiefs, and warriors of the Creek nation of Indians on the part and behalf of the said nation.

THE parties being desirous of establishing permanent peace and friendship between the United States and the said Creek nation, and the citizens and members thereof, and to remove the causes of war by ascertaining their limits, and making other necessary just and friendly arrangements: The president of the United States, by Henry Knox, secretary for the department of war, whom he hath constituted with full powers for these purposes, by and with the advice and consent of the Senate of the United States, and the Creek nation, by the undersigned kings, chiefs, and warriors, representing the said nation, have agreed to the following articles.

ARTICLE I.

There shall be a perpetual peace and friendship between all the citizens of the United States of America, and all the individuals, towns and tribes of the upper, middle, and lower Creeks and Samanories, composing the Creek nation of Indians.

ARTICLE II.

The undersigned kings, chiefs and warriors, for themselves and all parts of the Creek nation within the limits of the United States, do acknowledge themselves, and the said parts of the Creek nation, to be under the protection of the United States of America, and of no other sovereign whatsoever; and they also stipulate that the said Creek nation will not hold any treaty with an individual state or with individuals of any state.

ARTICLE III.

The Creek nation shall deliver, as soon as practicable, to the commanding officer of the troops of the United States, stationed at the Rock Landing on the Oconee River, all citizens of the United States, white inhabitants or negroes, who are now prisoners in any part of the said nation. And if any such prisoners or negroes should not be so delivered on or before the first day of June ensuing, the governor of Georgia may empower three persons to repair to the said nation in order to claim and receive such prisoners and negroes.

ARTICLE IV.

The boundary between the citizens of the United States and the Creek nation is and shall be, from where the old line strikes the river Savannah; thence up the said river to a place on the most northern branch of the same commonly called the Keowee, where a northeast line, to be drawn from the top of the Ocunna mountain, shall intersect; thence along the said line in a southwest direction to the Tugalo River; thence to the

top of the Currahee mountain; thence to the head or main south branch of the Oconee River, called the Appalachee; thence down the middle of the said main south branch and river Oconee, to its confluence with the Oakmulgee, which form the river Alatomaha; and thence down the middle of the said Alatomaha to the old line on the said river; and thence along the said old line to the river St. Mary's. And in order to preclude forever all disputes relatively to the head or source of the main south branch of the river Oconee, at the place where it shall be intersected by the line aforesaid from the Currahee mountain, the same shall be ascertained by an able surveyor on the part of the United States, who shall be assisted by three old citizens of Georgia, who may be appointed by the governor of the said state, and three old Creek chiefs, to be appointed by the said nation; and the said surveyor, citizens and chiefs shall assemble for this purpose on the first day of October, one thousand seven hundred and ninety-one, at the Rock Landing on the said river Oconee, and thence proceed to ascertain the said head or source of the main south branch of the said river, at the place where it shall be intersected by the line aforesaid, to be drawn from the Currahee mountain. And in order that the said boundary shall be rendered distinct and well known, it shall be marked by a line of felled trees at least twenty feet wide, and the trees chopped on each side, from the said Currahee mountain to the head or source of the said main south branch of the Oconee River, and thence down the margin of the said main south branch and river Oconee for the distance of twenty miles, or as much farther as may be necessary to mark distinctly the said boundary. And in order to extinguish forever all claims of the Creek nation, or any part thereof, to any of the land lying to the northward and eastward of the boundary herein described, it is hereby agreed, in addition to the considerations heretofore made for the said land that the United States will cause certain valuable Indian goods now in the state of Georgia to be delivered to the said Creek nation; and the said United States will also cause the sum of one thousand five hundred dollars to be paid annually to the said Creek nation. And the undersigned kings, chiefs and warriors do hereby, for themselves and the whole Creek nation, their heirs and descendants, for the consideration above mentioned, release, quit claim, relinquish and cede all the land to the northward and eastward of the boundary herein described.

ARTICLE V.

The United States solemnly guarantee to the Creek nation all their lands within the limits of the United States, to the westward and southward of the boundary described in the preceding article.

ARTICLE VI.

If any citizen of the United States or other person not being an Indian, shall attempt to settle on any of the Creeks' lands, such person shall forfeit the protection of the United States, and the Creeks may punish him or not as they please.

ARTICLE VII.

No citizen or inhabitant of the United States shall attempt to hunt or destroy game on the Creeks' lands: Nor shall any such citizen or inhabitant go into the Creek county without a passport first obtained from the governor of some one of the United States, or the officer of the troops of the United States commanding at the nearest military post on the frontiers, or such other person as the president of the United States may from time to time authorize to grant the same.

ARTICLE VIII.

If any Creek Indian or Indians, or person residing among them, or who shall take refuge in their nation, shall commit a robbery or murder or other capital crime on any of the citizens or inhabitants of the United States, the Creek nation or town or tribe to which such offender or offenders may belong, shall be bound to deliver him or them up, to be punished according to the laws of the United States.

ARTICLE IX.

If any citizen or inhabitant of the United States or of either of the territorial districts of the United States, shall go into any town, settlement or territory belonging to the Creek nation of Indians, and shall there commit any crime upon or trespass against the person or property of any peaceable and friendly Indian or Indians, which if committed within the jurisdiction of any state, or within the jurisdiction of either of the said districts, against a citizen or white inhabitant thereof, would be punishable by the laws of such state or district, such offender or offenders shall be subject to the same punishment, and shall be proceeded against in the same manner as if the offence had been committed within the jurisdiction of the state or district to which he or they may belong, against a citizen or white inhabitant thereof.

ARTICLE X.

In cases of violence on the persons or property of the individuals of either party, neither retaliation nor reprisal shall be committed by the other, until satisfaction shall have been demanded of the party of which the aggressor is, and shall have been refused.

ARTICLE XI.

The Creeks shall give notice to the citizens of the United States of any designs which they may know or suspect to be formed in a neighboring tribe, or by any person whatever, against the peace and interests of the United States.

ARTICLE XII.

That the Creek nation may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunters, the United States will from time to time furnish, gratuitously, the said nation with useful domestic animals and implements of husbandry: and further to assist the said nation in so desirable a pursuit, and at the same time to establish a certain mode of communication, the United States will send such and so many persons to reside in said nation as they may judge proper, and not exceeding four in number, who shall qualify themselves to act as interpreters. These persons shall have lands assigned them by the Creeks for cultivation, for themselves and their successors in office; but they shall be precluded exercising any kind of traffic.

ARTICLE XIII.

All animosities for past grievances shall henceforth cease; and the contracting parties will carry the foregoing treaty into full execution, with all good faith and sincerity.

ARTICLE XIV.

This treaty shall take effect and be obligatory on the contracting parties as soon as the same shall have been ratified by the president of the United States, with the advice and consent of the senate of the United States.

In witness of all and every thing herein determined, between the United States of America and the whole Creek nations, the parties have hereunto set their hands and seals, in the city of New-York, within the United States, this seventh day of August, one thousand seven hundred and ninety.

In behalf of the United States.

H. KNOX, *Secretary at War, and sole Commissioner
for treating with the Creek nation of Indians.*

In behalf of themselves and the whole Creek nation of Indians.

ALEXANDER M'GILLIVRAY.

Cusitas.	{	FUSKATCHE MICO, or Bird-tail King.	X (L. S.)
		NEATHLOCK, or Second Man.	X (L. S.)
		HALLETEMAL THLE, or Blue Giver.	X (L. S.)
Little Talli- see.	{	OPAY MICO, or the Singer.	X (L. S.)
		TOTKESHAJOU, or Samonia.	X (L. S.)
Big Tallifsee.	{	HOPOTHE MICO, or Tallifsee King.	X (L. S.)
		OPOTOTACHE, or Long Side.	X (L. S.)
Tuckabutchy.	{	SOHOLESSEE, or Young Second Man.	X (L. S.)
		OCHEEHAJOU, or Aleck Cornel.	X (L. S.)
Natches.	{	CHINABIE, or the Great Natches Warrior.	X (L. S.)
		NATSOWACHEHEE, or the Great Natches.	X (L. S.)
		WARRIOR'S BROTHER.	X (L. S.)
		THAKOTEEHEE, or the Mole.	X (L. S.)
		OQUABEE.	X (L. S.)
Cowetas.	{	TUSKENAAH, or Big Lieutenant.	X (L. S.)
		HOMATAH, or Leader.	X (L. S.)
		CHINNABIE, or Matthews.	X (L. S.)
		JULEETAULEMATHA, or Dry Pine.	X (L. S.)
Of the Bro- ken Arrow.	{	CHAUOCKLY MICO.	X (L. S.)
Coosades.	{	COOSADES HOPOY, or the Measurer.	X (L. S.)
		MUTHTEE, or the Miser.	X (L. S.)
		STIMAFUTCHKEE, or Good Humor.	X (L. S.)
Alabama Chief.	{	STILNALEEJEE, or Disputer.	X (L. S.)
Oakfooy.	{	MUMAGECHEE, David Francis.	X (L. S.)

Done in presence of Richard Morris, chief justice of the state of New-York; Richard Varick, mayor of the city of New-York; Marinus Willet, Thomas Lee Shippen, of Pennsylvania; John Rutledge, jun. Joseph Allen Smith, Henry Izard, Joseph Cornell, *his X mark*, interpreter.

TREATY AT HOLSTON,

WITH THE CHEROKEE INDIANS, IN 1791.

A treaty of peace and friendship made and concluded between the president of the United States of America on the part and behalf of the said states, and the undersigned chiefs and warriors of the Cherokee nation of Indians, on the part and behalf of the said nation.

THE parties being desirous of establishing permanent peace and friendship between the United States and the said Cherokee nation, and the citizens and members thereof, and to remove the causes of war, by ascertaining their limits and making other necessary, just and friendly arrangements: The president of the United States, by William Blount, governor of the territory of the United States of America south of the river Ohio, and superintendent of Indian affairs for the southern district, who is vested with full powers for these purposes, by and with the advice and consent of the senate of the United States, and the Cherokee nation, by the undersigned chiefs and warriors representing the said nation, have agreed to the following articles, namely:

ARTICLE I.

There shall be a perpetual peace and friendship between all the citizens of the United States of America, and all the individuals composing the whole Cherokee nation of Indians.

ARTICLE II.

The undersigned chiefs and warriors, for themselves and all parts of the Cherokee nation do acknowledge themselves and the said Cherokee nation to be under the protection of the United States of America, and of no other sovereign whatsoever; and they also stipulate, that the said Cherokee nation will not hold any treaty with any foreign power, individual state, or with individuals of any state.

ARTICLE III.

The Cherokee nation shall deliver to the governor of the territory of the United States of America south of the river Ohio, on or before the first day of April next, at this place, all persons who are now prisoners, captured by them from any part of the United States; and the United States shall, on or before the same day, and at the same place, restore to the Cherokees all the prisoners now in captivity, which the citizens of the United States have captured from them.

ARTICLE IV.

The boundary between the citizens of the United States and the Cherokee nation is and shall be as follows: Beginning at the top of the Currahee mountain, where the Creek line passes it; thence a direct line to Tugalo River; thence northeast to the Oconna mountain, and over the same along the South-Carolina Indian boundary to the North-Carolina boundary; thence north, to a point from which a line is to be extended to the river Clinch, that shall pass the Holston at the ridge which divides the

waters running into Little River from those running into the Tennessee; thence up the river Clinch to Campbell's line, and along the same to the top of Cumberland mountain; thence a direct line to the Cumberland River, where the Kentucky road crosses it; thence down the Cumberland River to a point from which a southwest line will strike the ridge which divides the waters of Cumberland from those of Duck River, forty miles above Nashville; thence down the said ridge to a point from whence a southwest line will strike the mouth of Duck River.

And in order to preclude forever all disputes relative to the said boundary, the same shall be ascertained and marked plainly by three persons appointed on the part of the United States, and three Cherokees on the part of their nation.

And in order to extinguish forever all claims of the Cherokee nation, or any part thereof, to any of the land lying to the right of the line above described, beginning as aforesaid at the Currahee mountain, it is hereby agreed, that in addition to the consideration heretofore made for the said land, the United States will cause certain valuable goods to be immediately delivered to the undersigned chiefs and warriors, for the use of their nation; and the said United States will also cause the sum of one thousand dollars to be paid annually to the said Cherokee nation. And the undersigned chiefs and warriors do hereby, for themselves and the whole Cherokee nation, their heirs and descendants, for the considerations above mentioned, release, quit claim, relinquish and cede all the land to the right of the line described, and beginning as aforesaid.

ARTICLE V.

It is stipulated and agreed, that the citizens and inhabitants of the United States, shall have a free and unmolested use of a road from Washington district to Mero district, and of the navigation of the Tennessee River.

ARTICLE VI.

It is agreed on the part of the Cherokees, that the United States shall have the sole and exclusive right of regulating their trade.

ARTICLE VII.

