APPENDIX.

N°. I.
The Boundary and Territorial Right
OF THE
State of Georgia examined.

In attempting to define the limits and deduce the territorial right of the State, in conformity to our engagement with the public, we have to regret that documents more definite and satisfactory are not, at present, to be had. In our researches we have been not a little disappointed in discovering that scarcely an original paper, which can throw light on this subject, is to be found among the records of the State. Nothing however, in our power, has been omitted, in collecting evidence, and endeavouring to exhibit a candid and impartial view of those important and litigated points, which, with due deference, we submit to the examination and consideration of the public.

Besides being a frontier State, subject to the vicissitudes and various fortune of such an exposed situation, it has been the unhappy lot of Georgia to be embroiled on the subject either of boundary or territorial right from the moment of her existence. These differences commenced with our sister Province, now State of South-Carolina, and extended to the mother country, were succeeded by a misunderstanding with the court of Spain, a renewal of differences with South-Carolina, and now the claim of the United States. In the midst of these, not to mention the embarrassments of our own government, the fanguinary and destructive warfare, in which we have too often been involved with Indian tribes, on the same subject, has by no means been the least: And, unfortunately for the present inhabitants, they appear to be, not without just cause of apprehension that a happy termination may yet be protracted to a distant period.

Whether these calamities have resulted from accident, want of information, or design in the ruling powers, or their agents in designating the original demarkation of limits would, perhaps, be as difficult to ascertain at this day, as the discovery would be unavailing. They have no doubt all in turn contributed. To endeavour to arrest the evil by removing the cause has now become the duty of every friend to the peace, happiness and prosperity of this country.—Deeply impressed with this important truth,
we have been prompted no less by inclination than duty to render our mite towards
the accomplishment of so desirable an object.

With regard to the claim of the United States. Living under a mild and equal
government of our own choice, by which the rights of all are effectually secured, this
State has, in our opinion, nothing to fear from tyranny or injustice. To maintain
our rights, it is necessary that we should understand them: When known and affect-
ed they will, no doubt, be duly respected.

In this examination, it is with pleasure, we acknowledge ourselves to have been greatly
aided by the abilities and researches of Mr. Attorney General Lee, Messrs. Harper,
Morse and Chalmers. Believing that their valuable labors were intended for the ad-
vancement of public information, we have taken the liberty to insert many of their
observations literally, and comment freely on such parts as appear to us to be exception-
able. The better to investigate this subject, it seems to be necessary to carry back
our attention, as Mr. Harper observes, to the first discovery of North America, and
take a view of the various public acts by which the rights of soil and jurisdiction, to
that part of it where the lands in question lie, have been affected from that period
to the present time. Such other transactions as it may be necessary to recur to in
other parts of the investigation, though they have no immediate relation to this point,
will, for the sake of perplicuity, be noticed in the order in which they occurred.

It was a principle admitted by all European nations, in the establishment and regulati-
on of their American colonies, that prior discovery, accompanied by actual occupation,
and, in some cases, without it, vested the right of soil and jurisdiction. Spain thus ac-
quired her extensive dominions in South America; and by the same title she laid
claim to Florida in the southern parts of the North American Continent. England,
also, by virtue of discoveries made under her flag in the reign of Henry VII. claimed
the whole extent of North America from Florida to Hudson's Bay. The boundary be-
 tween her discoveries and Florida remained for a long time uncertain, and was fre-
cently the subject of dispute between the two crowns. She claimed, however, as
far south as the latitude twenty-nine; and Spain at length ceded Florida to her, which
put an end to the contention.

England made settlements, at a very early period, in the northern and middle
parts of this extensive region, and erected governments which now compose the States
from Virginia to New-Hampshire, inclusive. These governments were of two kinds,
royal and proprietary. In the former, the right of soil and jurisdiction remained in
the crown; and their boundaries, though described by its letters patent, were subject
to alteration at its pleasure: For, as it possessed the rights of soil and government, and
delegated them to its governors, during pleasure, it might dispose of them in what
manner and to whom it thought fit, might alter, extend, or abridge the delega-
tion as its inclination or policy might dictate. In the latter, the proprietary govern-
ments, the right of soil as well as jurisdiction was vested in the proprietors. Their
charters were in the nature of grants, and their limits being fixed by these charters
could not be altered but by their own consent. This distinction is particularly no-
ticed
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*1584*.

The first of these charters, under which any settlement took place, was given by queen Elizabeth to Sir Walter Raleigh in the year 1584*. Like the previous charters from her and Henry VII. to Cabot, Sir Humphrey Gilbert and others†, it was merely a commission to discover any countries not occupied by christian people, to take posseffion of them, and form settlements under the allegiance of the crown of England. It also prohibited any other persons from settling within two hundred miles of any place where he should form a settlement, "within six years." Under this charter he made two settlements: One south of the Chesapeake, composed of about one hundred persons, who arrived in June 1585, and returned to England in the June following: The other near the mouth of James' River, and consisting of about the same number of settlers, who arrived in the year 1587, and continued there. In the title of the charter it is said, that it shall continue in force for six years, and no more; but in the body of it there is no limitation. In the year 1603‡, however, it was forfeited by the attainder of Sir Walter Raleigh, for treason, and the right re-vested in the crown.

In the year 1606, James I. by letters patent dated April 106, gave permission to two companies to form settlements on any part of the coast of North America, between latitudes 34 and 45. These companies were denominated the first and second colonies of Virginia: The first was to make its settlements between 34 and 41 degrees of latitude, the second between 38 and 45. Neither was to settle within two hundred miles of any place previously settled by the other. Each was to possess all the lands along the coast fifty miles in both directions from the place of its first settlement, one hundred miles back into the country, and all the islands within one hundred miles of the coast. A council was appointed for the government of each colony, and it was provided that all the lands contained within the above mentioned limits should, on petition to the crown, be granted to such persons as the respective councils should recommend.

It does not appear that any such grants were ever made; but James I. by letters patent, dated May 23, 1609||, separated the first colony from the second, and, on the petition of the persons composing it, erected them and a number of others into a corporation under the name of "the treasurer and company of adventurers and planters of the city of London, for the first colony of Virginia." All the lands along the coast, two hundred miles south, and an equal distance north, of Point-Comfort, and extending west to the South-Sea, with the islands within one hundred miles of the coast, were granted to this company, commonly called the London company, and

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* Hazard's Collection, 33.
‡ Same Collection, 9, 11, 24.
§ Hazard's Collection, 50.
|| Same Collection, 58.
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their successors, in fee simple; in trust however, to be distributed among settlers:
And the powers of government were vested in two councils, one in England, and one
in America.

Point-Comfort being about latitude 36, 30, the limits of this charter must have
extended south to about latitude 33. It is not easy to determine whether the go-

government erected by it ought to be considered as royal or proprietary— but it has more
the appearance of the former.

On the 12 of March, 1612*, James I. granted another charter to the London
company, which confirms the former and adds to their territories all the islands with-
in 300 leagues of the lands formerly granted to them, and between the 30, and 41,
degrees of latitude.

The company continued to exercise the powers of government, and dispose of the
rights of soil, within the limits allotted to them, till about the year 1624, when the
affairs of the colony appearing to be badly conducted, their charters were forfeited
by quo warranto, and the government with all the rights of soil and jurisdiction tak-
en into the hands of the crown. By this refumption Virginia became, if it were not
so before, a royal government; and its boundaries became liable to abridgement or
alteration at the pleasure of the monarch.

The rights of soil and jurisdiction in all the lands south of the Chesapeake, not ac-


ually appropriated being thus re-vested in the crown, king Charles I. made a grant
to Sir Robert Heath, his attorney general, extending from the 30, to the 36, degree
of latitude north; then called Carolina-Florida.

By an extract from a representation of the board of trade to the king of Great
Britain, dated in 1728, it appears "that Carolina was formerly known by the name
of Florida and Carolina-Florida; and that this province was first discovered by Sir
Sebastian Cabot in the year 1497, who, by commission from, and at the expense of
king Henry VII. discovered all the coast of America, from the 56, to the 28, degree
of northern latitude, about 30 years before any European had visited the northern
continent of America: And it does not appear that the Spaniards ever attempted any
discovery of that part of America till 1527, under Pamphilio Narvaez, nor any con-
quest till 1539, when Ferdinando Soto landed upon Florida from the Havannah, and
wandering over a great part of that country in search of mines, which he could not
find, died of grief in 1542, and such of his name as were left alive returned again to
the Havannah, without making any settlement on the continent."

In the same representation are cited three grants, "one by Charles I. in the 5th
year of his reign, to Sir Robert Heath of Carolina-Florida, of the lands lying from
the river Matheo in the 30 degree, to the river Paffa Magna in 36 degrees of northern
latitude:" But whether this grant was afterwards surrendered, or became vacant and
obsolete by non-user or in what other manner does not appear. The other two by
Charles II. to the lords proprietors of Carolina comprehends the same country, with
some small difference in the boundaries. Fort King George on the Alatamaha, within

* Same Collection, 72. † Hazard's Collection, 83, 89. ‡ Atto. Gen. report, 28. § See Document No. 2.
the bounds of each, is here stated to be claimed and contested by Spain. The first of the last mentioned grants, to lord Clarendon and others, bearing date 24th March, 1662, comprehends "all that territory or tract of ground situate, lying and being within his said majesty's dominions in America extending from the north end of the island called Lacka island which lieth in the northern Virginia seas, and within six and thirty degrees of northern latitude, and to the west as far as the South seas, and so southerly as far as the river St. Matthias, which bordereth upon the coasts of Florida and within one and thirty degrees of northern latitude, and so within a direct line, as far as the South seas aforesaid." The country contained within these boundaries, was erected by the charter into a province under the name of "Carolina." Extensive immunities were conferred on settlers, and the rights of soil and government were vested in the proprietors in fee simple. The other grant or charter from Charles II. dated June 30, 1664, confirmed the former grant to the proprietors, and extends its limits from latitude 36, 30, to latitude 29 inclusive, and from those points due west to the South sea.

In the year 1670, by the seventh article of the treaty of that year between England and Spain it is stipulated "that the king of Great Britain shall remain in possession of what he then possessed in the West Indies and America." Prior to this period nothing is known to have been done to settle the pretensions of those crowns relative to America, and at this time the principal colonies of Great Britain were settled. In this situation the boundaries of the territories of those nations in America, remained 'till the peace of 1763, during which time they were the subject of many disputes, which were not adjusted 'till the cession of Florida in that year to the king of Great Britain.

On the 25th of July, 1726, the lords proprietors by deed duly executed, surrendered to the crown all their rights under those charters, lord Carteret alone, one of the number, retained his share, and it was afterwards separately allotted to him in the northern parts of the province. The surrender was accepted and confirmed by act of parliament, and by virtue of it Carolina became a royal government. It was afterwards divided into two provinces, called North and South-Carolina, by a line beginning at the north end of Long Bay, and running thence north-west to the latitude 35, and thence due west to the South sea: lord Carteret, better known by the name of lord Granville, had his part laid off in North-Carolina.

George II. by letters patent bearing date on the 9th of June, 1732, erected lord Percival, James Oglethorpe and others, into a corporation under the title of the "Trustees for establishing the colony of Georgia in America," and granted to them and their successors, in trust for future settlers, all those lands countries and territories situate, lying and being in that part of South-Carolina in America, which lies from the northern stream of a river, there commonly called the Savannah, all along the sea coast to the southward unto the most southern stream of a certain other great water or river called the Alatamaha, and westward from the heads of the said rivers respectively, in direct lines to the South seas. This country was erected into a province called

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* Attor. gen. report, 47.
† See document No. 3.
‡ Attor. gen. report, 44. 72.
¶ See documents No. 4, 5, 6, 7, 8.
called "Georgia," and power was given to the trustees for twenty-one years to frame laws and regulations for its government; after which all the rights of soil and jurisdiction were to vest in the crown.

Under this charter Oglethorpe took possession of the country for the trustees, and made several settlements; and in the year 1752, the trustees by deed duly executed, surrendered * their charter to the crown, Georgia therefrom became a royal government.

By the treaty † of Paris in 1763, Spain ceded to Great Britain, Florida, Penfacaola, and, in general, all that she held in North America east and south-east of the river Mississipp'i; and a line drawn from that river from its source to the sea, was established as the western boundary of the British dominions.

Soon after this cession the British government, by a proclamation ‡ for the regulation of its colonies, bearing date October 7, 1763, erected Florida into two governments called East and West Florida. They were divided from each other by the Apalachicola river; and the latter was bounded by the gulph of Mexico on the south, on the west by lakes Pontchartrain and Maurepas and the river Mississipp'i, and on the north by a line drawn from that part of the river Mississipp'i which is intersected by latitude 31, due east to the Apalachicola. The northern boundary of East Florida was a line drawn from the confluence of the Chatahouchee and Flint rivers, where they form the Apalachicola, to the head of the St. Mary's, and down it to the sea.

Disputes in the mean time having arisen between the governments of South-Carolina and Georgia, about the lands, lying between the Alatamaha and St. Mary's, they were, by this proclamation, § annexed to Georgia, whose southern boundary, stretching only to the Alatamaha by its original charter, was thus extended to the river St. Mary's.

The proclamation also contains a clause, "Reserving under the sovereignty, protection and dominion of the crown, for the use of the Indians, all the lands and territories not included within the limits of the governments thereby erected, or within the limits of the territory granted to the Hudson's 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, north-west," and as Mr. Harper justly observes, it forbids the governors of all the colonies to grant warrants of survey, or pass patents, for any lands beyond the heads of these rivers, till the further pleasure of the crown shall be known: But neither himself or the attorney general of the United States appear to have had any information of the second commission || and letters patent granted to Sir James Wright, governor of Georgia, soon after the extension of its southern boundary. By this document, dated the 20th of January, 1764, the further pleasure of the crown, is known, and this colony of Georgia in America is declared to be "bounded on the north by the most northern stream of a river there commonly called Savannah, as far as the head of the 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

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.

The southern boundary of Georgia, here appears to be established, "from that part of the river Missisippi which lies in 31 degrees north latitude, due east to the river Apalachicola or Chatahouchee," being the north boundary of West Florida; "thence to the junction of Chatahouchee and Flint rivers, thence by a line drawn to the head or source of the most southern stream of St. Mary's river, and by the course of the said river to the Atlantic ocean," being the north boundary of East Florida: And, it would seem that her title was there clearly and completely settled, as well to the lands lying westward of the heads of the rivers Alatamaha and St. Mary's as between those rivers, without the aid of any relinquishment of claims on the part of South-Carolina.

When the first British governor took possession of West Florida, he found its limits to the north so contracted as to cut him off from the most fertile and healthy lands, and even to exclude from his province some very considerable settlements, which had been formed under it, and made part of it, while subject to the Spanish government. He made a representation of these circumstances to the crown. It was referred to the board of trade and plantations; and by their advice, Mr. Harper observes, the province was extended to the north, "By a line from the mouth of the Yazoo river, where it unites with the Missisippi, due east to the Apalachicola." This extension, he says, took place before the year 1770, and was not made by proclamation but by instructions to the governor; of that province, and their commission: And that they went on to exercise jurisdiction and grant lands in the country thus annexed to their government, till it was ceded to the United States by Great Britain, at the peace of 1783. At the same time he remarks, that no instructions or commissions are to be found, except the instructions* to governor Chester.

When the British colonies, including South-Carolina and Georgia, dissolved their connection with the mother country in the year 1776, and erected themselves into independent States, they agreed that each should hold by its former limits; that each State should possess the same extent of territory that belonged to it while a colony. This indeed was not readily contented to: For as the limits of several colonies, as Massachusetts, Connecticut, New-York, Pennsylvania, Virginia, North-Carolina, South-Carolina and Georgia, included a great extent of unsettled country, while others, as New-Hampshire, Rhode-Island, New-Jersey, Delaware and Maryland, possessed little or none, the latter contended that these unsettled lands should be considered as a common property among all the States, and appropriated for their mutual benefit; and some of them, particularly Maryland, refused to accede to the union, until some of those States which possessed the most extensive limits, should relinquish a part of their claims for this purpose. This was at length done; Massachusetts, Connecticut, New-York and Virginia, made relinquishments, retaining however very considerable portions of the land in question. The articles of confederation were then

* See document No. 20.
then ratified, leaving all those States which had made no relinquishment in the quiet possession of the whole territory comprised within their ancient limits. Of this number was Georgia; which was so far from relinquishing, that on February 7, 1783, she passed an act asserting, that her jurisdiction and right of soil extended over all the country between the Mississippi, the Atlantic, the southern boundary of the United States as established by the treaty of peace, and the southern boundary of the Carolinas.

By another act passed February 7, 1785, she proceeded to exercise the rights which he had thus asserted. It was thereby enacted, "That all the country contained within a line to be drawn down the Mississippi from where it receives the Yazoo, till it intersects the 31st degree of north latitude, then due east as far as the lands might be found to reach which had at any time been relinquished by the Indians, then along the line of relinquishment to the river Yazoo, and down it to its mouth, should be erected into a county called Bourbon, and that when the land office should be opened, all persons previously settled there should have the right of pre-emption, &c. “This measure was deemed the more necessary on account of the treaty between Great Britain and Spain, in 1783, which was found to have been signed on the same day as that with the United States, and by which Great Britain had ceded the Floridas to Spain, without defining their limits.

Under this act, commonly called the Bourbon county act, no settlements were ever made. The relinquishment of land which is spoken of in it took place at Mobile, in May, 1777, by virtue of a treaty between the Choctaw nation, to whom that country then belonged, and the British superintendant of Indian affairs, and was confirmed by the treaty between those Indians and the United States, held at Hopewell, on the 3d of January, 1786. It extended from the mouth of the Yazoo 110 miles down the Mississippi; at the upper end it was 15, at the lower 60 miles broad.

About the same time a dispute arose between the States of South-Carolina and Georgia, respecting their boundaries. South-Carolina contended that as the original boundaries of Georgia were the rivers Savannah and Alatamaha, and lines drawn due west from their sources to the Mississippi, all the land lying south of the Alatamaha and of a line drawn due west from its source to the Mississippi, as far as to the northern boundary of the Floridas, continued to be a part of the province of South-Carolina, out of which Georgia was taken: And that when the British crown, by its proclamation of October 7, 1763, annexed to Georgia, all the lands lying between the rivers Alatamaha and St. Mary’s it meant only the lands actually between those rivers below their sources, and not such as lay above those sources, and between lines drawn from them respectively west to the Mississippi; which tract of country, of course, even after the proclamation, still continued a part of South-Carolina. Georgia, on the contrary, maintained, that when the proclamation annexed to its government all the lands lying between the rivers Alatamaha and St. Mary’s it meant to include not merely the tract of country which lay between those rivers, below their sources, but also the whole territory

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territory held by the British crown, between the northern boundaries of the Floridas, as established by the same proclamation, and the ancient southern line of Georgia. This dispute was referred* to congress under the articles of confederation by a petition from South-Carolina. A court was appointed, and a day fixed for hearing between the two States. But they afterwards agreed to withdraw the petition and settle the matter by negotiation. Their commissioners met at Beaufort in South Carolina for this purpose, and on the 24th of April, 1787, agreed on a convention† by which that State relinquished the claim. On the 29th of February, 1788, this convention was ratified by an act of the legislature. It had previously been laid before congress and filed among the official papers of the United States.