The United States solemnly guarantee to the Cherokee nation, all their lands not hereby ceded.

ARTICLE VIII.

If any citizen of the United States or other person, not being an Indian, shall settle on any of the Cherokees' lands, such person shall forfeit the protection of the United States, and the Cherokees may punish him or not, as they please.

ARTICLE IX.

No citizen or inhabitant of the United States, shall attempt to hunt or destroy the game on the lands of the Cherokees, nor shall any citizen or inhabitant go into the Cherokee country, without a passport first obtained from the governor of some one of the United States, or territorial districts, or such other person as the president of the United States may from time to time authorize to grant the same.

ARTICLE X.

If any Cherokee Indian or Indians, or persons residing among them, or who shall take refuge in their nation, shall steal a horse from, or commit a robbery or murder, or other capital crime, on any citizens or inhabitants of the United States, the Cherokee nation shall be bound to deliver him or them up, to be punished according to the laws of the United States.

ARTICLE XI.

If any citizen or inhabitant of the United States, or either of the territorial districts of the United States, shall go into any town, settlement or territory belonging to the Cherokees, and shall there commit any crime upon, or trespass against the person or property of any peaceable and friendly Indian or Indians, which if committed within the jurisdiction of any state, or within the jurisdiction of either of the said districts, against a citizen or white inhabitant thereof, would be punishable by the laws of such state or district, such offender or offenders, shall be subject to the same punishment, and shall be proceeded against in the same manner as if the offence had been committed within the jurisdiction of the state or district to which he or they may belong, against a citizen or white inhabitant thereof.

ARTICLE XII.

In case of violence on the persons or property of the individuals of either party, neither retaliation nor reprisal shall be committed by the other, until satisfaction shall have been demanded of the party of which the aggressor is, and shall have been refused.

ARTICLE XIII.

The Cherokees shall give notice to the citizens of the United States, 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 interest of the United States.

ARTICLE XIV.

That the Cherokee nation may be led to a greater degree of civilization, and to become herdsman and cultivators, instead of remaining in a state of hunters, the United States will from time to time furnish gratuitously the said nation with useful implements of husbandry, and further to assist the said nation in so desirable a pursuit, and at the same time to establish a certain mode of communication, the United States will send such and so many persons to reside in the said nation as they may judge proper, not exceeding four in number, who shall qualify themselves to act as interpreters. These persons shall have lands assigned by the Cherokees for cultivation, for themselves and their successors in office, but they shall be precluded exercising any kind of traffic.

ARTICLE XV.

All animosities for past grievances shall henceforth cease, and the contracting parties will carry the foregoing treaty into full execution with all good faith and sincerity.

ARTICLE XVI.

This treaty shall take effect and be obligatory on the contracting parties, as soon as the same shall have been ratified by the president of the United States, with the advice and consent of the senate of the United States.

In witness of all and every thing herein determined between the United States of America and the whole Cherokee nation, the parties have hereunto set their hands and seals, at the treaty ground on the bank of the Holston, near the mouth of the French Broad, within the United States, this second day of July, in the year of our Lord one thousand seven hundred and ninety-one.

WILLIAM BLOUNT, (L. S.)

Governor in and over the territory of the United States of America south of the river Ohio, and superintendent of Indian affairs for the southern district.

CHULEOAH, or the Boots.	X (L. S.)
SQUOLLECUTTAH, or Hanging Maw.	X (L. S.)
OCUNNA, or the Badger.	X (L. S.)
ENOLEH, or Black Fox.	X (L. S.)
NONTUAKA, or the Northward.	X (L. S.)
TEKAKISKA.	X (L. S.)
CHUTLOH, or King Fisher.	X (L. S.)
TUEKASEH, or Tarrapin.	X (L. S.)
KATEH.	X (L. S.)
KUNNOCHATUTLOH, or the Crane.	X (L. S.)
CAUQUILLEKANAH, or the Thigh.	X (L. S.)
CHESQUOTTELONEH, or Yellow Bird.	X (L. S.)
CHICKASAWTEHE, or Chickasaw Killer.	X (L. S.)
TUSKEGATEHE, Tuskega Killer.	X (L. S.)
KUTSATEHE.	X (L. S.)
TINSTSHALENE.	X (L. S.)
SAWUTTEH, or Slave Catcher.	X (L. S.)
AUKUAH.	X (L. S.)
OOSENALEH.	X (L. S.)
KENOTETAH, or Rising Fawn.	X (L. S.)
KANETETOKA, or Standing Turkey.	X (L. S.)
YONEWATLEH, or Bear at Home.	X (L. S.)
LONG WILL.	X (L. S.)
KUNOSKESKIE, or John Watts.	X (L. S.)
NENETOORYAH, or Bloody Fellow.	X (L. S.)
CHUQUILATAGUE, or Double Head.	X (L. S.)
KOOLAQUAH, or Big Acorn.	X (L. S.)
TOOWAYELLOH, or Bold Hunter.	X (L. S.)
SAHLE-OONOEYEHLE, or Middle Striker.	X (L. S.)
KINNESAH, or Cabin.	X (L. S.)
TULLOTEHE, or Two Killer.	X (L. S.)
KOOLOUSKE, or Stop Still.	X (L. S.)
KULSATEHE.	X (L. S.)
AUQUOTAGUE, the Little Turkey's Son.	X (L. S.)

TALOHTESKE, or Upsetter.	X (L. S.)
CHEAKONESKE, or Otter Lifter.	X (L. S.)
KESHEKAUNE, or She Reigns.	X (L. S.)
TOONAUNAILOH.	X (L. S.)
TESTEHE, or Common Disturber.	X (L. S.)
ROBIN M'CLEMORE.	X (L. S.)
SKYUKA.	X (L. S.)
JOHN THOMPSON, Interpreter.	X (L. S.)
JAMES CARY, Interpreter.	X (L. S.)

Done in presence of Daniel Smith, secretary of the territory of the United States south of the river Ohio; Thomas Kennady, of Kentucky; James Robertson, of Mero district; Clairborne Watkins, of Virginia; John M. Whitney, of Georgia; Fauche, of Georgia; Titus Ogden, of North-Carolina; John Chisolm, of Washington district; Robert King, Thomas Gegg.

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TREATY AT PHILADELPHIA, WITH THE CHEROKEE INDIANS, IN 1794.

Articles of a treaty concluded between the United States of America and the Cherokee Indians.

WHEREAS the treaty made and concluded on Holston River, on the second day of July, one thousand seven hundred and ninety-one, between the United States of America, and the Cherokee nation of Indians, has not been fully carried into execution by reason of some misunderstandings which have arisen.

I. *And whereas* the undersigned Henry Knox, secretary for the department of war, being authorized thereto by the president of the United States in behalf of the said United States, and the undersigned chiefs and warriors, in their own names and in behalf of the whole Cherokee nation, are desirous of re-establishing peace and friendship between the said parties in a permanent manner, do hereby declare, that the said treaty at Holston is to all intents and purposes in full force and binding upon the said parties, as well in respect to the boundaries therein mentioned, as in all other respects whatever.

II. It is hereby stipulated that the boundaries mentioned in the fourth article of the said treaty shall be actually ascertained and marked in the manner prescribed by the said article, whenever the Cherokee nation shall have ninety days' notice of the time and place at which the commissioners of the United States intend to commence their operation.

III. The United States, to evince their justice by amply compensating the said Cherokee nation of Indians, for all relinquishments of land made either by the treaty of Hopewell, upon the Keowee River, concluded on the twenty-eighth of November, one thousand seven hundred and eighty-five, or the aforesaid treaty made upon Holston River on the second of July, one thousand seven hundred and ninety-one, do hereby stipulate in lieu of all former sums to be paid annually, to furnish the Cherokee Indians with goods suitable for their use to the amount of five thousand dollars yearly.

IV. And the said Cherokee nation, in order to evince the sincerity of their intentions in future to prevent the practice of stealing horses, attended with the most pernicious consequences to the lives and peace of both parties, do hereby agree, that for every horse which shall be stolen from the white inhabitants by any Cherokee Indians and not returned within three months, that the sum of fifty dollars shall be deducted from the said annuity of the five thousand dollars.

V. The articles now stipulated will be considered as permanent additions to the treaty of Holston as soon as they shall have been ratified by the president of the United States and the senate of the United States.

In witness of all and every thing herein determined, between the United States of America and the whole Cherokee nation, the parties have hereunto set their hands and seals, in the city of Philadelphia within the United States, this twenty-sixth day of June, in the year of our Lord one thousand seven hundred and ninety-four.

H. KNOX, *Secretary, at War.*

TETAKISSKEE, or taken out of the Water.	X (L. S.)
NONTUAKA, or the Northward.	X (L. S.)
CINASAW, or the Cabin.	L (L. S.)
SKYUKA.	X (L. S.)
CHUQUILATAGUE, D. H. or Double Head.	X (L. S.)
JOHN M'CLEMORE.	X (L. S.)
WALALUE, or Humming Bird.	X (L. S.)
CHULEOWEE.	D (L. S.)
USTANAQUA.	X (L. S.)
KULLSATHEE.	X (L. S.)
SITEAHA.	X (L. S.)
KEENAFUNA, or the Lying Fawn.	X (L. S.)
CHATOKAELESA, or the Fowl Carrier.	C (L. S.)

Done in the presence of John Thompson, Arthur Coody, interpreters, Cantwel Jones, of Delaware, William Wafford, of the state of Georgia, W. M'Caleb, of South-Carolina, Samuel Lewis, of Philadelphia.

TREATY AT COLERAIN,

WITH THE CREEK INDIANS, IN 1796.

A treaty of peace and friendship made and concluded between the president of the United States of America on the one part and behalf of the said states, and the undersigned kings, chiefs and warriors of the Creek nation of Indians on the part of the said nation.

THE parties being desirous of establishing permanent peace and friendship between the United States and the said Creek nation, and the citizens and members thereof, and to remove the causes of war by ascertaining their limits and making other necessary, just and friendly arrangements; the president of the United States, by Benjamin Hawkins, George Clymer and Andrew Pickens, commissioners whom he hath constituted with powers for these purposes, by and with the advice and consent of the senate, and the Creek nation of Indians, by the undersigned kings, chiefs and warriors representing the whole Creek nation, have agreed to the following articles:

ARTICLE I.

The treaty entered into at New-York between the parties, on the seventh day of August, one thousand seven hundred and ninety, is and shall remain obligatory on the contracting parties, according to the terms of it, except as herein provided for.

ARTICLE II.

The boundary line from the Currahee mountain to the head or source of the main south branch of the Oconee River, called by the white people Appalatohee, and by the Indians Tulapocka, and down the middle of the same, shall be clearly ascertained and marked at such time and in such manner as the president shall direct. And the Indians will, on being informed of the determination of the president, send as many of their old chiefs as he may require, and see the line ascertained and marked.

ARTICLE III.

The president of the United States of America shall have full powers, whenever he may deem it advisable, to establish a trading or military post on the south side of the Alatomaha, on the bluff about one mile above Beard's Bluff, or any where from thence down the said river on the lands of the Indians, to garrison the same with any part of the military force of the United States, to protect the posts and to prevent the violation of any of the provisions or regulations subsisting between the parties; and the Indians do hereby annex to the post aforesaid a tract of land of five miles square, bordering one side on the river, which post and the land annexed thereto are hereby ceded to, and shall be to the use and under the government of the United States of America.

As soon as the president of the United States has determined on the time and manner of running the line from the Currahee mountain to the head or source of the main south branch of the Oconee, and notified the chiefs of the Creek land of the same,

a suitable number of persons on their part shall attend to see the same completed; and if the president should deem it proper then to fix on any place or places adjoining the river, and on the Indian lands, for military or trading posts, the Creeks who attend there will concur in fixing the same according to the wishes of the president. And to each post the Indians shall annex a tract of land of five miles square, bordering one side on the river. And the said lands shall be to the use and under the government of the United States of America: *Provided always*, That whenever any of the trading or military posts mentioned in this treaty shall, in the opinion of the president of the United States of America, be no longer necessary for the purposes intended by this cession, the same shall revert to and become a part of the Indian lands.

ARTICLE V.

Whenever the president of the United States of America, and the King of Spain, may deem it advisable to mark the boundaries which separate their territories, the president shall give notice thereof to the Creek chiefs, who will furnish two principal chiefs, and twenty hunters to accompany the persons employed on this business, as hunters and guides from the Choctaw country to the head of St. Mary's. The chiefs shall receive each half a dollar per day, and the hunters one quarter of a dollar each per day, and ammunition, and a reasonable value for the meat delivered by them for the use of the persons on this service.

ARTICLE VI.

The treaties of Hopewell, between the United States and the Choctaws and Chickasaws, and at Holston between the Cherokees and the United States, mark the boundaries of those tribes of Indians. And the Creek nation do hereby relinquish all claims to any part of the territory inhabited or claimed by the citizens of the United States, in conformity with the said treaties.