Through the whole course of this investigation, the before mentioned commission to governor Wright, seems also to have been overlooked, or in some unaccountable manner disregarded. Still it appears by the different‡ of one of the commissioners, Mr. Houfloun, that he was of opinion, even from the documents before them (and it is presumed they had not that commission) "that the pretensions of South Carolina to the southern country were so slender that the right of Georgia to those lands was neither strengthened or weakened" by the convention at Beaufort. He appears to have been perfectly satisfied with the title of Georgia, and to have been also of opinion that the lands lying between the forks of Tugaloo and Keonee, then belonged to this State. These opinions are said to have been aided by the uniform understanding of the people and government of Georgia, and the government of great Britain, until that period.

While we have no wish to stir the subject matter of that convention, so as to wound the feelings of any of the parties concerned, or to revive in the slightest degree, any misunderstanding with our sister State, yet candor contrains us to lay before the public such documents as have come within our view. It is therefore deemed not improper to add an extract of Mr. Chalmers' communication from the office of trade to the attorney general of the United States, dated at Whitehall 25th September 1795.

"There are no documents which can shew the heads of the river Alatamaha and the Savannah, to be other than what the charter and commissions make them to be; as I have already shewn: Every document proves, that the heads of those rivers were not at the fork of the Alatamaha, where the Oconee and Ocmulgee meet, nor at the junction of the Tugaloo and Keonee; but at the head of the northern stream of the one, and the head of the southern stream of the other."

There are no maps which had belonged to the trustees of Georgia, in the collections of the board of trade. It was never considered by the British government, that the country annexed to Georgia, in 1763, was bounded on the west by a line drawn from the source of the St. Mary's river to the junction of the Oconee and Ocmulgee: On the contrary the British government considered the south boundary of Georgia to be the north boundary of the two Floridas as far as the Mississipi. The British geographers have always formed the boundaries of Georgia on this principle of extending it westward.

* Journals of congress. † See document No. 96. ‡ Filed of record in the secretary of the State's office.
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ward to the river Mississippi. There was a boundary line run, and established, in 1769, between Georgia and the Creek Indians, which, passing in a northern direction across the frontiers of Georgia, has induced some of the map makers to draw a line in the same northern direction; and which has sometimes been mistaken for the western boundary of Georgia. There is a map of the creek line before mentioned among the papers of the board of trade; but it does not apply to the question.

Mr. Chalmers seems to be clearly of the same opinion with Mr. Houston both as to the lands lying westward of the rivers Alatamaha and St. Mary's and those between Tugaloo and Keowee: But it is somewhat surprising that he too has overlooked both the first and second commission to governor Wright. This surmise is indeed heightened when it is found that he has furnished the attorney general with extracts of sundry commissions as well to the governors of South Carolina as the former governors of Georgia and both the Floridas. From a close examination of the extent and dates of these commissions much useful information may be derived. It will hence particularly be found that on the extension of the southern boundary of Georgia the former commission to governor Wright was revoked so far as related to "limits and bounds;" and a new commission granted on the 20th of January 1764, specially designating the boundary as extended "by the north boundary line of East and West Florida." The question now is, whether the north boundary of West Florida has actually been extended since January 1764; and if extended, whether under all the circumstances, the lands lying between the vibrations of that line belong to the United States or Georgia.

It is stated by Mr. Chalmers that the boundary of "West Florida was not only extended northward to the 31st degree, in 1763, but in 1764 to 32 degrees and 39 minutes." In this he certainly mistakes. From the evidence furnished by himself it appears, that in March 1764, an application was made to the crown, through the board of trade*, for an extension of that boundary; but, it likewise appears, by an extract of a commission† to governor Elliott, of West Florida, dated in July 1767, that its boundary had not then been extended. Mr. Harper states that "it was extended to the north before the year 1770." In support of this observation, the only document adduced is an extract from the instructions to governor Chester, who succeeded Elliott in 1770, in which, an extension is stated to have been made.

In the attorney general's report to congress is to be found the following remarkable note from judge Pendleton of Georgia, respecting the north boundary of Florida. "It appears, says Mr. Pendleton, by what has transpired of the negotiations between the United States and Spain, that our commissioners, as well as those of Great Britain, at the treaty of 1783, took the boundaries of East and West Florida, as laid down in the proclamation of the king of England, dated the 7th of October 1763, to have been the true boundary of those provinces when they were finally confirmed to Spain in 1783. Mr. Jefferson, I understand, after all his enquiries on the subject, takes the proclamation as the foundation of our right to extend to the latitude of 31 north. All our writers, on that subject, that I have seen, and all our maps, state 31 as our southern boundary, from the same authority. The fact is, that

* See document No. 18. † See document No. 19.
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that this remained but a short time the northern boundary of West Florida. In the
beginning of the year 1764, governor Johnstone, the first British governor of that
province, obtained an extension of its northern boundary, and a new commissi
was sent him. On the first of November 1764, governor Johnstone published, by
proclamation his instructions for settling the province, in which he describes the
northern boundary of West-Florida to be "a line drawn due east from the conflu-
ence of the Mississipi and the river Yazous, which lies in thirty-four degrees north
latitude, to the river Apelachicola or Chatahouchee." The commissions of governor
Elliott who succeeded Johnstone, and Chester who succeeded Elliott, all fixed on
the same boundaries, and they granted near 1,000,000 of acres of the lands lying
north of the latitude 31°, to individuals. It seems probable, that neither Mr.
Jefferson, nor the Spanish ministers were apprised of this extension of the bounda-
ries of West Florida, but have taken them to be as they were by the proclamation
of 1763.*

On this extraordinary note, the attorney general remarks, "that Mr. Pendleton
has not sent any documents to support his assertions." At the time of writing it he
appears, indeed, to have been strangely mis-informed, or to have had very little infor-
mation on the subject which he attempts to elucidate. He says, "In the beginning
of the year 1764, governor Johnstone the first British governor of that province obtained
an extension of its northern boundary and a new commission was sent him." On the
contrary, it appears by governor Johnstone's first and only commission* dated the
1 of November 1764, that it had not been extended, in the latter part of that year.
By this commission, the former boundary of Florida is confirmed.

Mr. Pendleton adds, "that the commissions of governor Elliott who succeeded
Johnstone, and Chester who succeeded Elliott all fixed on the same boundaries, as
extended." Not having been able to obtain a sight of more than one of those com-
missons, that to governor Elliott dated in 1767, we can only remark that in the
extract reported by the attorney general, no such fact appears.

The attorney general finally observes, "that no document has come to his hands
by which the extension of West Florida appears to have been made, conformably to
the suggestion of the board of trade; and perhaps this may be deemed a matter of
further enquiry, unless the declaration of George Chalmers be so considered."

It is to be remembered that in the various alterations made in the boundary of the
British provinces, it was the uniform practice of the crown, to abridge or enlarge the
extent of the governor's commissions accordingly, by revoking them and issuing new
ones, either expressive of the alterations made, or in general terms.

It does not appear that governor Wright's second commission was ever revoked or
altered in any respect: This affords a strong presumption, at least, if not conclusive
evidence, that the north boundary of Florida was never extended by any solemn act
of the crown, in conformity to the recommendation of the board of trade.

In 1787 congress recommended† a cession of the territory in question, to the
United States.—In 1788 a cession was accordingly proposed‡ by this State; and in

* See document No. 17. † See document No. 27. ‡ See digest p. 283.
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1789 congress rejected* the proposed cession, not on account of the ground of claim, but on account of the terms.

On the 7th December 1793, a representation was presented to the court of Spain† on the part of the government of the United States, in which their dispute with that power respecting boundary, was stated, and their claim supported. This representation insists on latitude 31, as the southern boundary of Georgia and rests their title to the disputed territory which lies above that latitude, entirely on the right of this State. Indeed it is of importance to remark here, that in the whole progress‡ of this dispute, which being definitely settled by the late treaty§ between the United States and Spain, need not now be discussed. Our government held up the right of the State of Georgia to the territory above latitude 31, as altogether indisputable, and made that right the sole foundation of its own pretensions.

Thence it appears that the State of Georgia is bounded by the Atlantic ocean on the east, by the two Floridas on the south, by the Mississippi on the west, and by Carolina on the north.

From this view of the subject we do not hesitate to advance, as our opinion, that whether the northern boundary of West Florida was ever extended or not, the government of the United States can have no just claim to any lands lying between the northern boundary of this State and the thirty-first degree of north latitude; the northernmost part of that degree being the settled northern boundary of West Florida.

This opinion, however, resulting from our own reflection, upon a complicated mass of facts, which remain to be investigated by the government itself, is presented with much deference to the candid and impartial; without any view of derogating from the credit of the learned and respectable persons with whom we have presumed to differ, or of prescribing to those who will take the trouble to enquire for themselves.

* See document No. 30.
† See document No. 30.
‡ See documents No. 31, 32.
§ See document No. 33.

A representation from the Board of Trade, to the King of Great Britain, in which are cited three Grants or Charters of Carolina—the first by Charles the First to Sir Robert Heath; and the other two by Charles the Second to the Lords Proprietors, dated in 1662 and 1664; the last extends the Southern Boundary to latitude 29.

To the King's most Excellent Majesty.