ARTICLE VII.

The Creek nation shall deliver, as soon as practicable, to the superintendent of Indian affairs, at such place as he may direct, all citizens of the United States; white inhabitants and negroes who are now prisoners in any part of the said nation, agreeable to the treaty of New-York, and also all citizens, white inhabitants, negroes and property taken since the signing of that treaty. And if any such prisoners, negroes or property should not be delivered, on or before the first day of January next, the governor of Georgia may empower three persons to repair to the said nation, in order to claim and receive such prisoners, negroes and property, under the direction of the president of the United States.

ARTICLE VIII.

In consideration of the friendly disposition of the Creek nation towards the government of the United States, evinced by the stipulations in the present treaty, and particularly the leaving it in the discretion of the president to establish trading, or military posts on their lands; the commissioners of the United States, on behalf of the said states, give to the said nation, goods to the value of six thousand dollars, and stipulate to send to the Indian nation, two blacksmiths, with strikers, to be employed for the upper and lower Creeks with the necessary tools.

ARTICLE IX.

All animosities for past grievances shall henceforth cease, and the contracting parties will carry the foregoing treaty into full execution with all good faith and sincerity. *Provided nevertheless,* That persons now under arrest in the state of Georgia for a violation of the treaty at New-York, are not to be included in this amnesty, but are to abide the decision of law.

ARTICLE X.

This treaty shall take effect and be obligatory on the contracting parties, as soon as the same shall have been ratified by the president of the United States, by and with the advice and consent of the senate.

Done at Colerain the twenty-ninth of June, one thousand seven hundred and ninety-six.

BENJAMIN HAWKINS.

GEORGE CLYMER.

ANDREW PICKENS.

<i>Cowetas.</i>		<i>Talchanas.</i>	
CHRUCHATINEAH.	X	OTHLEY POEY MICO.	X
TUSIKIA MICO.	X	OTHLEY POEY TUSTIMIHA.	X
INCLENIS MICO.	X		
TUSKINAH.	X	<i>Oakmulgees.</i>	
OAKFUSKEE TUSTUNEKA.	X	OPOEY THLOCCO.	X
CLEWALEE TUSTUNEKA.	X	PARACHUCKLEY.	X
		TUSKENAH.	X
<i>Cusfitas.</i>		<i>Euphales.</i>	
TUSIKIA MICO.	X	PAHOSE MICO.	X
CUSITA MICO.	X	TUSTUNIKA CHOPCO.	X
TUISATEHEE MICO.	X		
OPOEY MICO.	X	<i>Ottassees.</i>	
<i>Broken Arrows.</i>		FUSATEHEE HULLOOMICO.	X
TUSTUNEKA MICO.	X	TUSIKIA MICO.	X
OTHLEY OPOEY.	X	MICO OPOEY.	X
OPOEY TUSTUNEKA.	X		
OBOETHLY TUSTUNEKA.	X	<i>Tallissees.</i>	
		TALLISSEE MICO.	X
<i>Euehees.</i>		OTHLEY PAEY MICO.	X
EUCHEE MICO.	X		
<i>Usuchus.</i>		<i>Little Oakjoys.</i>	
OSAW ENEHAH.	X	MEEKE MATLA.	X
EPHAH TUSTENAH.	X		
TUSIKIA MICO.	X	<i>Hickory Ground.</i>	
		OPOEY MICO.	X
<i>Chehaws.</i>		<i>Kuyolegees.</i>	
CHEHAW MICO.	X	KELESE HATKIE.	X

<i>Weakis.</i>		STILEPECK CHATEE.	X
NEDHOMOTCA OPOEY.	X	TUCHESEE MICO.	X
TUSIKIA MICO.	X		
<i>Clewallees.</i>		<i>Kcalegees.</i>	
OPOEY-E-MATLA.	X	CHEEA HAJO.	X
<i>Coofis.</i>		<i>Hitchetaws.</i>	
HOSONAPE HODJO.	X	TALMASEE MATLA.	X
<i>Tukabathefees.</i>		<i>Tuckabatchees.</i>	
HOLAHTO MICO.	X	TUSTINCKE HAJO.	X
TUSTUNIKA THLOCCO.	X	OKALISSA.	X
<i>Oakfufkees.</i>		COWETA MATLA.	X
PASHPALAHA.	X	COOSA MICO.	X
<i>Abacouchees.</i>		FUSATCHEE MICO.	X
SPANI HODJO.	X	PIO HATKU.	X
TUSTINOKA.	X	FOOSATCHU MICO.	X
		NEATHLACO.	X
		TUCHABATCHEE HOWLA.	X
		SPOKO HAJO.	X
<i>Upper Eupaules.</i>		<i>Kioleegees.</i>	
OPOEY.	X	CHUCK CLEACK NINCHO.	X
<i>Natchees.</i>		OPOYO MATLA.	X
CHINIBE.	X	LACHLEE MATLA.	X
<i>Upper Chehaws.</i>		<i>Big Talliffes.</i>	
SPOKOI HODJO	X	CHOWOSTIA HAJO.	X
TUSTUNIKA.	X	NEATHLOCO OPYO.	X
<i>Mackafookos.</i>		NEATHLOCO.	X
TUSKEIHENEHAW.	X	CHOWLACTILY MICO.	X
<i>Oconees.</i>		TOCOSO HAJO.	X
HNAPEMATHA THLOCCO.	X	HOOCHEE MATLA.	X
		HOWLACTA.	X
<i>Cufetahs.</i>		TUSTENICA MICO.	X
CUSA MICO.	X	OPOY FRAICO.	X
TUSEKIA MICO AHTEE.	X	<i>Big Tallefee.</i>	
HALARTEE MATLA.	X	HOULACTA.	X
TALAHOUA MICO.	X	ELCATU HAJO.	X
NEATHLOCTO.	X	CHOSOLOP HAJO.	X
NUCKFAMICO.	X	COOSA HAJO.	X
ESTACHACO MICO.	X	<i>Tuckabatchees.</i>	
TUSKIGU TUSKINAGU.	X	CHORAJO.	X
COCHUS MICO.	X	<i>Coofees.</i>	
OPIO HAJO.	X	TUSHEGU TUSTINAGU.	X
ONEAS TUSTENAGU.	X	TALSAMA WATALICA.	X
ALAK AJO.	X		

<i>Euphalees.</i>		<i>Cushtas.</i>	
TOTHES HAGO.	X	TELEWA OTHLEOPOYA.	X
<i>Otafees.</i>		TALMASSE MATLA.	X
OPIO TUSTINAGEE.	X	NIAH WEATHLA.	X
YAFKEE MALL HAJO.	X	EMATHLEE LACO.	X
OBOYETHLEETUSTINAGEE.	X	OTTESSEE MATLA.	X
TUSTINAGEE HAJO.	X	MUCLASSEE MATLA.	X
HILLIBEE TUSTINAGEE HA-		EUFALLE MATLA.	X
JO.	X	<i>Tuckabatchees.</i>	
EFFA TUSKEENA.	X	CUNIPÉE HOWLA.	X
EMATHLEE LOCO.	X	<i>Cowetas.</i>	
TUSTENAGEE MICO.	X	HOPOTAK TUSTINAGEE.	X
YAHA TUSTINAGEE.	X	<i>Natchees.</i>	
CUNCTASTEE JUSTINAGU.	X	SPOKO HODGO.	X
<i>Otafees.</i>		<i>Uchees.</i>	
COOSA TUSTINAGEE.	X	TUSTINAGEE CHATEE.	X
NEAMATLE MATLA.	X	<i>Ufichees.</i>	
<i>Weeokees.</i>		SPOKOCA TUSTINAGEE.	X
TUSTICNIKA HAJO.	X	OTHLEYP OEY TUSTINAGEE.	X
<i>Tuckabatchees.</i>		TUSKEENEAH.	X
NEAMATOOCHEE.			

Witness, James Seagrove, superintendent of Indian affairs, C. N. Henry Gaither, lieutenant colonel commandant, Constant Freeman, A. W. D. major artillery and engineers, Samuel Tinsley, capt. 3d sub-legion, Samuel Allison, ensign 2d sub-legion, John W. Thompson, ensign 1st U. S. sub-legion, George Gillaspay, surgeon, L. U. S. Timothy Barnard, D. A. and sworn interpreter, James Burgess, D. A. and sworn interpreter, James Jordan, Richard Thomas, Alexander Cornels, William Eaton, captain 4th U. S. sub-legion, commandant at Colerain, and secretary to the commission.

And whereas, the senate of the United States, two thirds of the senators present concurring, did by their resolution of the second day of March instant, "Consent to and advise the president of the United States to ratify the treaty of peace and friendship, made and concluded at Colerain in the state of Georgia, on the 29th June, 1796, between the president of the United States of America, on the part and behalf of the said states, and the kings, chiefs and warriors of the Creek nation of Indians, on the part of the said nation: *Provided and on condition,* That nothing in the third and fourth articles of the said treaty, expressed in the words following:"

"Article 3d. The president of the United States of America shall have full powers, whenever he may deem it advisable; to establish a trading or military post on the south side of the Alatomaha, on the Bluff, about one mile above Beard's Bluff; or any where from thence down the said river on the lands of the Indians, to garrison the same with any part of the military force of the United States, to protect the post, and to prevent a violation of any of the provisions or regulations subsisting between the parties: And the Indians do hereby annex to the post aforesaid, a tract of land

of five miles square, bordering one side on the river, which posts and the lands annexed thereto, are hereby ceded to, and shall be to the use, and under the government of the United States of America.

“ Article 4th. As soon as the president of the United States has determined on the time and manner of running the line from the Currahee Mountain, to the head or source of the main south branch of the Oconee, and notified the chiefs of the Creek land of the same, a suitable number of persons on their part shall attend, to see the same completed. And if the president shall deem it proper, then to fix on any place or places adjoining the river, and on the Indian lands for military or trading posts; the Creeks who attend there will concur in fixing the same, according to the wishes of the president. And to each post the Indians shall annex a tract of land of five miles square, bordering one side on the river. And the said lands shall be to the use and under the government of the United States of America. *Provided always*, That whenever any of the trading or military posts mentioned in this treaty, shall in the opinion of the president of the United States of America, be no longer necessary for the purposes intended by this cession, the same shall avert to, and become a part of the Indian lands,” shall be construed to affect any claim of the state of Georgia, to the right of pre-emption in the land therein set apart for military or trading posts; or to give to the United States without the consent of the said state, any right to the soil, or to the exclusive legislation over the same, or any other right than that of establishing, maintaining, and exclusively governing military and trading posts within the Indian territory mentioned in the said articles, as long as the frontier of Georgia may require these establishments.

Now know ye, That I having seen and considered the said treaty, do hereby accept ratify and confirm the same, and every article and clause thereof; under and subject to the proviso and condition and contained in the aforesaid resolution of the senate of the United States. In testimony whereof, I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand.

Given at the city of Philadelphia the eighteenth day of March in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-first year of the sovereignty and independence of the United States of America.

JOHN ADAMS.

By the president of the United States.

TIMOTHY PICKERING, *Secretary of State*.

Declaration of Independence.

IN CONGRESS, JULY 4, 1776.

WHEN in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be selfevident—that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed: But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right—it is their duty—to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world:

He has refused his assent to laws the most wholesome and necessary for the public good:

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them:

He has refused to pass other laws for the accomodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only:

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures:

He has dissolved representative houses repeatedly for opposing, with manly firmness, his invasions on the rights of the people:

He has refused, for a long time after such dissolutions, to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining in the mean time exposed to all the dangers of invasion from without and convulsions within:

He has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands:

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers:

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries:

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance:

He has kept among us in times of peace standing armies, without the consent of our legislatures:

He has affected to render the military independent of and superior to the civil power:

He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock-trial, from punishment for any murders which they should commit on the inhabitants of these states:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us in many cases of the benefits of trial by jury:

For transporting us beyond the seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection and waging war against us:

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people:

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation:

He has constrained our fellow-citizens taken captive on the high seas to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands:

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms: Our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them from time to time of attempts made by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity; and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them as we hold the rest of mankind—enemies in war, in peace, friends.

WE, therefore, the representatives of the United States of America in general congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by authority of the good people of these colonies, solemnly publish and declare: That these United Colonies are, and of right ought to be, FREE AND INDEPENDENT STATES; they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes and our sacred honor.

JOHN HANCOCK.
 JOSIAH BARTLET.
 NEW-HAMPSHIRE. { WILLIAM WHIPPLE.
 MATTHEW THORNTON.

MASSACHUSETTS-BAY. { SAMUEL ADAMS.
JOHN ADAMS.
ROBERT TREAT PAINE.
ELBRIDGE GERRY.

RHODE-ISLAND, &c. { STEPHEN HOPKINS.
WILLIAM ELLERY.

CONNECTICUT. { ROGER SHERMAN.
SAMUEL HUNTINGTON.
WILLIAM WILLIAMS.
OLIVER WOLCOTT.

NEW-YORK. { WILLIAM FLOYD.
PHILIP LIVINGSTON.
FRANCIS LEWIS.
LEWIS MORRIS.

NEW-JERSEY. { RICHARD STOCKTON.
JOHN WITHERSPOON.
FRANCIS HOPKINSON.
JOHN HART.
ABRAHAM CLARK.

PENNSYLVANIA. { ROBERT MORRIS.
BENJAMIN RUSH.
BENJAMIN FRANKLIN.
JOHN MORTON.
GEORGE CLYMER.
JAMES SMITH.
GEORGE TAYLOR.
JAMES WILSON.
GEORGE ROSS.

DELAWARE. { CÆSAR RODNEY.
GEORGE READ.

MARYLAND. { SAMUEL CHASE.
WILLIAM PACA.
THOMAS STONE.
CHARLES CARROLL, of Carrollton.

VIRGINIA. { GEORGE WYTHE.
RICHARD HENRY LEE.
THOMAS JEFFERSON.
BENJAMIN HARRISON.
THOMAS NELSON, Jun.
FRANCIS LIGHTFOOT LEE.
CARTER BRAXTON.

NORTH-CAROLINA. { WILLIAM HOOPER.
JOSEPH HEWES.
JOHN PENN.

SOUTH-CAROLINA. { EDWARD RUTLEDGE.
THOMAS HEYWARD, Jun.
THOMAS LYNCH, Jun.
ARTHUR MIDDLETON.

GEORGIA. { BUTTON GWINNETT.
LYMAN HALL.
GEORGE WALTON.

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Articles of confederation and perpetual union, between the states of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia.

ARTICLE I.

THE style of this confederacy shall be "The United States of America."

ARTICLE II.

Each state retains its sovereignty, freedom and independence, every power, jurisdiction and right which is not by this confederation expressly delegated to the United States in congress assembled.

ARTICLE III.

The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ARTICLE IV.

The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this Union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress, to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, *Provided*, That such restrictions shall not extend so far as to prevent the removal of property imported into any state, to any other state of which the owner is an inhabitant. *Provided also*, That no impositions, duties or restrictions shall be laid by any state, on the property of the United States, or either of them. If any person guilty of, or charged with treason, felony, or other high misdemeanor in any state, shall flee from justice, and be found in any of the United States,

he shall upon demand of the governor, or executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts and judicial proceedings of the courts and magistrates of every other state.

ARTICLE V.

For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in congress on the first Monday in November, in every year, with a power reserved to each state, to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No state shall be represented in congress by less than two nor more than seven members, and no person shall be capable of being a delegate for more than three years, in any term of six years, nor shall any person being a delegate, be capable of holding any office under the United States, for which he or any other for his benefit, receives any salary, fees or emoluments of any kind.

Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

In determining questions in the United States in congress assembled, each state shall have one vote.

Freedom of speech and debate in congress shall not be impeached or questioned in any court or place out of congress; and the members of congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from and attendance on congress, except for treason, felony, or breach of the peace.

ARTICLE VI.

No state, without the consent of the United States in congress assembled, shall send any embassy to or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any king, prince or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office or title of any kind whatever, from any king, prince or foreign state; nor shall the United States in congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States in congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States in congress assembled with any king, prince or state, in pursuance of any treaties already proposed by congress to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any state, except such number only as shall be deemed necessary by the United States in congress assembled,

for the defence of such state, or its trade; nor shall any body of forces be kept up by any state in time of peace, except such number only as in the judgment of the United States in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use in public stores a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No state shall engage in any war without the consent of the United States in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay till the United States in congress assembled can be consulted, nor shall any state grant commissions to any ships or vessels of war, nor letters of marque, or reprisal, except it be after a declaration of war by the United States in congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in congress assembled shall determine otherwise.

ARTICLE VII.

When land forces are raised by any state for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively by whom such forces shall be raised, or in such manner as such state shall direct; and all vacancies shall be filled up by the state which first made the appointment.

ARTICLE VIII.

All charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the United States in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the value of all land within each state, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in congress assembled, shall from time to time direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislature of the several states within the time agreed upon by the United States in congress assembled.

ARTICLE IX.

The United States in congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving ambassadors; entering into treaties and alliances, *Provided*, That no treaty of commerce shall be made, whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be

divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures, *Provided*, That no member of congress shall be appointed a judge of any of the said courts.

The United States in congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more states concerning boundary jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the executive authority or lawful agent of any state in controversy with another, shall present a petition to congress, stating the matter in question and praying for a hearing, notice thereof shall be given by order of congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as congress shall direct, shall in the presence of congress be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination; and if either party shall neglect to attend at the day appointed, without shewing reasons which congress shall judge sufficient, or being present shall refuse to strike, the congress shall proceed to nominate three persons out of each state, and the secretary of congress shall strike in behalf of such party absent or refusing, and the judgment and sentence of the court to be appointed in the manner before prescribed shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to congress, and lodged among the acts of congress for the security of the parties concerned: *Provided*, That every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the state where the cause shall be tried, "Well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection or hope of reward:" *Provided also*, That no state shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more states whose jurisdictions, as they may respect such lands, and the states which passed such grants are adjusted, the said grants, or either of them, being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states,

The United States in congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians, not members of any of the states, provided that the legislative right of any state within its own limits be not infringed or violated; establishing and regulating post-offices from one state to another throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expences of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval force, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States in congress assembled shall have authority to appoint a committee to sit in the recess of congress, to be denominated "A Committee of the States," and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expences; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state, which requisition shall be binding; and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and clothe, arm and equip them in a soldier-like manner, at the expence of the United States; and the officers and men so clothed, armed and equipped, shall march to the place appointed, and within the time agreed on by the United States in congress assembled; but if the United States in congress assembled shall, on consideration of circumstances, judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed and equipped shall march to the place appointed, and within the time agreed on by the United States in congress assembled.

The United States in congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expences necessary for the defence and welfare of the United States or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief

of the army or navy, unless nine states assent to the same: Nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in congress assembled.

The congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration, than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state on any question shall be entered on the journal when it is desired by any delegate; and the delegates of a state, or any of them at his or their request shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislature of the several states.

ARTICLE X.

The committee of the states, or any nine of them, shall be authorized to execute, in the recess of congress, such of the powers of congress as the United States in congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with. *Provided*, That no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states, in the congress of the United States assembled, is requisite.

ARTICLE XI.

Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union: But no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

ARTICLE XII.

All bills of credit emitted, monies borrowed and debts contracted, by or under the authority of congress, before the assembling of the United States in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof, the said United States and the public faith are hereby solemnly pledged.

ARTICLE XIII.

Every state shall abide by the determination of the United States in congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the United States, and be afterwards confirmed by the legislatures of every state.

And whereas it hath pleased the great Governor of the world to incline the hearts of the legislatures we respectively represent in congress, to approve of and to authorize us to ratify the said articles of confederation and perpetual union. *Know ye*, That we the undersigned delegates, by virtue of the power and authority to us given for that purpose do, by these presents, in the name and behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union; and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents,

that they shall abide by the determinations of the United States in congress assembled, on all questions which by the said confederation are submitted to them, and that the articles thereof shall be inviolably observed by the states we respectively represent; and that the union shall be perpetual. *In witness whereof*, WE have hereunto set our hands in congress.

Done at Philadelphia, in the state of Pennsylvania, the 9th day of July in the year of our Lord 1778, and in the third year of the Independence of America.

The aforefaid articles of confederation were finally ratified on the first day of March 1781; the state of Maryland having, by their members in congress, on that day acceded thereto and completed the same.

NEW-HAMPSHIRE. { JOSIAH BARTLETT.
JOHN WENTWORTH, Jun.

MASSACHUSETTS-BAY. { JOHN HANCOCK.
SAMUEL ADAMS.
ELBRIDGE GERRY.
FRANCIS DANA.
JAMES LOVELL.
SAMUEL HOLTON.

RHODE-ISLAND. { WILLIAM ELLERY.
HENRY MERCHANT.
JOHN COLLINS.

CONNECTICUT. { ROGER SHERMAN.
SAMUEL HUNTINGTON.
OLIVER WOLCOTT.
TITUS HOSMER.
ANDREW ADAMS.

NEW-YORK. { JAMES DUANE.
FRANCIS LEWIS.
WILLIAM DUER.
GOVERNEUR MORRIS.

NEW-JERSEY. { JOHN WITHERSPOON.
NATHANIEL SCUDDER.

PENNSYLVANIA. { ROBERT MORRIS.
DANIEL ROBERDEAU.
JONATHAN BAYARD SMITH,
WILLIAM CLINGAN.
JOSEPH REED.

DELAWARE. { THOMAS M'KEAN.
JOHN DICKINSON.
NICHOLAS VANDYKE.

MARYLAND. { JOHN HANSON.
DANIEL CARROLL.

VIRGINIA. { RICHARD HENRY LEE.
JOHN BANISTER.
THOMAS ADAMS.
JOHN HERVEY.
FRANCIS LIGHTFOOT LEE.

NORTH-CAROLINA. { JOHN PENN.
CORNELIUS HARNETT.
JOHN WILLIAMS.

SOUTH-CAROLINA. { HENRY LAURENS.
WILLIAM HENRY DRAYTON.
JOHN MATTHEWS.
RICHARD HUTSON.
THOMAS HEYWARD, Jun.

GEORGIA. { JOHN WALTON.
EDWARD TELFAIR.
EDWARD LANGWORTHY.

THE
CONSTITUTION
OF THE
United States of America.

WE, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

ARTICLE I.

Legislature.

SECT. 1. All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a Senate and House of Representatives.

SECT. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to serve for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New-Hampshire shall be entitled to choose three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New-Jersey four, Penn-

sylvania eight, Delaware one, Maryland six, Virginia ten, North-Carolina five, South-Carolina five, and Georgia three.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SECT. 3. The Senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class, at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected be an inhabitant of that state for which he shall be chosen.

The vice-president of the United States shall be president of the Senate, but shall have no vote unless they be equally divided.

The Senate shall choose their other officers, and also a president pro tempore, in the absence of the vice-president, or when he shall exercise the office of president of the United States.

The Senate shall have the sole power to try all impeachments, when sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside: And no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

SECT. 4. The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof, but the congress may at any time by law make or alter such regulations, except as to the places for choosing senators.

The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECT. 5. Each house shall be the judge of the elections returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and with the concurrence of two thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy : And the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

Neither house during the session of congress, shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECT. 6. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest, during the attendance at their session of their respective houses, and in going to and returning from the same, and for any speech or debate in either house they shall not be questioned in any other place.

No senator or representative shall during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time ; and no person holding any office under the United States, shall be a member of either house, during his continuance in office.

SECT. 7. All bills for raising revenue shall originate in the House of Representatives ; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall before it become a law, be presented to the president of the United States ; if he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the congress by their adjournment, prevent its return, in which case it shall not be a law.

Every order, resolution or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be

presented to the president of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECT. 8. The congress shall have power to lay and collect taxes, duties, imposts and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States:

To borrow money on the credit of the United States:

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

To provide for the punishment of counterfeiting the securities and current coin of the United States:

To establish post-offices and post-roads:

To promote the progress of science and useful arts, by securing for limited times to the authors and inventors the exclusive right to their respective writings and discoveries:

To constitute tribunals inferior to the supreme court:

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

To provide and maintain a navy:

To make rules for the government and regulation of the land and naval forces:

To provide for the calling forth militia to execute the laws of the Union, suppress insurrections and repel invasions:

To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by congress:

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may by cession of particular states and the acceptance of con-

grefs become the feat of government of the United States; and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and,

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SECT. 9. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by congress prior to the year 1808; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear or pay duties in another.

No monies shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of congress, accept of any present, emolument, office or title, of any kind whatsoever, from any king, prince, or foreign state.

SECT. 10. No state shall enter into any treaty, alliance or confederation, grant letters of marque and reprisal, coin money, emit bills of credit, make any thing but gold and silver coin a tender in payment of debts, pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any state on imports or exports shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the congress.

No state shall, without the consent of congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

Executive.

SECT. 1. The executive power shall be vested in a president of the United States of America.

He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, be elected as follows:

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator, or representative, or person holding any office of trust or profit under the United States shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for president; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the president. But in choosing the president the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors shall be the vice-president. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the vice-president.

The congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the president from office, or of his death, resignation or inability, to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the congress may by law provide for the case of removal, death, resignation or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

The president shall at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been

elected, and he shall not receive within that period, any other emolument from the United States or any of them.

Before he enters on the execution of his office, he shall take the following oath or affirmation :

“ I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will to the best of my ability, preserve, protect and defend the constitution of the United States.”