IN obedience to your majesty’s commands, signified to us by his grace the duke of Newcastle’s letter of the 9th of the last month, directing us to lay before your majesty a state of the possessions of your majesty, and your subjects in America, which are
are disputed by the king of Spain, particularly those of fort King George on the borders of South Carolina, of the island of Providence, and the rest of the Bahama islands; and of the settlement your majesty's subjects have in the Bay of Campeachy, as also the complaints upon which redress has not yet been obtained, of injuries done by the Spaniards to your majesty's subjects in America, or trading thither as the seizing of ships and effects by the guardia costas, and other depredations and acts of violence and injustice committed on the part of Spain, and the damage sustained thereby; we take leave to represent to your majesty,

That Carolina was formerly known by the names of Florida and Carolina Florida; this province was first discovered by Sir Sebastian Cabot, in the year 1497, who by commissio from, and at the expense of King Henry VIIIth, discovered all the coast of America, from the 56th to the 28th degrees of northern latitude, about 30 years before any other Europeans had visited the northern continent of America: And it does not appear that ever the Spaniards attempted any discovery of that part of America, till 1527, under Phamphilio Narvaez, nor any conquest till 1539, when Ferdinando Soto landed upon Florid from the Havanna, and wandering over a great part of that country in search of mines which he could not find, died of grief in May 1542, and such of his men as were left alive, returned again to the Havanna, without making any settlement on that continent.

The first grant that we find of this country by your majesty's royal predecessors was by king Charles the I. in the 5th year of his reign, to Sir Robert Heath, his attorney general; in that patent it is called Carolina Florida, and the boundaries fixed for it, are from the river Matheo in the 30th degree, to the river Paffa Magna in the 36th degree of northern latitude.

We have good reason to believe, that possession of this country, was taken under the said patent, and large sums of money expended by the proprietor and those claiming under him in making settlements there; but whether this grant was afterwards surrendered, or whether the same became vacant, and obsolele by non-user or otherwise, king Charles the II. made two other grants of the same country, with some small difference in the boundaries, to the lords proprietors of Carolina.

The last of these grants bears date the 30th day of June, in the 17th year of king Charles the II. reign, and gives to the lords proprietors all that part of North America which lies between the 36th and 29th degrees of northern latitude.

Fort King George upon the river Alatamaha, now complained of by the Spaniards, lies within the bounds of both the abovementioned grants, to Sir Robert Heath, and to the lords proprietors, who have made and continued many flourishing settlements in Carolina, whereas it is notoriously known that the Spaniards have never maintained or kept possession of any in those parts except St. Augustine; and your majesty might with as much reason contest their title to the settlement, as they dispute your majesty's right to fort King George, which was neither settled by the Spaniards, nor any other European nation, when your majesty's troops first took possession of that place whereon that fort was afterwards erected.

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This is not the first time that disputes have arisen between the crowns of great Britain and Spain, concerning their respective dominions in America: But to prevent all contentions of this fort in times to come, a treaty was concluded at Madrid, in the year 1670, by the 7th article of which treaty, it was expressly agreed between the then king's of Spain and great Britain, that the king of great Britain, and his heirs should hold and enjoy forever all those lands and places in any part of America, which the said king of great Britain or his subjects then held or possessed, which treaty is subsequent to the two grants to Sir Robert Heath and the lords proprietors of Carolina, and to the making of several settlements under both the said patents; it is therefore matter of surprise that the Spaniards should now pretend a title to a part of the province which they have so long ago given up by the said treaty which hath been confirmed by many subsequent treaties between the two crowns.

Office for trade, Whitehall the
14th September 1795.

I hereby certify that the before written paper is an extract of a representation from the board of trade to the king, copied from the trade entry. N. page 347.

GEORGE CHALMERS.

No. III.

An extract from the treaty of peace between England and Spain, in 1670, relative to their possessions in America.

SEVENTH, all offences, damages, losses, injuries, which the nations and people of great Britain and Spain have at any time, heretofore, upon what cause or pretext soever, suffered by each other in America, shall be expunged out of remembrance and buried in oblivion, as if no such thing had ever past.

Moreover, it is agreed, that the most serene king of great Britain, his heirs and successors, shall have, hold, keep and enjoy for ever, with plenary right of sovereignty dominion, possession and propriety, all those lands, regions, islands, colonies, and places whatsoever, being or situated in the West Indies, or in any part of America, which the said king of great Britain and his subjects do at present hold and possess; so as that in regard thereof, or upon any colour or pretence whatsoever, nothing more may or ought to be urged, nor any question or controversy be ever moved concerning the same hereafter.

A true copy,

CHARLES LEE.

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No. IV.

An extract of a commission to governor Johnstone of Carolina, in 1729.

AND we do likewise give and grant unto you full power and authority, by and with the advice and consent of our said council, to settle and agree with the inhabitants of our said province for such lands, tenements and hereditaments, as now are or hereafter shall be in our power to dispose of, and them to grant to any person or persons upon such terms and under such moderate quit rents, services and acknowledgments, to be thereupon reserved unto us, as you, by the advice aforesaid, shall think fit; which said grants are to pass and to be sealed by our public seal of our said province, and being entered upon record by such officer or officers as are or shall be appointed thereunto, shall be good and effectual in law, against us, our heirs and successors.

Office for trade, Whitehall,
Sept. 25th, 1795.

I hereby certify that the above written paper is an extract from the commission to Robert Johnstone, Esq. governor of Carolina, copied from the Carolina entry. A. p. 265.

GEORGE CHALMERS.

No. V.

A report to the Lords of the Committee of Council, upon the petition of Lord Percival, James Oglethorpe and others, about establishing a Colony in South Carolina, in 1730.

To the Right Honorable the Lords of the Committee of his Majesty's most Honorable Privy Council.

My Lords,

YOUR lordships having been pleased to refer to us the petition of the right honorable the lord viscount Percival, the honorable Edward Digby, the honorable George Carpenter, James Oglethorpe, Esq. and several others whose names are thereto subscribed, setting forth that the cities of London and Westminster, and parts adjacent, do abound with great numbers of indigent persons who are reduced to such necessity as to become burthensome to the public, and who would be willing to seek a livelihood in any of his majesty's plantations in America, if they were provided with a passage and means of settling there; and humbly proposing to undertake the trouble and charge of transporting all such poor persons and families, provided they
they may obtain a grant of lands in South Carolina for that purpose, together with such powers as shall enable them to contract with persons inclinable to settle there, and to receive the charitable contributions and benefactions of all such persons as are willing to encourage so good a design. We have considered the several particulars therein contained, and having difcourfed with the petitioners thereupon, we have received certain proposals from them relating to the subject matter of their petition, whereupon we take leave to represent to your lordships.

That as the petitioners design appears to us to be a very laudable one in every respect, and may, if happily executed, produce many good effects to the public, we think it may deserve due encouragement, and are humbly of opinion that it may be proper for his majesty to grant them all reasonable powers for the promoting and carrying on so good a work, and therefore we would propose to your lordships.—

That his majesty may be graciously pleased to incorporate the petitioners according to the prayer of their petition as a charitable society by the name of the corporation for the purpose of establishing charitable colonies in America, with perpetual succession.

That they may be empowered to purchase lands of inheritance in great Britain to the value of £1000 per annum, and estates for lives or years, and goods and chattles to any value, and to receive and take by grant, gift, purchase or otherwise any lands in America, with power to make reasonable by laws, not repugnant to the laws of great Britain, for the government of their corporation; together with all other clauses usual and necessary for such a corporation; and to give an annual account of all monies or effects by them received or expended for the carrying on this charity in the high court of chancery.

And as a further encouragement to this design, we are of opinion his majesty may be graciously pleased to grant to the petitioners and to their successors forever, all that tract of land in his province of South Carolina lying between the rivers Savannah and Alatamaha to be bounded by the most navigable and largest branches of the Savannah and the most southerly branch of the Alatamaha, with islands in the sea lying opposite to the said land, referring to his majesty, his heirs and successors a quit rent at the rate of four shillings proclamation money, for every hundred acres contained in the said tract which shall be leased or granted out by the corporation to their tenants, or taken up, settled or improved by them or their agents, the said quit rent not to commence or be paid till ten years after such leases, settlements, takings up or improvements respectively.

And that his majesty may always be duly informed of what quantities of land are granted, taken up, settled, or improved by the said corporation, that a constant register shall be kept by their officers of all such leases, grants, takings up, settlements and improvements; and authentic transcripts thereof annually transmitted to his majesty's auditor of the plantations or his deputy in South Carolina, and also to his majesty's land surveyor in that province, referring to the said surveyor in his majesty's behalf, a right of inspecting the lands so leased, granted, taken up, improved or settled, to prevent any abuses with respect to the quit rents hereby intended to be reserved upon such lands.

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And whereas it is the desire of the petitioners, that the tract of land by them peti-
tioned for, which is at present entirely uninhabited, except by some few Indian families
may be separated from the province of South Carolina, and be made a colony independ-
ent thereof with respect to their laws, government and economy, both civil and
military, have only in the command of their militia, which is to remain with his
majesty’s governor of South Carolina for the time being, we are humbly of opinion
that his majesty may be graciously pleased to indulge them in this particular likewise,
saving always the dominion of the crown, and the dependance which every Britifh
colony ought to have on his majesty, and for this purpose we would humbly propose,
that the corporation may have the liberty from time to time to lay before his majesty,
liens of all such officers, both civil and military, as shall be thought necessary by them
for the support, conduct and government of their intended colony, and which are
usually appointed by commissions from his majesty, or from his majesty’s governors
in other colonies in America; and that when his majesty shall have approved of such
officer by his order in council the corporation may be empowered to give them com-
misions under the common seal.

And as it will be necessary that there should be power of making laws for the govern-
ment of this colony, we would propose that his majesty may empower the corpora-
tion from time to time to prepare laws for that purpose, to be laid before the king in
council, and if not disapproved by his majesty in 30 days, that they may be sent over
and be in full force until the king shall think fit to signify his disallowance of them.