SECT. 2. The president shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into actual service of the United States; he may require the opinion in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective officers, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the congress may by law vest the appointment of such inferior officers, as they think proper, in the president alone, in the courts of law, or in the heads of departments.

The president shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECT. 3. He shall from time to time give to the congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them; and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the law be faithfully executed, and shall commission all the officers of the United States.

SECT. 4. The president, vice-president, and all civil officers of the United States, shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

Judiciary.

SECT. 1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may from time to time ordain and establish. The judges both of the supreme and inferior courts shall hold their offices during good behaviour, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office.

SECT. 2. The judicial power shall extend to all cases in law and equity arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed, but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

SECT. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies; giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECT. 1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECT. 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled be delivered up, to be removed to the state having jurisdiction of the crime,

No person held to service or labor in one state, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECT. 3. New states may be admitted by the congress into this Union ; but no new state shall be formed or erected within the jurisdiction of any other state ; nor any state be formed by the junction of two or more states or parts of states, without the consent of the legislatures of the states concerned, as well as of the congress.

The congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States ; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

SECT. 4. The United States shall guarantee to every state in this Union, a republican form of government, and shall protect each of them against invasion ; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V.

Amendments.

The congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which in either case ; shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the congress. *Provided*, That no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section, of the first article ; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted and engagements entered into before the adoption of this constitution shall be as valid against the United States under this constitution as under the confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every state shall be bound thereby ; any thing in the constitution or laws of any state to the contrary notwithstanding.

The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution : but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention by the unanimous consent of the states present, the 17th day of September, in the year of our Lord 1787, and of the independence of the United States of America the twelfth. *In witness whereof,* WE have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia.

NEW-HAMPSHIRE, { JOHN LANGDON.
NICHOLAS GILMAN.

MASSACHUSETTS. { NATHANIEL GORHAM.
RUFUS KING.

CONNECTICUT. { WILLIAM SAMUEL JOHNSON.
ROGER SHERMAN.

NEW-YORK. ALEXANDER HAMILTON.

NEW-JERSEY. { WILLIAM LIVINGSTON.
DAVID BREARLEY.
WILLIAM PATTERSON.
JONATHAN DAYTON.

PENNSYLVANIA. { BENJAMIN FRANKLIN.
THOMAS MIFFLIN.
ROBERT MORRIS.
GEORGE CLYMER.
THOMAS FITZSIMMONS.
JARED INGERSOLL.
JAMES WILSON.
GOUVERNEUR MORRIS.

DELAWARE. { GEORGE READ.
GUNNING BEDFORD, Jun.
JOHN DICKINSON.
RICHARD BASSETT.
JACOB BROOM.

MARYLAND. { JAMES M'HENRY.
DANIEL OF ST. THOMAS JENISER.
DANIEL CARROLL.

VIRGINIA. { JOHN BLAIR.
JAMES MADISON, Jun.

NORTH-CAROLINA. { WILLIAM BLOUNT.
RICHARD DOBBS SPAIGHT.
HUGH WILLIAMSON.

SOUTH-CAROLINA. { J. RUTLEDGE.
CHARLES C. PINCKNEY.
CHARLES PINCKNEY.
PIERCE BUTLER.

GEORGIA. { WILLIAM FEW.
ABRAHAM BALDWIN.

Attest. WILLIAM JACKSON, *Secretary.*

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Amendments.

THE convention of a number of states having, at the time of their adopting the constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the government will best ensure the beneficent ends of its institution:

Resolved, by the Senate and House of Representatives of the United States of America in congress assembled, two thirds of both Houses concurring, That the following articles be proposed to the legislatures of the several states, as amendments to the constitution of the United States, all or any of which articles, when ratified by three fourths of the said legislatures, to be valid to all intents and purposes, as part of the said constitution, viz.

Articles in addition to and amendment of the constitution of the United States of America, proposed by congress, and ratified by the legislatures of the several states, pursuant to the fifth article of the original constitution.

ARTICLE I.

After the first enumeration required by the first article of the constitution, there shall be one representative for every thirty thousand until the number shall amount to one hundred; after which the proportion shall be so regulated by congress, that there shall be not less than one hundred representatives nor less than one representative for every forty thousand persons, until the number of representatives shall amount to two hundred; after which the proportion shall be so regulated by congress, that there shall be not less than two hundred representatives, nor more than one representative for every fifty thousand persons.

ARTICLE II.

No law varying the compensation for the services of the senators and representatives shall take effect, until an election of representatives shall have intervened.

ARTICLE III.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress for grievances.

ARTICLE IV.

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE V.

No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war but in a manner to be prescribed by law.

ARTICLE VI.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE VII.

No person shall be held to answer for a capital crime, or otherwise infamous crime; unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case, to be witness against himself, nor be deprived of life liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VIII.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE IX.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE X.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE XI.

The enumeration in the constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE XII.

The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

ADDITIONAL ARTICLE.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

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CONVENTION

BETWEEN

SOUTH-CAROLINA AND GEORGIA,

CONCLUDED AT BEAUFORT IN 1787.

To all to whom these presents shall come, The underwritten Charles Cotesworth Pinckney, Andrew Pickens and Pierce Butler, esqrs. commissioners appointed by the state of South-Carolina, of the one part, and the underwritten John Habersham and Lachlan M'Intosh, esqrs. a majority of the commissioners appointed by the state of Georgia, of the other part—*send greeting:*

WHEREAS the state of South-Carolina did heretofore present a petition to the United States in congress assembled, and did therein set forth, that a dispute and difference had arisen and subsisted between the states of South-Carolina and Georgia concerning boundaries; and the states claiming respectively the same territories, and that the case and claim of the state of South-Carolina was as follows, that is to say: "Charles the Second, king of Great-Britain, by charter dated the twenty-fourth day of March, in the fifteenth year of his reign, granted to eight persons as therein named, as lords proprietors thereof, all the lands lying and being within his dominions of America between thirty-one and thirty-six degrees of south latitude, in a direct west line to the South Seas, styling the lands so described "The Province of Carolina;" That on the thirtieth day of June, in the seventeenth year of his reign, the said king granted to the said lords proprietors a second charter, enlarging the bounds of Carolina, viz. from twenty-nine degrees of north latitude to thirty-six degrees thirty minutes, and from those points on the sea-coast west in a direct line to the South Seas: That seven of the said proprietors of Carolina sold and surrendered to George the Second, late king of Great-Britain, all their title and interest in the said province, and the share of the remaining proprietor was separated from the king's, and allotted to him in the north part of North-Carolina: That Carolina was

afterwards divided into two provinces, called North and South Carolina: That by a charter dated the ninth day of June, one thousand seven hundred and thirty-two, George the Second, king of Great-Britain, granted to certain persons therein named, all the lands lying between the rivers Savannah and Alatomaha, and between lines to be drawn from the heads of those rivers respectively to the South Sea, and styled the said colony "Georgia:" That by the treaty of peace concluded at Paris on the tenth day of February, one thousand seven hundred and sixty-three, the river Mississippi was declared to be the western boundary of the North American Colonies: That the governor of South-Carolina, in the year one thousand seven hundred and sixty, conceiving that the lands southward of the Alatomaha still belonged to South-Carolina, granted several tracts of the said lands: That the government of Georgia complained to the king of Great-Britain, respecting those grants as being for lands within its limits, and thereupon his majesty by proclamation dated the seventh day of October, one thousand seven hundred and sixty-three, annexed to Georgia all the lands lying between the rivers Alatomaha and St. Mary's, the validity of the grants passed by the governor of South-Carolina as aforesaid, remaining however acknowledged and uncontested, and the grantees of the said land, or their representatives still holding it as their legal estate. That South-Carolina claims the lands lying between the North-Carolina line, and the line run due west from the mouth of Tugalo River to the Mississippi, because as the said state contends the river Savannah loses that name at the confluence of Tugalo and Keowee Rivers, consequently that spot is the head of Savannah River. The state of Georgia on the other hand contends that the source of the Keowee River is to be considered as the head of Savannah River. That the state of South-Carolina also claims all the lands lying between a line to be drawn from the head of the river St. Mary's, the head of the Alatomaha, to the Mississippi and Florida, being as the said state contends, within the limits of its charter, and not annexed to Georgia by the said proclamation of one thousand seven hundred and sixty-three. The state of Georgia, on the other hand contends, that the tract of country last mentioned is a part of that state." The state of South-Carolina did therefore by their said petition pray for a hearing and determination of the difference and dispute subsisting as aforesaid, between the said state and Georgia, agreeable to the articles of confederation and perpetual union between the United States of America. *And whereas* the state of Georgia were duly notified of the said petition, and did by their lawful agents appear in order to establish their right to the premises, in manner directed by the said articles of confederation: And proceedings were thereon had in congress in order to the appointment of judges to constitute a court for hearing and determining the said matter in question: *And whereas* it appeared to be the sincere wish and desire of the said states of South-Carolina and Georgia, that all and singular the differences and claims subsisting between the said states, relative to boundary should be amicably adjusted and compromised: *And whereas* the legislature of the state of South-Carolina, did elect the above named Charles Cotesworth Pinckney, Andrew Pickens and Pierce Butler, esqrs. commissioners, and did invest them, or a majority of them, with full and absolute power and authority in behalf of that state, to settle and compromise all and singular the differences, controversies, disputes and claims which subsist between the said state, and the state of Georgia, relative to boundary, and to establish and permanently fix a boundary between the two states. And the said state of South-Carolina did declare, that it would at all times thereafter ratify and confirm all and whatsoever the said commissioners, or a majority of them, should do in and touching the premises, and that the same should be forever binding on the said state of South-Carolina. *And*

whereas the legislature of the state of Georgia did appoint John Houstoun, John Habersham and Lachlan M'Intosh, esqrs. commissioners, and did invest them with full and absolute power and authority, in behalf of that state, to settle and compromise all and singular the differences, controversies, disputes and claims which subsist between the said state and the state of South-Carolina relative to boundary, and to establish and permanently fix a boundary between the two states. And the said state of Georgia did also declare, That it would at all times thereafter ratify and confirm all and whatsoever the said last mentioned commissioners, or a majority of them, should do in and touching the premises, and that the same should be forever binding on the said state of Georgia. ~~Now, therefore, know ye,~~ That the underwritten commissioners on the part of the states of South Carolina and Georgia respectively, having by mutual consent assembled at the town of Beaufort, in the state of South-Carolina, on the twenty-fourth day of this present month of April, in order to the due execution of their respective trusts, and having reciprocally exchanged and considered their full powers, and declared the same legal and forever binding on both states, and having conferred together on the most effectual means of adjusting the differences subsisting between the two states, and of establishing and permanently fixing a boundary between them, have agreed, and by these presents for and in behalf of their respective states, do mutually agree to the following articles, that is to say :

ARTICLE THE FIRST.

The most northern branch or stream of the river Savannah, from the sea or mouth of such stream to the fork or confluence of the rivers now called Tugalo and Keowee; and from thence the most northern branch or stream of the said river Tugalo, till it intersects the northern boundary line of South-Carolina, if the said branch or stream of Tugalo extends so far north, reserving all the islands in the said rivers Savannah and Tugalo, to Georgia; but if the head spring or source of any branch or stream of the said river Tugalo does not extend to the north boundary line of South-Carolina, then a west line to the Mississippi, to be drawn from the head spring or source of the said branch or stream of Tugalo River, which extends to the highest northern latitude, shall forever hereafter form the separation, limit and boundary between the states of South-Carolina and Georgia.

ARTICLE THE SECOND.

The navigation of the river Savannah at and from the bar and mouth, along the northeast side of Cocks spur Island, and up the direct course of the main northern channel, along the northern side of Hutchinson's Island, opposite the town of Savannah, to the upper end of the said island, and from thence up the bed or principal stream of the said river to the confluence of the rivers Tugalo and Keowee, and from the confluence up the channel of the most northern stream of Tugalo River to its source, and back again by the same channel to the Atlantic Ocean—is hereby declared to be henceforth equally free to the citizens of both states, and exempt from all duties, tolls, hinderance, interruption and molestation whatsoever, attempted to be enforced by one state on the citizens of another; and all the rest of the river Savannah to the southward of the foregoing description, is acknowledged to be the exclusive right of the state of Georgia.

ARTICLE THE THIRD.

The state of South-Carolina shall not hereafter claim any lands to the eastward, southward, southeastward or west of the boundary above established, but hereby relinquishes and cedes to the state of Georgia all the right, title and claim which the said state of South-Carolina hath to the government, sovereignty and jurisdiction in and over the same, and also the right of pre-emption of the soil from the native Indians, and all other the estate, property and claim which the state of South-Carolina hath in or to the said land.

ARTICLE THE FOURTH.