And as in process of time it is to be hoped this colony may prove a flourishing set-
tlement and thereby become shapers in the trade of South Carolina, it will be necessa-
ry that the person who superintends this settlement, although he should not act un-
der the title of governor, should according to the act of the 7th and 8th of king Wil-
liam, not only be approved by his majesty as has been before proposed, but also take the
usual oath to observe the acts of trade and navigation; for which purpose it will be
necessary that the usual instructions upon that head, which are given to the govern-
ors in America, should likewise be given to him; and that the corporation do give
constant accounts of all proceedings to this office that we may lay the same before his
majesty.

We are your Lordships
Most obedient and most humble servants

WESTMORELAND,
P. DORMINIQUE,
T. PELHAM,
M. BLaden,
A. CROFT.

Whitehall, Dec. 17th. 1739.
Office for Trade, Whitehall, 14th Sept. 1795.

I hereby certify that the before written paper, is a report from the board of trade, to the lords of the committee of council for plantation affairs, copied from the South Carolina entry, B. page 8.

GEORGE CHALMERS.

No. VI.
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No. VI.

A report to the Lords of the Committee of Council about settling a Western Boundary to the Colony in South Carolina, in 1731.

To the Right Honorable the Lords of the Committee of his Majesty's most Honorable Privy Council.

Mylords,

In pursuance of your lordships' order of the 14th of this month, referring to us the following points, viz. The settling a western boundary to the colony to be established in South Carolina, by virtue of a charter petitioned for by the Lord Percival and others, and for ascertaining the distance of the islands upon the eastern shore from the continent. As likewise for fixing the number of acres proper to be granted to each person who shall settle there; we have been attended by some of the petitioners and take leave to represent to your lordships—

That we think the western boundary of this new charter, may extend as far as that described in the ancient patents granted by king Charles II. to the late lords proprietors of Carolina, whereby that province was allowed to extend westward in a direct line as far as the South Seas.

With respect to the islands upon the eastern shore, from the continent we think this new charter may include such as lie opposite to and within 20 leagues of the coast between the rivers Savannah and Alatamaha which are not already inhabited or settled by any authority derived from the crown, and as to the quantity of land to be granted to each person who shall settle within the limits of this charter we are humbly of opinion that the proprietors should be restrained from granting above five hundred acres to any one person. We are

Mylords, &c.

Whitehall, Dec. 22d, 1731.
Office for Trade, Whitehall, 14th Sept. 1795.

I hereby certify that the before written paper is a report from the Board of Trade to the lords of the committee of council for plantation affairs. Copied from South Carolina Entry B. page 23.

GEORGE CHALMERS.

No. VII.

An Extract from the Charter of Georgia dated in 1732.

Now ye therefore, that we greatly desiring the happy success of the said corporation, for their further encouragement in accomplishing so excellent a work, have of our special grace, certain knowledge, and mere motion, given and granted, and by these present; for us, our heirs and successors do give and grant to the said corporation, and their successors, under the reservations, limitations and declarations
declaration hereafter expressed, seven undivided parts (the whole into eight equal parts to be divided) of all those lands, countries and territories, situate, lying and being in that part of South Carolina in America, which lies from the northern stream of a river there commonly called the Savannah, all along the sea-coast to the southward, unto the most southern stream of a certain great water or river called the Alatamaha, and westward from the heads of the said rivers respectively *in direct lines to the South seas*, and all that space, circuit and precinct of land lying within the said boundaries, with the islands in the sea, lying opposite to the eastern coast of the said islands, within twenty leagues of the same, which are not already inhabited, or settled by any authority from the crown of Great Britain, together with all the soils, grounds, havens, ports, gulphs and bays, mines, as well as royal mines of gold and silver, as other minerals, precious stones, quarries, woods, rivers, waters, fisheries, as well royal fisheries of whale and fur-sea as other fisheries, pearls, commodities, jurisdictions, royalties, franchises, privileges and pre-eminences within the said territories, and the precincts thereof, and thereunto in any part belonging or appertaining, and which we by our letters patent may or can grant, and in as ample manner, and fort as we, or any of our royal progenitors, have hitherto granted to any company, body politic or corporate, or to any adventurer or adventurers, undertaker or undertakers of any discoveries, plantations or traffic of, in or into any foreign parts whatsoever, and in as large and ample manner as if the same were herein particularly mentioned and expressed.

Office for Trade, Whitehall,
4th September, 1795.

I hereby certify that the before written paper is an extract from the Georgia charter, taken from the printed copy.

GEORGE CHALMERS.

No. VIII.

*Instructions to Governor Johnstone of Carolina respecting the Establishment of the Colony of Georgia in 1732.*

WHEREAS application hath been made to us by the humble petition of the trustees for establishing the colony of Georgia, in America, setting forth, that the petitioners being incorporated by his majesty's royal charter, bearing date the 9th day of June last, for settling a regular colony within the bounds of the province of South-Carolina, they find it necessary for carrying on the said service, that notice should be given of the said charter to the Governor of the said province, with a signification of our royal pleasure, that all due countenance and encouragement should be given for settling the said colony, and therefore most humbly praying, that we would be pleased to give such instructions to the governor of the said province as may be proper upon this occasion, and likewise a direction for registering the said charter, in
the records of the said province, from a copy to be annexed to the said instructions: We have been graciously pleased to condescend to the petitioners request, and have thought fit, in his majesty's name, hereby to will and require you, to give all due countenance and encouragement, for settling of the said colony of Georgia, by being aiding and affilting to such of his majesty's subjects as shall come into the said province of South Carolina for that purpose, according to his majesty's gracious intentions, declared in his royal charter aforementioned, a copy whereof is hereunto annexed: Which we do in his majesty's name, hereby further require you, to cause to be forthwith registered and entered upon record, and by the proper officer in his majesty's said province of South Carolina.

Office for Trade, Whitehall.
14th September, 1795.

I hereby certify that the before written paper is a copy of an additional instruction to Robert Johnson Esqr. governor of South-Carolina, copied from the South Carolina Entry B.

GEORGE CHALMERS.

No. IX.

An extract from a State of the province of Georgia in 1740.

The province of Georgia lies from the most northern stream of the river Savannah (the mouth of which is in the latitude of 32 deg.) along the sea coast, to the most southern stream of the Alatamaha (the mouth of which is 30 ½ deg.) and westward from the heads of the said rivers respectively in direct lines to the South seas.

This province was part of South Carolina; but the eastern and southern parts of it inhabited by the Creek Indians; the northern by the Cherokees and Chickasaws, the western by the Chactaws; the Blewmouths and other Indian nations to the South sea. The Creek Indians who always acknowledged the king of England for their sovereign, yet made war with the people of Carolina to obtain satisfaction for injuries done by their pedling traders; the war was concluded by a peace which obliged the people of Carolina not to settle beyond the river Savannah; and no Englishman was settled within this district, that we know of, when the first colony of Georgia arrived. The country was then all covered with woods. Mr. Oglethorpe agreed with the Indians, and purchased of them the limits mentioned in the treaty.

When the east part of the province of Georgia was taken possession of under the trustees charter by Mr. Oglethorpe, according to the limits of the British dominions in America, forts were erected upon the extremities to keep up marks of possession: the strength and materials were of such nature as the men he had with him could make
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make, and sufficient for defence against any strength that could be brought against them by the neighbouring Indians, or Spaniards in Florida.

Office for Trade, Whitehall,
14th September, 1795.

I hereby certify that the before written paper is an extract from a state of the province of Georgia attested upon oath in the court of Savannah, copied from the printed journal of Wm. Stevens which was published at London in 1742—Vol. 2d.

GEORGE CHALMERS.

No. X.

A Surrender by the Trustees of Georgia to the king of all their Rights under the Charter of 1732 and under the Deed from Earl Granville in 1752.

This indenture, made the day of in the twenty year of the reign of our sovereign lord George the second, by the grace of God, of Great Britain, France and Ireland king, defender of the faith, &c. and in the year of our Lord Christ one thousand seven hundred and fifty-two, between our said sovereign lord the king's most excellent majesty, of the one part, and the trustees for establishing the colony of Georgia, in America, of the other part: Whereas his said most excellent majesty, by his letters patent under the great seal of Great Britain, bearing date at Westminster, the ninth day of June, in the fifth year of his reign, did (amongst diverse other matters and things therein contained) for himself, his heirs and successors, constitute and appoint John lord viscount Percival, of his kingdom of Ireland, Edward Digby, George Carpenter, James Oglethorpe, George Heathcote, Thomas Tower, Robert More, Robert Hucks, Roger Holland, William Sloper, Francis Eyles, John Laroche, James Vernon, William Belitha, Esquires; Stephen Hales, master of arts; John Burton, bachelor of divinity; Richard Bundy, master of arts; Arthur Bedford, master of arts; Samuel Smith, master of arts; Adam Anderson and Thomas Coram, gentlemen; and such others as should be elected in the manner therein mentioned, to be one body politic and corporate, by the name of the trustees for establishing the colony of Georgia, in America, with perpetual succession, with divers jurisdictions, powers, franchises and privileges, therein expressed: and did also give and grant to the said corporation and their successors, under the reservations, limitations and declara-

Tions, therein expressed, seven undivided parts (the whole into eight equal parts to be divided) of all those lands, countries and territories, situate, lying and being, in that part of South Carolina, in America, which lies 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 Alata-

mahay,
maha, and westward from the heads of the said rivers respectively, in direct lines to the South seas; and all that space, circuit, and precinct of land, 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, which were not then already inhabited or settled by any authority derived from the crown of Great Britain, together with all the soils, grounds, havens, ports, gulphs and bays, mines, as well royal mines of gold and silver as other minerals, precious stones, quarries, woods, rivers, waters, fishings, as well royal fishings of whale and flurgeon as other fishings, pearls, commodities, jurisdictions, royalties, franchises, privileges, and pre-eminences, within the said territories and the precincts thereof, and thereunto in any fort belonging or appertaining, and which his said majesty by his letters patent might or could grant, and in as ample manner and form as his said majesty or any of his royal progenitors had then before granted to any company, body politic or corporate, or to any adventurer or adventurers, undertaker or undertakers of any discoveries, plantations or traffick, of, in or into, any foreign parts whatsoever, and in as large and ample manner as if the same were therein particularly mentioned and expressed, to have, hold, possess and enjoy, the said seven undivided parts (the whole into eight equal parts to be divided as aforesaid) of all and singular the said lands, countries and territories, with all and singular other the premises therein before by the said letters patent granted or mentioned, or intended to be granted to them the said corporation, and their successors for ever, for the better support of the said colony: To be holden of his said majesty, his heirs and successors, as of his honor of Hampton court, in his county of Middlesex, in fee and common socage, and not in capite: Yielding and paying therefore to his said majesty, his heirs and successors, yearly for ever, the sum of four shillings for every hundred acres of the said lands which the said corporation should grant, demise, plant or settle; the said payment not to commence or be made until ten years after such grant, demise, planting or settling, and to be answered and paid to his said majesty, his heirs and successors, in such manner and in such species of money or notes as should be current in payment by proclamation from time to time in his said province of South Carolina: All which lands, countries, territories and premises, thereby granted or mentioned, or intended to be granted, his said majesty did, by the said letters patent, make, erect and create, one independent and separate province, by the name of Georgia; and did, by the same letters patent, ordain, will and establish, that for and during the term of twenty-one years, to commence from the date of the said letters patent, the said corporation should and might form and prepare laws, statutes and ordinances, fit and necessary for the government of the said colony and not repugnant to the laws and statutes of England, and to present the same to his majesty, his heirs and successors, in their privy council, which being approved should be from thenceforth in full force: And his said majesty did, by the said letters patent, will and declare, that after the determination of the said term of twenty-one years, such form of government and method of making laws and ordinances for the better government of the said province of Georgia and the inhabitants thereof, should be established and observed within the same, as his said majesty, his heirs or successors.
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fors, should thereafter ordain and appoint, and should be agreeable to law; and that from and after the determination of the said term, the governor of the said province, and all officers civil and military within the same, should from time to time be nominated and appointed by his said majesty, his heirs and successors. And whereas, by an indenture made the 28th day of February, in the year of our Lord 1732, and in the sixth year of his majesty's reign, between the right honourable John lord Carteret, Baron of Hawnes in county of Bedford (now earl Granville), of the one part, and the trustees for establishing the colony of Georgia, in America, of the other part, (reciting as therein is recited) for the considerations therein mentioned, he the said John lord Carteret did give, grant, bargain and sell unto the said trustees for establishing the colony of Georgia in America, and their successors, all that one undivided eighth part of or belonging to the said John lord Carteret (the whole into eight equal parts to be divided) of and in all and singular the lands, countries, territories, and premises, before mentioned and described in the said in part recited letters patent, with the appurtenances, and all the part and share, estate, right, title, interest, use, trust, possession, property, claim and demand whatsoever, in both law and equity, of him the said John lord Carteret, of, in and to, all and singular the said lands, countries, territories and premises aforesaid, lying and being within the limits and boundaries, in the above recited letters patent mentioned and described, with the appurtenances and every part and parcel thereof, together with all and singular royalties, rights of government, jurisdictions, privileges, prerogative rights, liberties, immunities and franchises whatsoever, and of what kind soever, within the said territories and premises, to him the said John lord Carteret belonging, or in any wife appertaining, and the reversion and reversions, remainder or remainders, rents, issues and profits thereof; to have and to hold all and singular the said one undivided eighth part of all and singular the said lands, countrys and territories, and all and singular other the premises thereby granted, bargained and sold, or mentioned or intended so to be, and every part and parcel thereof, with all and singular the appurtenances, unto the said trustees for establishing the colony of Georgia in America, and their successors, upon the several trusts, and to and for the several intents and purposes, and subject to the several conditions, limitations and declarations, in his said present majesty's said letters patent specified and contained, and to and for no other use, intent, or purpose whatsoever; yielding and paying therefore to the said John lord Carteret, and his heirs, yearly forever, the sum of six pence for the eighth part of every one hundred acres of the said lands, which the said corporation should grant, demife, plant or settle; the said payment not to commence or be made until ten years after such grant, demise, planting or settling, and to be answered and paid unto the said John lord Carteret, and his heirs, and in such manner and in such species of money or notes as should be current in payment by proclamation from time to time in the said province of South Carolina, as in and by the said recited letters patent and indenture (relation being thereunto respectively had) amongst diverse other matters and things therein contained, may more fully and at large appear. And whereas the said trustees have, from their consideration of the present state and condition of the
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said province, and to the end that proper means may be provided for putting the government thereof on a more sure foundation, proposed and agreed to make an absolute surrender and grant of the said province, and all the lands, territory's, powers and jurisdictions, to his said majesty, in the manner herein after mentioned, which his said majesty has been graciously pleaded by and with the advice of his privy council to accept. Now this indenture witnesseth, that the said trustees for establishing the colony of Georgia in America, for themselves and their successors, have, for the considerations and motives aforesaid, and for divers other good considerations them thereunto moving, granted, surrendered and yielded up, and by these presents do for themselves and their successors, grant, surrender and yield up, unto his said most excellent majesty, his heirs and successors, the said recited letters patent and their said corporation, and all right, title and authority, to be or continue a corporate body, and all the powers of government and all other powers, jurisdictions, franchises, pre-eminences and privileges, therein and thereby granted or conveyed to them; and have granted, and do hereby grant, unto his said majesty, his heirs and successors, all the said lands, countrys, territories and premises, as well the said one eighth part thereof granted, meant or intended to be granted, by the said John lord Carteret, to them as aforesaid, as also the said seven eighth parts thereof, granted, meant or intended to be granted, as aforesaid, in and by his said majesty's letters patent or charter above recited; together with all the foils, grounds, havens, ports, gulphs and bays, mines, as well royal mines of gold and silver as other minerals, precious stones, quarries, woods, rivers, waters, fishings, as well royal fishings of whale and flurgeon as other fishings, pearls, commodities, jurisdictions, royalties, franchises, privileges and pre-eminence, within the said territories and the precincts thereof, and thereunto in any fort belonging or appertaining, and all other the premises, and all rents, revenues, remainders, and other profits, reserved, due or payable, or which may happen upon, or by virtue of, any demise or grant heretofore made of the premises, or any part thereof, and all their eslate, right, title, interest, claim or demand whatsoever, of, in or to, the said premises, and every part thereof; to have and to hold all and singular the premises to his said majesty, his heirs and successors, to the use of his said majesty, his heirs and successors; subject nevertheless, and without prejudice to all such grants, leases, contracts, eslates and interests, in law or equity, as have been heretofore lawfully made or granted by the said trustees for establishing the colony of Georgia in America, or by any acting in authority under them in America, and which are now subsisting according to letters patent: Which said surrender and grant his said most excellent majesty hath accepted and by these presents, for himself, his heirs and successors, doth accept. In witness whereof, to one part of this indenture remaining with the trustees for establishing the colony of Georgia in America, his said most excellent majesty has caused his great seal to be affixed, and to the other part thereof, remaining with his said majesty, the said trustees, with the privity and by direction of the common council of the said corporation.
poration, have caused their common seal to be affixed, the day and year above mentioned. Witness, &c.

Office for Trade, Whitehall,
14th September, 1795.

I hereby certify that the before written paper is a copy of the surrender of the trustees of Georgia of their rights under the Georgia Charter, copied from the Georgia Bundle A. No. 3.

GEORGE CHALMERS.

A commission to Governor Reynolds of Georgia, August 6, 1754.

GEORGE the second by the grace of God of great Britain France and Ireland, king, defender of the faith, &c. To our trusty and well beloved John Reynolds Esq. greeting: We reposing especial trust and confidence in the prudence, courage and loyalty of you the said John Reynolds, 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 John Reynolds 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 Alatamaha, and westward from the heads of the said rivers respectively in freight 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.

Office for trade, Whitehall;
Sept. 14th, 1795.

I hereby certify that the before written paper is an extract from the commission to governor Reynolds copied from the Georgia entry. A. p. 68.

GEORGE CHALMERS.

An extract from the Treaty of Peace made at Paris in 1763, by which his Catholic Majesty cedes to the King of Great Britain all his possessions to the East and South East of the Mississippi.

In consequence of the restitution stipulated in the preceding article, his Catholic Majesty, cedes and guarantees, in full right, to his Britannic majesty, Florida, with fort St. Augultin and the bay of Pensacola, as well as all that Spain possessed
possessed on the continent of North America, to the east or to the south-east of the river Mississipi. And in general, every thing that depends on the said countries and lands, with the sovereignty, property, possession, and all rights, acquired by treaties or otherwise, which the catholic king and the crown of Spain have had till now over the said countries, lands, places and their inhabitants so that the catholic king cedes and makes over the whole to the said king and to the crown of Great Britain, and that in the most ample manner and form.

A true copy,

CHARLES LEE.

No. XIII.

A report of the Board of Trade to the King, in 1763, recommending a division of the ceded country into two Provinces, East and West Florida; the north boundary to be lat. 31; and advising the land north of St. Mary's, to be joined to Georgia.

June 8th, 1763.