The state of Georgia shall not hereafter claim any lands to the northward or northeastward of the boundary above established, but hereby relinquishes and cedes to the state of South-Carolina all the right, title and claim which the said state of Georgia hath to the government, sovereignty and jurisdiction in and over the same, and also the right of pre-emption of the soil from the native Indians, and all other the estate, property and claim which the state of Georgia hath in or to the said lands.

ARTICLE THE FIFTH.

The lands heretofore granted by either of the said states between the forks of Tugaloo and Keowee shall be the private property of the first grantees, and their respective heirs and assigns; and the grantees of any of the said lands under the state of Georgia shall, within twelve months from the date hereof, cause such grants or authentic copies thereof, ratified under the seal of the state of Georgia, to be deposited in the office of the secretary of the state of South-Carolina, to the end that the same may be recorded there; and after the same shall have been so recorded, the grantees shall be entitled to receive again from the said secretary their respective grants, or the copies thereof, whichsoever may have been so deposited, without any charge or fee of office whatsoever; and every grant which shall not, or of which the copy certified as above mentioned shall not be so deposited, shall be judged void.

ARTICLE THE SIXTH.

The commissioners on the part of the state of South-Carolina do not by any of the above articles mean to cede, relinquish or weaken the right, title and claim of any of the individual citizens of the state of South-Carolina to any lands situated in Georgia, particularly to the lands situated to the south or southwest of the river Altamaha, and granted during the administration of governor Boone, in the year one thousand seven hundred and sixty-three; and they do hereby declare, that the right and title of the said citizens to the same is and ought to remain as full, strong and effectual as if this convention had not been made. The commissioners on the part of the state of Georgia do decline entering into any negotiation relative to the lands mentioned in this article, as they conceive they are not authorized so to do by the powers delegated to them.

In Testimony whereof, the said Charles Cotesworth Pinckney, Andrew Pickens and Pierce Butler, for and in behalf of the state of South-Carolina, and the said John Habersham and Lachlan M^cIntosh, for and in behalf of the state of Georgia, have to these presents and a duplicate thereof, both intended, interchangeably set their hands and affixed their seals,

Done at Beaufort, in the state of South-Carolina, the twenty-eighth day of April, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the independence of the United States of America.

CHARLES COTESWORTH PINCKNEY.	(L. S.)
ANDREW PICKENS.	(L. S.)
PIERCE BUTLER.	(L. S.)
JOHN HABERSHAM.	(L. S.)
LACHLAN M'INTOSH.	(L. S.)

Beaufort, South-Carolina, 28th April, 1787.

I, John Houstoun, one of the commissioners appointed by ordinance of the General Assembly on the part and behalf of the state of Georgia, for settling disputes respecting boundary with the state of South-Carolina, do dissent from so much as is herein after mentioned or implied of the convention or agreement this day entered into by and between the commissioners of South-Carolina on the one part, and a majority of the commissioners of Georgia on the other part, and for causes of this my dissent do assign as follows:

1st. I conceive, from the words of the charter of Georgia, *all the lands which lie south and southwest of the most northern part of the stream of the river Savannah, up to its head or source; from thence within a direct line running due west to the river Mississippi, and extending southwardly as far as the boundaries of East and West Florida, are the right of Georgia.* This stream here described I take to be that branch of the river Savannah known by the name of Keowee; if so, all the lands which lie in the fork of the two branches of Savannah River called Tugalo and Keowee, ought to fall into Georgia, whereas by this convention they are yielded to South-Carolina. As to the relinquishment on the part of South-Carolina of all her claims in the southern district of Georgia, I do not conceive this by any means an equivalent; for although the two territories in question may be equally fertile, or perhaps the difference in point of extent and value even in favor of the southern, yet I apprehend the title of Georgia to the lands now ceded to South-Carolina was good and valid, whereas the pretensions of South-Carolina to the southern country appear to me to be so slender, that the right of Georgia to those lands is neither strengthened or weakened by the present convention; and therefore as, in my opinion, the nature of the claims ought to be considered in the negotiation as well as the value and extent of the soils, I cannot admit the exchange to be equal.

2dly. As to the free navigation of the river Savannah now given up to South-Carolina, I conceive this point is, in the first place, not an object of our commission; but if it was, however disposed I might be always to wish an indulgence to a sister state on this head (which I believe has hitherto been the case) yet I am not inclined to give that *indulgence* the color of a *right*. Were we settling commercial regulations with South-Carolina, to permit the free navigation of the river might be just and proper, and the title then would depend on and be derived from such agreement; but to yield this point *as a claim*, in the present instance implies that the *right* has been aborigine in South-Carolina. Such a position would be inconsistent with my idea of our boundary; for if we hold the sovereignty "*from the most northern part of the stream,*" it seems to me the exclusive right of navigation follows of course:

This is neither a forced or new construction of our charter, but has uniformly been the opinion for a series of years past of most people in Georgia; and all the documents adduced tend only to shew the point has been contested but never decided on. On the whole, although I should be amongst the foremost to concede to this neighborly privilege in return for some other perhaps less valuable to the citizens of South-Carolina, yet I should wish to see it held by them as a *grant*, under some restrictions, from Georgia, and not a *right* proved and established at the present meeting.

JOHN HOUSTOUN.

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The proclamation of 1763, establishing the governments of East and West Florida, and extending the southern boundary of Georgia.

BY THE KING.

A PROCLAMATION.

George R.

WHEREAS we have taken into royal consideration the extensive and valuable acquisitions in America, secured to our crown by the late definitive treaty of peace, concluded at Paris the tenth day of February last; and being desirous that all our loving subjects, as well of our kingdoms as of our colonies in America, may avail themselves with all convenient speed, of the great benefits and advantages which must accrue therefrom in their commerce, manufactures and navigation; we have thought fit, with the advice of our privy council, to issue this our royal proclamation, hereby to publish and declare to all our loving subjects, that we have, with the advice of our said privy council, granted our letters patent under our great seal of Great-Britain, to erect within the countries and islands ceded and confirmed to us by the said treaty, four distinct and separate governments, styled and called by the names of Quebec, East Florida, West Florida and Grenada, and limited and bounded as follows, viz.

First, The government of Quebec, bounded on the Labrador coast by the river St. John, and from thence by a line drawn from the head of that river through the lake St. John, to the south end of the lake Nipissim; from whence the said line crossing the river St. Lawrence and the lake Champlain in forty-five degrees of north latitude, passing along the high lands which divide the rivers that empty themselves into the said river St. Lawrence, from those which fall into the sea; and also along the north coast of the Baye des Chaleurs, and the coast of the gulph of St. Lawrence to Cape Rosieres, and from thence crossing the mouth of the river St. Lawrence by the west end of the island Anticosti, terminates at the aforesaid river St. John.

Secondly, The government of East Florida, bounded to the westward by the gulph of Mexico and the Appalachicola River; to the northward, by a line drawn from that part of the said river where the Catahouchee and Flint Rivers meet, to the source of St. Mary's River, and by the course of the said river to the Atlantic Ocean; and to the east and south by the Atlantic Ocean, and the gulph of Florida, including all islands within six leagues of the sea coast.

Thirdly, The government of West Florida, bounded to the southward by the gulph of Mexico, including all islands within six leagues of the coast from the river Appalachicola to lake Pontchartrain; to the westward by the said lake, the lake-Maurepas and the river Mississippi; to the northward by a line drawn due east from that part of the river Mississippi which lies in thirty-one degrees north latitude, to the river Appalachicola or Catahouchee, and to the eastward by the said river.

Fourthly, The government of Grenada, comprehending the island of that name, together with the Grenadines, and the islands of Dominico, St. Vincent and Tobago.

And to the end that the open and free fishery of our subjects may be extended to, and carried on upon the coast of Labrador and the adjacent islands, we have thought fit, with the advice of our said privy council, to put all that coast from the river St. John's to Hudson's Straits, together with the islands Anticosti and Madelaine, and all other smaller islands lying upon the said coast, under the care and inspection of our governor of Newfoundland.

We have also, with the advice of our privy council, thought fit to annex the islands of St. John and Cape Breton, or Isle of Royale, with the lesser islands adjacent thereto, to our government of Nova Scotia.

We have also, with the advice of our privy council aforesaid, annexed to our province of Georgia, all the lands lying between the rivers Alatamaha and St. Mary's.

And whereas it will greatly contribute to the speedy settling our said new governments, that our loving subjects should be informed of our paternal care for the security of the liberties and properties of those who are and shall become inhabitants thereof, we have thought fit to publish and declare, by this our proclamation, that we have, in the letters patent under our great seal of Great-Britain, by which the said governments are constituted, given express power to our governors of our said colonies respectively, that so soon as the state and circumstances of the said colonies will admit thereof, they shall, with the advice and consent of the members of our council, summon and call general assemblies within the said governments respectively, in such manner and form as is used and directed in those colonies and provinces in America, which are under our immediate government; and we have also given power to the said governors, with the consent of our said councils, and the representatives of the people so to be summoned as aforesaid, to make, constitute, and ordain laws, statutes and ordinances for the public peace, welfare and good government of our said colonies, and of the people and inhabitants thereof, as near as may be, agreeable to the laws of England, and under such regulations and restrictions as are used in other colonies;

and in the mean time, and until such assemblies can be called as aforesaid, all persons inhabiting it, or resorting to our said colonies, may confide in our royal protection for the enjoyment of the benefit of the laws of our realm of England; for which purpose we have given powers under our great seal, to the governors of our said colonies respectively, to erect and constitute, with the advice of our said councils respectively, courts of judicature and public justice within our said colonies, for the hearing and determining all causes, as well criminal as civil, according to law and equity, and, as near as may be, agreeable to the laws of England, with liberty to all persons who may think themselves aggrieved by the sentence of such courts, in all civil cases, to appeal, under the usual limitations and restrictions, to us in our privy council.

We have also thought fit, with the advice of our privy council as aforesaid, to give unto the governors and councils of our said three new colonies upon the continent, full power and authority to settle and agree with the inhabitants of our said new colonies, or to any other person who shall resort thereto, for such lands, tenements and hereditaments, as are now, or hereafter shall be in our power to dispose of, and then to grant to any such person or persons, upon such terms, and under such moderate quit-rents, services and acknowledgments, to have been appointed and settled in other colonies, and under such other conditions as shall appear to us to be necessary and expedient for the advantage of the grantees, and the improvement and settlement of our said colonies.

And whereas we are desirous upon all occasions to testify our royal sense and approbation of the conduct and bravery of the officers and soldiers of our armies, and to reward the same, we do hereby command and empower our governors of our said three new colonies, and other our governors of our several provinces on the continent of North-America, to grant, without fee or reward, to such reduced officers as have served in North-America during the late war, and are actually residing there, and shall personally apply for the same, the following quantities of land, subject at the expiration of ten years, to the same quit-rents as other lands are subject to in the province in which they are granted, and also subject to the same conditions of cultivation and improvements, viz.

To every person having the rank of a field-officer, 5000 acres.

To every captain, 3000 acres.

To every subaltern or staff-officer, 2000 acres.

To every non-commissioned, 200 acres.

To every private, 50.

We do likewise authorize and require the governors and commanders in chief of all our said colonies upon the continent of North-America, to grant the like quantities of land, and upon the same conditions, to such reduced officers of our navy of like rank as served on board our ships of war in North-America, at the times of the reduction of Louisburgh and Quebec, in the late war, and who shall personally apply to our respective governors for such grants.

And whereas it is just and reasonable, and essential to our interest and the security of our colonies, that the several nations or tribes of Indians with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories as, not having been ceded to or purchased by us, are reserved to them, or any of them, as their hunting grounds; we do, therefore, with the advice of our privy council, declare it to be our royal will and pleasure, that no governor or commander in chief, in any of our colonies of Quebec, or East Florida, or West Florida, do presume upon any pretence whatever, to grant warrants of survey, or pass any patents for lands beyond the bounds of their respective governments, as described in their commissions, as also that no governor or commander in chief of our other colonies or plantations in America, do presume for the present, and until our further pleasure be known, to grant warrants of survey, or pass patents for any lands beyond the heads or sources of any of the rivers which fall into the Atlantic Ocean, from the west to the northwest, or upon any lands whatever which, not having been ceded to or purchased by us as aforesaid, are referred to the said Indians or any of them.

And we do further declare it to be our royal will and pleasure for the present as aforesaid, to reserve under our sovereignty, protection and dominion for the use of the said Indians, all the land and territories not included within the limits of our said three new governments, or within the limits of the territory granted to the Hudsons Bay Company; as also all the lands and territories lying to the westward of the sources of the rivers which fall into the sea, from the west and northwest as aforesaid; and we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatever, or taking possession of any of the lands above reserved, without our special leave and license for that purpose first obtained.