FLORIDA and that part of Louisiana to the eastward of Mississipi, both which tracts are ceded to your majesty by the late treaty may be compared to Canada, in respect to extent of territory and the number of Indian tribes, with which they have immediate communication; but in other respects they seem entirely different; the number of settled inhabitants, either French or Spaniards, we apprehend, has never been considerable, and there is little probability from the facility of their removal, that any of them will remain after the cessions are compleated, though we are of opinion, as well from this circumstance of their paucity as with a view to the immediate settlement of this country, that every expedient should be used to induce as many to remain as can be prevailed upon. The produce of Canada with its trade, the navigation of the river St. Laurence, with its communication to the great lakes of North America are, from authentic information in these particulars, tolerably well understood; but we are forry it is not in our power, either from any materials in our office, or from any other to be depended upon, to give your majesty that certain information we could wish, either in regard to the coast, harbours, and rivers of Florida, or as to the variety of produce which there is the greatest probability may be raised in that extended country. We shall therefore content ourselves with suggesting at present, that whenever a government is established in this country, instructions should be given, for surveying with all possible accuracy, as well the sea coast and places fit for harbours, as the internal country and rivers, particularly of that part which lies between the great mountains and the Mississipi, of which there are not extant any charts or accounts on which we can depend, for which purpose it will be necessary that a proper number of able and skilful surveyors be appointed.
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The great tract of sea coast from St. Augustin round Cape Florida, along the Gulf of Mexico, to the mouth of the Mississipi, makes it, we apprehend, indispensably necessary that this country should be divided into two distinct governments, and for the present, the chief residence of the governor of the one should be at St. Augustin, with orders to give particular attention to Cape Florida, (as that cape commands the whole navigation from the Bay of Mexico) the residence of the other at Pensacola, with particular instructions regarding the Mississipi, the free navigation of which ought, we apprehend, to be most accurately understood, not only in respect of that river, being the future boundary, betwixt your majesty’s dominions and those of the French, but as this river, by its communication with the Ohio, the Illinois, &c., is of the utmost importance to all connection with the Indian nations, and the only outlet to the great internal trade which may be carried on amongst them.

If it shall be thought proper to divide Florida into two distinct governments, they may be distinguished by the names of East and West Florida, and may be bounded as follows:

East Florida to be bounded by the coast of the Atlantic sea from Cape Florida to the north entrance of St. John’s river on the east—by a line drawn due west from the north entrance of St. John’s river to the Catahouchee or Flint rivers on the north and on the west and south west by that part of the coast of the Gulf of Mexico, which extends from Cape Florida to the mouth of the Catahouchee river, and from thence following the course of the said rivers to where the north line falls in.

West Florida to comprehend all the sea coast of the Gulf of Mexico, extending west from the Catahouchee river or Flint river towards the Mississipi as far as your majesty’s frontiers extend, and stretching up into the land as far as the 31st degree of north latitude, which we humbly apprehend is as far north as the settlements can be carried without interfering with lands claimed or occupied by the Indians.

By this plan of division which is formed with a view to make the two colonies as distinct as possible, by establishing a natural line of separation between them, and by giving to each a due proportion of the natural advantages and conveniences of commerce and navigation, a large tract of land lying between the north boundary line of East Florida, and the river Alatamaha, the present south boundary of Georgia, which has hitherto been unoccupied as to any permanent settlement either by your majesty’s subjects or those of Spain, remains to be put under some proper establishment; and we think it cannot in any respect be better disposed of, than by putting it under the jurisdiction and within the government of Georgia; by this means the principal obstacles which have hitherto impeded the progress of that advantageous and well regulated colony, will be removed, and its settlements extended to the great benefit and advantage of the mother country.

Office for trade, Whitehall
25th September 1795.

I hereby certify that the before written paper is an extract of a representation of the board of trade, with regard to the peace of 1763, copied from plantations general, M. page 248.

GEORGE CHALMERS
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No. XIV.

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 our royal consideration the extensive and valuable acquisitions in America, secured to our crown by the late definitive treaty of peace concluded at Paris the 10th day of February last; and being desirous that all our loving subjects, as well as 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 to 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, ruled 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 45 degrees of north latitude, passes along the high lands, which divide the rivers that empty themselves into the said river St. Lawrence, from thence which fall into the sea; and also along the north coast of the Baye des Chaleurs, and the coast of the gulf 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 gulf of Mexico and the Apelachicola 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 gulf of Florida, including all islands within six leagues of the sea coast.

Thirdly, The government of West Florida, bounded to the southward by the gulf of Mexico including all islands within six leagues of the coast from the river Apelachicola 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 Apelachicola, or Catahouchee; and to the eastward by the said river.

Fourthly,
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 fisheries 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 straights, 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 Alatamah 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, giving express power to our governors of our said colonies respectively, that so soon as the late 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 people 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 in, 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 power, 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 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 them to grant to any such person or persons, upon such terms, and under such moderate quit-rents, services and acknowledgments, as 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 serv'd 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 to the expiration of ten years, to the same quit-rents as other lands are subject to in the province within which they are granted, as 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 officer, 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 serv'd on board our ships of war in North America, at the times of the reduction of Louisburg 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 referred 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 pretense 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 warrant 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 north-west; or upon
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 Hudson's Bay company; as also all the land and territories lying to the westward of the sources of the rivers which fall into the sea from the west and north-west 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 especial leave and licence for that purpose first obtained.

And we do further strictly enjoine 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 referred 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 referred 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 licence 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 authorise, 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 licences without fee or reward, taking especial care to insert therein a condition that such licence 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 to prescribe 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 shall be charged with treasons, misprisions of treason, murders, or other felonies or misdemeanours, 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 be accused, in order to take their trial for the same.

Given at our court of St. James's, the 7th day of October, 1763, in the third year of our reign.

God save the king.

No. XV.
A commission to Governor Grant of East Florida in 1763, in which is described the boundary of that province.

October 4, 1763.

GEORGE. We reposing especial trust and confidence in the prudence, courage, and loyalty of you the said James Grant, of our especial grace, certain knowledge and more motion, have thought fit to constitute and appoint you the said James Grant to be our captain general and governor in chief in and over our province of east Florida in America bounded to the westward by the gulf of Mexico and the Apalachicola river, to the northward by a line drawn from that part of the said river where the Chathahouchee 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 eastward and southward by the Atlantic ocean and the gulf of Florida, including all islands within six leagues of the sea coast.

Office for Trade, Whitehall,
25th September, 1795.

I hereby certify that the above written paper is an extract of the commission of governor Grant, in and over the province of East Florida, copied from the East Florida entry A. page 6.

GEORGE CHALMERS.

No. XVI.
A Commission to Governor Wright of Georgia, in January 1764, by which the north Boundary of the Floridas 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 truly and well beloved James Wright Esquire, greeting. Whereas we did, by our letters patent under our great seal of Great Britain, bearing date at Westminister the fourth day of May in the first year of our reign constitute and appoint you the said James Wright Esquire to be our
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 Alatamaha, 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 the 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 Saint Mary, including all islands within twenty leagues of the coast lying between the said river Savannah and Saint 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 on 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 governor in chief in and over our 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 ourselves at Westminster the twentieth day of January in the fourth year of our reign.

By writ of privy seal, YORK & YORK.

GEORGIA, Secretary's Office, 8th Feb. 1798.
The above and foregoing is a true copy from the original record in book B. folio 140.

HORATIO MARBURY, for
JOHN MILTON, Secretary.
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No. XVII. Extract from a Communication to Governor Johnstone of West Florida dated 1st November, 1764, concerning the former Boundary of Florida.

(" As No. XVII. has not been forwarded in time for its place, see end of APPENDIX."

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No. XVIII.

A representation from the Board of Trade in March 1764, proposing an alteration in the boundary of West Florida by an instrument under the great seal, as was done in the extension of the south boundary of Georgia.

To the King's most Excellent Majesty,

MAY IT PLEASE YOUR MAJESTY.

By your majesty's royal proclamation of the 7th of October last, and your majesty's commission to your governor of West Florida it is declared that the said province shall be bounded to the north by a line drawn due east from that part of the river Mississippi which lies in 31 degrees of north latitude, to the river Apalachicola; but it is our duty to represent to your majesty that we are informed by your majesty's governor, that it appears from observations and surveys made since the said province has been in your majesty's possession, that there are not only very considerable settlements upon the east bank of the Mississippi above that line, but also that the town and settlement of Mobile itself is some miles to the north of it, and therefore we humbly beg leave to propose, that an instrument may pass under the great seal (in like manner as was directed in the case of the extension of the south boundary of Georgia) declaring that the province of West Florida shall be bounded to the north by a line drawn from the mouth of the river Yazous, where it unites with the Mississippi due east to the river Apalachicola, by which we humbly conceive every material settlement depending upon West Florida will be comprehended within the limits of that government.

Which is most humbly submitted.

HILLSBOROUGH, GEO. RICE,
SOAME JENYNS, ORWELL,
ED. ELLIOTT, BAM. GASCOYNE.

Whitehall; March 23d, 1764.

Office for Trade, Whitehall, 25th Sept. 1795:

I hereby certify that the before written paper is a representation to the king for enlarging the boundaries of West Florida, copied from the West Florida entry A. page 165.

GEORGE CHALMERS.

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No. XIX.

A commission to governor Elliott of West Florida in 1767 in which the boundary of that province is described as originally established.

July 29th, 1767.

GEORGE—to our truly and well beloved John Elliott, Esq. greeting. Whereas we did by our letters patent under our great seal of Great Britain, bearing date at
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at Westminster the twenty-first day of November, in the fourth year of our reign, constitute and appoint George Johnston, Esq. captain general and governor in chief in and over our province of West Florida in America, bounded to the southward by the gulf of Mexico, including all islands within six leagues of the coast from the river Apalachicola 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 Apalachicola or Chatahouchee, and to the eastward by the said river.