And we do further strictly enjoin and require all persons whatever, who have either wilfully or inadvertently seated themselves upon any lands within the countries above described, or upon any other lands which, not having been ceded to or purchased by us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such settlements,

And whereas great frauds and abuses have been committed in the purchasing lands of the Indians, to the great prejudice of our interests, and to the great dissatisfaction of the said Indians; in order therefore, to prevent such irregularities for the future, and to the end that the Indians may be convinced of our justice and determined resolution to remove all reasonable cause of discontent, we do, with the advice of our privy council, strictly enjoin and require that no private person do presume to make any purchase from the said Indians, of any lands reserved to the said Indians, within those parts of our colonies where we have thought proper to allow settlement; but that if at any time any of the said Indians should be inclined to dispose of the said lands, the same shall be purchased only for us, in our name, at some public meeting or assembly of the said Indians, to be held for that purpose by the governor or commander in chief of our colony respectively within which they shall lie: and in case they shall lie within the limits of any proprietaries, conformable to such directions and instructions as we or they shall think proper to give for that purpose; and we do, by the advice of our privy council, declare and enjoin, that the trade with the said

Indians shall be free and open to all our subjects whatever, provided that every person who may incline to trade with the said Indians, do take out a license for carrying on such trade, from the governor or commander in chief of any of our colonies respectively, where such person shall reside, and also give security to observe such regulations as we shall at any time think fit, by ourselves or commissaries to be appointed for this purpose, to direct and appoint for the benefit of the said trade: and we do hereby authorize, enjoin and require the governors and commanders in chief of all our colonies respectively, as well those under our immediate government as those under the government and direction of proprietaries, to grant such licenses without fee or reward, taking especial care to insert therein a condition that such license shall be void, and the security forfeited, in case the person to whom the same is granted shall refuse or neglect to observe such regulations as we shall think proper as aforesaid.

And we do further expressly enjoin and require all officers whatever, as well military as those employed in the management and direction of Indian affairs within the territories reserved as aforesaid, for the use of the said Indians, to seize and apprehend all persons whatever, who standing charged with treasons, misprisions of treason, murders or other felonies or misdemeanors, shall fly from justice and take refuge in the said territory, and to send them under a proper guard to the colony where the crime was committed, of which they shall stand accused, in order to take their trial for the same.

Given at our court of St. James', the seventh day of October, one thousand seven hundred and sixty-three, in the third year of our reign.

GOD SAVE THE KING.

A

COMMISSION

TO

Governor Wright, of Georgia,

IN JANUARY, 1764;

By which the north boundary of the Florida is declared to be the south boundary of Georgia.

George the Third, by the grace of God of Great-Britain, France and Ireland king, defender of the faith, and so forth—to our trusty and well beloved James Wright, esq.—*Greeting:*

WHEREAS we did, by our letters patent under our great seal of Great-Britain, bearing date at Westminster, the fourth day of May, in the first year of our reign, constitute and appoint you the said James Wright, esq. to be our captain general and governor in chief in and over our colony of Georgia in America, lying from the most northern stream of a river there commonly called Savannah, all along the sea coast to the southward, unto the most southern stream of a certain other great water or river called the Alatomaha, and westward from the heads of the said rivers respectively in direct lines to the South Seas; and of all that space, circuit and precinct of lands lying within the said boundaries, with the islands in the sea lying opposite to the eastern coast of the said lands within twenty leagues of the same, for and during our pleasure, as by the said recited letters patent, relation being thereunto had, may more fully and at large appear. **NOW KNOW YOU,** That we have revoked and determined, and by these presents do revoke and determine such part and so much of the said recited letters patent, and every clause, article and thing therein contained, which doth any way relate to or concern the limits and bounds of our said province as before described; *And further know you,* That we, reposing especial trust and confidence in the prudence, courage and loyalty of you the said James Wright, of our especial grace, certain knowledge and mere motion, have thought fit to constitute and appoint, and by these presents do constitute and appoint you the said James Wright to be our captain general and governor in chief in and over our colony of Georgia in America, bounded on the north by the most northern stream of a river there commonly called Savannah as far as the head of said river, and from thence westward as far as our territories extend; on the east by the sea coast from the said river Savannah to the most southern stream of a certain other river called St. Mary, including all islands within twenty leagues of the coast lying between the said river Savannah and St. Mary as far as the head thereof; and from thence westward as far as our territories extend by the north boundary

line of our provinces of East and West Florida. And we do hereby declare, ordain and appoint, that you the said James Wright shall and may hold, execute and enjoy the office and place of our captain general, and governor in chief in and over the colony of Georgia, limited and bounded as above described, together with all and singular the powers and authorities contained in our said recited letters patent under our great seal of Great-Britain, bearing date at Westminster, the fourth day of May, in the first year of our reign, except as are herein excepted, for and during our will and pleasure. *In witness whereof*, We have caused these our letters to be made patent. Witness, ourself, at Westminster, the twentieth day of January, in the fourth year of our reign.

By writ of privy seal.

YORK AND YORK.



DEFINITIVE

Treaty of Peace,

BETWEEN THE

UNITED STATES OF AMERICA

AND

HIS BRITANNIC MAJESTY.*In the Name of the Most Holy and Undivided Trinity.*

IT having pleased the Divine Providence to dispose the hearts of the most serene and most potent prince George the Third, by the grace of God king of Great-Britain, France and Ireland, defender of the faith, duke of Brunswick and Lunenburg, arch-treasurer and prince elector of the Holy Roman Empire, &c. and of the United States of America, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore, and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony. And having for this desirable end, already laid the foundation of peace and reconciliation, by the provisional articles, signed at Paris on the thirtieth of November, one thousand seven hundred and eighty-two, by the commissioners empowered on each part, which articles were agreed to be inserted in, and to constitute the treaty of peace proposed to be concluded between the crown of Great-Britain and the said United States, but which treaty was not to be concluded until terms of peace shall be agreed upon between Great-Britain and France, and his Britannic majesty should be ready to conclude such treaty accordingly. And the treaty between Great-Britain and France, having since been concluded, his Britannic majesty and the United States of America, in order to carry into full effect the provisional articles above mentioned, according to the tenor thereof, have constituted and appointed, that is to say: his Britannic majesty on his part, David Hartley, esq. member of the parliament of Great-Britain; and the said United States on their part, John Adams, esq. late a commissioner of the United States of America, at the court of Versailles, late delegate in congress from the state of Massachusetts, and chief justice of the said state, and minister plenipotentiary of the said United States to their high mightinesses the States general of the United Netherlands; Benjamin Franklin, esq. late delegate in congress from the state of Pennsylvania, president of the convention of the said state and minister plenipotentiary from the United States of America at the court of Versailles; John Jay, esq. late president of congress and chief justice of the state of New-York, and

minister plenipotentiary from the said United States to the court of Madrid, to be the plenipotentiaries for the concluding and signing the present definitive treaty; who after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles.

ARTICLE I.

His Britannic majesty acknowledges the said United States, viz. New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, to be free, sovereign and Independent states; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, proprietary and territorial rights of the same, and every part thereof.

ARTICLE II.

And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are, and shall be their boundaries, viz. From the northwest angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of St. Croix River to the highlands; along the said highlands which divide those rivers, that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River, thence down along the middle of that river, to the forty-fifth degree of north latitude, from thence by a line due west on said latitude, until it strikes the river Iroquois or Cataraguy; thence along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie; thence along the middle of said communication into lake Erie through the middle of said lake until it arrives at the water communication between that lake and lake Huron; thence along the middle of said water communication into the lake Huron, thence through the middle of said lake to the water communication between that lake and lake Superior; thence through lake Superior northward of the isles Royal and Philippeaux, to the Long Lake, thence through the middle of said Long Lake, and the water communication between it and the lake of the Woods, to the said lake of the Woods; thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. South by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river Appalachicola or Catahouchee; thence along the middle thereof to its junction with the Flint River; thence straight to the head of St. Mary's River; and thence down along the middle of St. Mary's River to the Atlantic Ocean. East by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy to its source; and from its source directly north, to the aforesaid highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy and the Atlantic Ocean; excepting

such islands as now are or heretofore have been within the limits of the said province of Nova Scotia.

ARTICLE III.

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the gulph of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, (but not to dry or cure the same on that island;) and also on the coasts, bays and creeks of all other of his Britannic majesty's dominions in America, and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors and creeks of Nova Scotia, Magdalen Islands and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground.

ARTICLE IV.

It is agreed that creditors on either side, shall meet with no lawful impediment to the recovery of the full value in sterling money, of all *bona fide* debts heretofore contracted.

ARTICLE V.

It is agreed that the congress shall earnestly recommend it to the legislatures of the respective states to provide for the restitution of all estates, rights and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of his majesty's arms, and who have not borne arms against the said United States. And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested in their endeavors to obtain the restitution of such of their estates, rights and properties, as may have been confiscated; and that congress shall also earnestly recommend to the several states a re-consideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent not only with justice and equity, but with that spirit of conciliation, which on the return of the blessings of peace should universally prevail. And that congress shall also earnestly recommend to the several states, that the estates, rights and properties of such last mentioned persons shall be restored to them, they refunding to any persons who may be now in possession, the *bona fide* price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties, since the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

ARTICLE VI.

That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons for, or by reason of the part which he or they may

have taken in the present war; and that no person shall, on that account suffer any future loss or damage, either in his person, liberty or property; and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

ARTICLE VII.

There shall be a firm and perpetual peace between his Britannic majesty and the said states, and between the subjects of the one and the citizens of the other, wherefore all hostilities, both by sea and land, shall from henceforth cease; all prisoners on both sides shall be set at liberty, and his Britannic majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States, and from every post, place and harbor within the same; leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds and papers, belonging to any of the said states or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

ARTICLE VIII.

The navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great-Britain and the citizens of the United States.

ARTICLE IX.

In case it should so happen that any place or territory belonging to Great-Britain or to the United States should have been conquered by the arms of either from the other before the arrival of the said provisional articles in America, it is agreed that the same shall be restored without difficulty, and without requiring any compensation.

ARTICLE X.

The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties in the space of six months, or sooner if possible, to be computed from the day of the signature of the present treaty. *In witness whereof*, We, the undersigned, their ministers plenipotentiary, have in their name, and in virtue of our full powers, signed with our hands the present definitive treaty, and caused the seals of our arms to be affixed thereto.

Done at Paris, this third day of September, in the year of our Lord one thousand seven hundred and eighty-three.

D. HARTLEY.	(L. S.)
JOHN ADAMS.	(L. S.)
B. FRANKLIN.	(L. S.)
JOHN JAY.	(L. S.)

TREATY
OF
Friendship, Limits and Navigation,
BETWEEN THE
UNITED STATES OF AMERICA
AND THE
KING OF SPAIN.

HIS Catholic majesty and the United States of America, desiring to consolidate on a permanent basis, the friendship and good correspondence which happily prevail between the two parts, have determined to establish by convention, several points, the settlement whereof will be productive of general advantage and reciprocal utility to both nations.

With this intention; his most Catholic majesty has appointed the most excellent lord, Don Manuel de Godoy and Alvarez de Faria, Rios, Sanchez, Zarzoza, prince de la Paz, duke de la Alcudia lord of the Soto de Rona, and of the state of Albala, Grandee of Spain of the first class, perpetual regidor of the city of Santiago, knight of the illustrious order of the Golden Fleece, and great cross of the royal and distinguished Spanish order of Charles the Third commander of Valencia, Del Ventozo, Rivera and Atenchal in that of Santiago; knight and great cross of the religious order of St. John; counsellor of state; first secretary of state and despacho; secretary to the queen; superintendent general of the posts and highways; protector of the Royal Academy of the noble arts, and of the royal societies of natural history, botany, chymistry, and astronomy; gentlemen of the king's chamber in employment; captain general of his armies; inspector and major of the royal corps of body guards, &c. &c. &c. and the president of the United States, with the advice and consent of their Senate, has appointed Thomas Pinckney, a citizen of the United States, and their envoy extraordinary to his Catholic majesty. And the said plenipotentiaries have agreed upon and concluded the following articles:

ARTICLE I.

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

ARTICLE II.

To prevent all disputes on the subject of the boundaries which separate the territories of the two high contracting parties, it is hereby declared and agreed as follows, to wit: The southern boundary of the United States, which divides their territory from the Spanish colonies of East and West Florida, shall be designated by a line beginning on the river Mississippi, at the northernmost part of the thirty-first degree of latitude north of the equator, which from thence shall be drawn due east to the middle of the river Appalachicola, or Catahouchee, thence along the middle thereof to its junction with the Flint: thence straight to the head of St. Mary's River, and thence down the middle thereof to the Atlantic Ocean. And it is agreed, that if there should be any troops, garrisons or settlements of either party, in the territory of the other, according to the above mentioned boundaries, they shall be withdrawn from the said territory within the term of six months after the ratifications of this treaty, or sooner if it be possible; and that they shall be permitted to take with them all the goods and effects which they possess.

ARTICLE III.

In order to carry the preceding article into effect, one commissioner and one surveyor shall be appointed by each of the contracting parties, who shall meet at the Natches, on the left side of the river Mississippi, before the expiration of six months from the ratification of this convention, and they shall proceed to run and mark this boundary according to the stipulations of the said article. They shall make plats and keep journals of their proceedings, which shall be considered as part of this convention, and shall have the same force as if they were inserted therein. And if on any account it should be found necessary that the said commissioners and surveyors should be accompanied by guards, they shall be furnished in equal proportions by the commanding officer of his majesty's troops in the two Floridas, and the commanding officer of the troops of the United States in their southwestern territory, who shall act by common consent, and amicably, as well with respect to this point as to the furnishing of provisions and instruments, and making every other arrangement which may be necessary or useful for the execution of this article.

ARTICLE IV.

It is likewise agreed that the western boundary of the United States which separate them from the Spanish colony of Louisiana, is in the middle of the channel or bed of the river Mississippi, from the northern boundary of the said states to the completion of the thirty-first degree of latitude north of the equator. And his Catholic majesty has likewise agreed that the navigation of the said river, in its whole breadth from its source to the Ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subjects of other powers by special convention.

ARTICLE V.

The two high contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the country adjacent to the lines and rivers which, by the preceding articles, form the two Floridas. And the better to obtain this effect, both parties oblige themselves expressly to restrain by force all hostilities on the part of the Indian nations living within their boundary. So that Spain will not suffer her Indians to attack the citizens of the United States, nor

the Indians inhabiting their territory; nor will the United States permit these last mentioned Indians to commence hostilities against the subjects of his Catholic majesty or his Indians in any manner whatever.

And whereas several treaties of friendship exist between the two contracting parties and the said nations of Indians, it is hereby agreed, that in future no treaty of alliance or other whatever (except treaties of peace) shall be made by either party with the Indians living within the boundary of the other; but both parties will endeavor to make the advantages of the Indian trade common and mutually beneficial to their respective subjects and citizens, observing in all things the most complete reciprocity, so that both parties may obtain the advantages arising from a good understanding with the said nations, without being subject to the expence which they have hitherto occasioned.

ARTICLE VI.

Each party shall endeavor, by all means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction, by sea or by land; and shall use all their efforts to recover and cause to be restored to the right owners, their vessels and effects which may have been taken from them within the extent of their said jurisdiction, whether they are at war or not with the power whose subjects have taken possession of the said effects.

ARTICLE VII.

And it is agreed that the subjects or citizens of each of the contracting parties, their vessels or effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition or other public or private purpose whatever. And in all cases of seizure, detention or arrest for debts contracted, or offences committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases. The citizens and subjects of both parties shall be allowed to employ such advocates, solicitors, notaries, agents and factors, as they may judge proper, in all their affairs and in all their trials at law, in which they may be concerned before the tribunals of the other party; and such agents shall have free access to be present at the proceedings in such causes, and at the taking of all examinations and evidence which may be exhibited in the said trials.

ARTICLE VIII.

In case the subjects and inhabitants of either party, with their shipping, whether public and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, for seeking of shelter and harbor, to retreat and enter into any of the rivers, bays, roads or ports, belonging to the other party, they shall be received and treated with all humanity, and enjoy all favor, protection and help, and they shall be permitted to refresh and provide themselves at reasonable rates, with victuals and all things needful for the sustenance of their persons, or reparation of their ships and prosecution of their voyage; and they shall no ways be hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hinderance.

ARTICLE IX.

All ships and merchandize of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port, in order to be taken care of and restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

ARTICLE X.

When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coasts or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case. And if the operations of repair would require that the whole, or any part of the cargo be unladen, they shall pay no duties, charges or fees on the part which they shall relade and carry away.

ARTICLE XI.

The citizens and subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation or otherwise, and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestata, 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 the said goods are, shall be subject to pay in like cases:

And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them.

And if questions shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person, holding real estate within the territories of the 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 being an alien, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all rights of deduction on the part of the government of the respective states.

ARTICLE XII.

The merchant ships of either of the parties which shall be making into a port belonging to the enemy of the other, and concerning whose voyage and the species of goods on board her, there shall be just grounds of suspicion, shall be obliged to exhibit as well upon the high seas as in the ports and havens, not only her passports, but likewise certificates, expressly shewing that her goods are not of the number of those which have been prohibited as contraband.

ARTICLE XIII.

For the better promoting of commerce on both sides, it is agreed, That if a war shall break out between the said two nations, one year after the proclamation of war shall be allowed to the merchants, in the cities and towns where they shall live, for collecting and transporting their goods and merchandizes: And if any thing be taken from them, or any injury be done them within that term, by either party, or the people or subjects of either, full satisfaction shall be made for the same by the government.

ARTICLE XIV.

No subject of his Catholic majesty shall apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the said United States, or against the citizens, people or inhabitants of the said United States, or against the property of any of the inhabitants of any of them, from any prince or state with which the said United States shall be at war.

Nor shall any citizen, subject or inhabitant of the said United States apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the subjects of his Catholic majesty, or the property of any of them, from any prince or state with which the said king shall be at war. And if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

ARTICLE XV.

It shall be lawful for all and singular the subjects of his Catholic majesty, and the citizens, people and inhabitants of the said United States, to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandizes laden thereon, from any port to the places of those who now are, or hereafter shall be at enmity with his Catholic majesty or the United States. It shall be likewise lawful for the subjects and inhabitants aforesaid, to sail with the ships and merchandizes aforementioned, and to trade with the same liberty and security from the places, ports and havens of those who are enemies to both or either party without any opposition whatsoever; not only directly from the places of the enemy aforementioned 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 the same prince or under several; and it is hereby stipulated, that free ships shall also give freedom to goods, and that every thing shall be deemed free and exempt which shall be found on board the ships belonging to the subjects of either of the contracting parties, although the whole landing or any part thereof should appertain to the enemies of either: Contraband goods being always excepted. It is also agreed, that the same liberty be extended to persons who are on board a free ship, so that although they be enemies to either party, they shall not be made prisoners or taken out of that free ship, unless they are soldiers and in actual service of the enemies.

ARTICLE XVI.

This liberty of navigation and commerce shall extend to all kinds of merchandizes, excepting those only, which are distinguished by the name of contraband: And under this name of contraband or prohibited goods, shall be comprehended arms, great guns, bombs with the fuses and the other things belonging to them, cannon-ball, gunpowder, match, pikes, swords, lances, spears, halberds, mortars, petards, grenades,

saltpetre, muskets, musket-balls, bucklers, helmets, breast-plates, coats of mail and the like kinds of arms proper for arming soldiers, musket-rests, belts, horses with their furniture and all other warlike instruments whatever. These merchandizes which follow, shall not be reckoned among contraband or prohibited goods: That is to say, all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton or any other materials whatever; all kind of wearing apparel, together with all species whereof they are used to be made; gold and silver, as well coined as uncoined, tin, iron, latten, copper, brass, coals; as also wheat, barley and oats, and any other kind of corn and pulse; tobacco, and likewise all manner of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts: And in general, all provisions which serve for the sustenance of life: Furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail-cloths, anchors, and any parts of anchors, also ships' masts, planks and wood of all kind, and all other things proper either for building or repairing ships, and all other goods whatever, which have not been worked into the form of any instrument prepared for war, by land or by sea, shall not be reputed contraband, much less, such as have been already wrought and made up for any other use; all which shall be wholly reckoned among free goods: As likewise all other merchandizes and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods: So that they may be transported and carried in the freest manner by the subjects of both parties, even to places belonging to an enemy, such towns or places being only excepted, as are at that time besieged, blocked up, or invested. And except the cases in which any ship of war, or squadron shall, in consequence of storms or other accidents at sea, be under the necessity of taking the cargo of any trading vessel or vessels, in which case they may stop the said vessel or vessels, and furnish themselves with necessaries, giving a receipt, in order that the power to whom the said ship of war belongs may pay for the articles so taken, according to the price thereof at the port to which they may appear to have been destined by the ship's papers; and the two contracting parties, engage that the vessels shall not be detained longer than may be absolutely necessary for their said ships to supply themselves with necessaries. That they will immediately pay the value of the receipts, and indemnify the proprietor for all losses which he may have sustained in consequence of such transaction.

ARTICLE XVII.

To the end that all manner of dissensions and quarrels may be avoided and prevented on one side and the other, it is agreed, that in case either of the parties hereto, should be engaged in war, the ships and vessels belonging to the subjects or people of the other party 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 or commander of the said ship, that it may appear thereby, that the ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty. They shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year.

It is likewise agreed, that such ships being laden, are to be provided not only with passports as abovementioned, but also with certificates, containing the several particulars of the cargo, the place whence the ship sailed, that so it may be known whether any forbidden or contraband goods be on board the same: which certi-

cates shall be made out by the officers of the place whence the ship sailed in the accustomed form: And if any one shall think it fit or advisable to express in the said certificates, the person to whom the goods on board belong, he may freely do so: Without which requisites they may be sent to one of the ports of the other contracting party, and adjudged by the competent tribunal, according to what is above set forth, that all the circumstances of this omission having been well examined, they shall be adjudged to be legal prizes, unless they shall give legal satisfaction of their property by testimony entirely equivalent.

ARTICE XVIII.

If the ships of the said subjects, people or inhabitants of either of the parties, shall be met with either sailing along the coast or on the high seas, by any ship of war of the other, or by any privateer, the said ship of war or privateer for the avoiding of any disorder, shall remain out of cannon shot, and may send their boats aboard the merchant ship, which they shall so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passports, concerning the property of the ship, made out according to the form inserted in this present treaty, and the ship, when she shall have shewed such passport, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or give her chase in any manner, or force her to quit her intended course.

ARTICLE XIX.

Consuls shall be reciprocally established with the privileges and powers which those of the most favored nations enjoy, in the ports where their consuls reside or are permitted to be.

ARTICLE XX.

It is also agreed that the inhabitants of the territories of each party shall respectively have free access to the courts of justice of the other, and they shall be permitted to prosecute suits for the recovery of their properties, the payment of their debts, and for obtaining satisfaction for the damages which they may have had sustained, whether the persons whom they may sue be subjects or citizens of the country in which they may be found, or any other persons whatsoever, who may have taken refuge therein; and the proceedings and sentences of the said courts shall be the same as if the contending parties had been subjects or citizens of the said country.

ARTICLE XXI.

In order to terminate all differences on account of the losses sustained by the citizens of the United States, in consequence of their vessels and cargoes having been taken by the subjects of his Catholic majesty, during the late war between Spain and France, it is agreed that all such cases shall be referred to the final decision of commissioners to be appointed in the following manner: His Catholic majesty, shall name one commissioner, and the president of the United States, by and with the advice and consent of their Senate, shall appoint another, and the said two commissioners shall agree on the choice of the third, or if they cannot agree so, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot in the presence of the two original commissioners, and the person whose name shall be so drawn, shall be the third commissioner: and the three commissioners so appointed shall be sworn impartially to examine and decide the claims in question, according to

the merits of the several cases, and to justice, equity and the laws of nations. The said commissioners shall meet and sit at Philadelphia, and in the case of the death, sickness or necessary absence of any such commissioner, his place shall be supplied in the same manner as he was first appointed, and the new commissioner shall take the same oaths and do the same duties. They shall receive all complaints and applications authorized by this article, during eighteen months from the day on which they shall assemble. They shall have power to examine all such persons as come before them on oath or affirmation, touching the complaints in question, and also to receive in evidence all written testimony, authenticated in such manner as they shall think proper to require or admit. The award of the said commissioners or any two of them, shall be final and conclusive, both as to the justice of the claim and the amount of the sum to be paid to the claimants, and his Catholic majesty undertakes to cause the same to be paid in specie, without deduction, at such times and places, and under such conditions as shall be awarded by the said commissioners.

ARTICLE XXII.

The two high contracting parties hoping that the good correspondence and friendship which happily reigns between them, will be further increased by this treaty, and that it will contribute to augment their prosperity and opulence, will in future give to their mutual commerce all the extension and favor which the advantages of both countries may require.

And in consequence of the stipulations contained in the fourth article, his Catholic majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandizes and effects in the port of New-Orleans, and to export them from thence without paying any other duty than a fair price for the hire of the stores, and his majesty promises either to continue this permission if he finds during that time that it is not prejudicial to the interests of Spain, or if he should not agree to continue it there, he will assign to them on another part of the banks of the Mississippi, an equivalent establishment.

ARTICLE XXIII.

The present treaty shall not be in force until ratified by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner if possible.

In witness whereof, we the underwritten plenipotentiaries of his Catholic majesty and the United States of America, have signed this present treaty of friendship, limits and navigation, and have thereunto affixed our seals respectively.

Done at San Lorenzo el Real, this seven and twentieth day of October one thousand seven hundred and ninety-five.

THOMAS PINCKNEY.
EL PRINCIPE DE LA PAZ.

(L. S.)
(L. S.)

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OVERNIGHT