Office for Trade, Whitehall,
25th September, 1795.

I hereby certify that the above written paper is an extract of the commission of the governor in and over the province of West Florida, copied from the West Florida entry A. page 229.

GEORGE CHALMERS.

No. XX.

An Extract from the Instructions to the British Governor of West Florida, Peter Chester, taken from an authentic Copy, now in the possession of Philip Livingston, Esq. of New York, who was Secretary of that Province under Governor Chester, viz.

G. R.

"INSTRUCTIONS to our truly and well beloved Peter Chester, Esq. our captain general and governor in chief in and over our province of West Florida in America, and all other our territories dependent thereon, given at our court of St. James's the second day of March, 1770, and in the tenth year of our reign."

"I. With these instructions you will receive our commission, under our great seal of Great Britain, constituting you our captain general and governor in chief in and over our province of West Florida, in America. Bounded to the southward by the gulf of Mexico, including all islands within six leagues of the coast, from the river Apalachicola 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 the mouth of the Yazoo river, where it unites with the Mississippi, due east to the river Apalachicola."

No. XXI.

Extract from a Representation made on oath by Joseph Purcell of Charleston, formerly Surveyor for the British Government in Florida, in answer to certain queries.

"The parallel of latitude 32 degrees and 40 minutes, intersects the Mississippi 24 miles above the mouth of the Yazoo. The Natchez district is bounded to the westward by the river Mississippi, and extends from Loftus's cliff up the said river, to
to the mouth of the Yazoo, the distance being 110 miles. The said district was purchased from the Choctaw nation, by the British superintendent of Indian affairs, at a treaty held at Mobile in May, 1777, and the lines as above described, were marked and surveyed by me, in 1779."

No. XXII.

An Extract from the Provisional Articles of Peace between the United States and his Britannic Majesty in November 1782, by which the Southern Boundary of the United States is settled at latitude 31.

ARTICLE I.

His Britannic majesty acknowledges the said United States, viz. New Hampshire, Massachussets 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, propriety and territorial rights of the same, and every part thereof. And that all disputes which may 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.

ARTICLE II.

From the north west 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 thence which fall into the Atlantic ocean, to the north westernmost 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 Cataqua; 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 Lake Huron; thence through the middle of the said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the isles Royal and Philipeaux, 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 north western 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.
tioned, in the latitude of thirty-one degrees north of the Equator, to the middle of the river Apalachicola 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.

N°. XXIII.

A declaration of the Boundary of Georgia. See Act of the State Legislature passed in February 1783, Section 13.

XIII. AND whereas it may so happen that persons emigrating from elsewhere and disposed to settle in this State, may not be sufficiently acquainted with the limits and boundaries of the same; and surveyors may wilfully or ignorantly commit mistakes in the running of lines, unless the said limits and boundaries be made known to them: In order therefore to inform and encourage all persons disposed to migrate into this State, to prevent mistakes and remove every pretence for fraud in surveyors and others intrusted with the execution of this law, Be it enacted, ordained and declared by the authority aforesaid, That the limits, boundaries, jurisdiction and authority of the State of Georgia, do, and did, and of right ought to extend from the mouth of the river Savannah, along the north side thereof and up the most northern stream or fork of the said river, to its head or source; from thence in a due west course to the river Mississippi, and down the said stream of the Mississippi to the latitude thirty-one degrees north; from thence in a due east course to the river Apalachicola or Catahouchee, and from the fork of the said river Apalachicola, where the Catahouchee and Flint rivers meet in a direct line to the head or source of the southermost stream of the river St. Mary's, and along the course of the said river St. Mary's to the Atlantic ocean, and from thence to the mouth or inlet of the river Savannah, including and comprehending all the lands and waters within the said limits, boundaries and jurisdictional right, and also all the islands within twenty leagues from the sea coast. And all justices of the peace, surveyors, militia and other officers and persons of any description or denomination whatsoever, are hereby enjoined and required, and fully authorized and empowered to hold and consider the said limits, boundaries and jurisdictional right above mentioned, expressed and described as the true and just limits, boundaries and jurisdiction of the sovereign and independent State of Georgia.
as secured to the inhabitants and free citizens thereof, by their charter, and guaran-
teed as well by the articles of confederation as by the treaty of alliance with his most
christian majesty. Provided nevertheless, That nothing herein before contained, shall
extend or be construed to extend, to authorize or empower any surveyor or other
person or persons whatsoever, to survey, run or make lines upon the lands before
described, as being allowed to the Indians for hunting ground, or any part or parcel
thereof, before or until permission for that purpose shall be granted by the legislature,
and made known by proclamation.

No. XXIV.

An Extract from the Definitive Treaty of Peace between the United
States and his Britannic Majesty, concluded at Paris the 3d of Sep-
tember 1783, by which the Boundaries of the United States are
established as agreed upon in the Provisional Articles.

ARTICLE I.

His Britannic majesty acknowledges the said United States, viz. New Hamp-
shire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecti-
cut, 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, propriety 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 north west angle of
Nova Scotia, viz. that angle which is formed by a line, drawn due north from the
source of Saint 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 north westernmost 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 Ca-
taraquy; 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 be-
tween that lake and Lake Superior; thence through Lake Superior northward
of the isles Royal and Philipeaux, to the Long Lake; thence through the mid-
dle
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dle 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 north western 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 Apalachicola 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.

N°. XXV.

An Extract from the Treaty between Great Britain and Spain, entered into on the 3d September, 1783, by which Great Britain cedes the Floridas to Spain, without defining their boundaries.

V. His Britannic majesty likewise cedes and guarantees, in full right, to his Catholic majesty, East Florida, as well as West Florida. His Catholic majesty agrees that the British inhabitants, or others who may have been subjects of the king of Great Britain in the said countries, may retire in full security and liberty, where they shall think proper, and may sell their estates, and remove their effects, as well as their persons, without being restrained in their emigration, under any pretence whatsoever, except on account of debts, or criminal prosecutions; the term limited for this emigration being fixed to the space of eighteen months, to be computed from the day of the exchange of the ratifications of the present treaty: but if, from the value of the possessions of the English proprietors, they should not be able to dispose of them within the said term, then his Catholic majesty shall grant them a prolongation proportioned to that end. It is further stipulated, that his Britannic majesty shall have the power of removing from East Florida all the effects which may belong to him, whether artillery, or other matters.
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No. XXVI.

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, Esquires, Commissioners appointed by the State of South Carolina of the one part, and the underwritten John Haberham and Laclan M'Intosh, Esquires, 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; the said States claiming respectively the same territories, and that the cove 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 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, filling 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, fold 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 river Savannah and Alatamaha, and between lines to be drawn from the heads of those rivers respectively to the South Sea, and flyed 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 Mississipi 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-two conceiving that the lands to the southward of the Alatamaha 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 seventeenth day of October one thousand seven hundred and sixty-three, annexed to Georgia, all the lands lying between the rivers Alatamaha and St. Mary, the vali-
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"dity 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 "representative, 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 Tugoloo river to the Mississipp'i, because as the said State contends the "river Savannah loses that name at the confluence of Tugoloo 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 drawn to be drawn from the head of the river St. Mary, the "head of the Alatamaha, the Mississipp'i and Florida being, as the said State con- "tends, within the limits of its charter, and not annexed to Georgia by the said pro- "clamation 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 con- federation: And proceedings were thereon had in Congress in order to the appoint- ment of judges to constitute a court for hearing and determining the said matter in question: And whereas it appeared to be the sincere with and desire of the said States of South Carolina and Georgia that all and singular the differences and claims sub- sisting 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, esquires, commissioners, and did invest them, or a majority of them, with full and abso- lute 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 for ever binding on the said State of South Carolina. And whereas the legislature of the State of Georgia did appoint John Houlton, John Habe- rsham, and Lachlan M'Intosh, esquires, 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
touching the premises, and that the same should be for ever 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 Tugoloo and Keowee, and from thence the most northern branch or stream of the said river Tugoloo till it intersects the northern boundary line of South Carolina if the said branch or stream of Tugoloo extends so far north reserving all the islands in the said rivers Savannah and Tugoloo to Georgia; but if the head spring or source of any branch or stream of the said river Tugoloo 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 Tugoloo 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 north east side of Cockspur 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 Tugoloo and Keowee, and from the confluence up the channel of the most northern stream of Tugoloo 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, hindrance, interruption or molestation whatsoever, attempted to be enforced by one State on the citizens of the other, 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 south-eastward 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.
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Article the fourth.

The State of Georgia shall not hereafter claim any lands, to the northward or north-eastward 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 Tuguloo 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, which forever 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 adjudged 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 Alatamaha and granted during the administrations 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 Habershon and Lachlan M'Intosh for and in behalf of the State of Georgia have to these presents and a duplicate thereof both indented interchangeably set their hands and affix 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.)

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No. XXVII.
A Resolution of Congress, recommending a cession of Territory to the United States, dated in October 1787.

Resolved,

That it be, and it is hereby represented to the States of North Carolina and Georgia, that the lands which have been ceded by the other States in compliance with the recommendation of this body, are now falling in large quantities for public securities; that the deeds of cession from the different States have been made without annexing an express condition that they should not operate until the other States under like circumstances, made similar cessions; and that congress have such faith in the justice and magnanimity of the States of North Carolina and Georgia, that they only think it necessary to call their attention to these circumstances, not doubting but upon a consideration of the subject, they will feel those obligations which will induce similar cessions, and justify that confidence which has been placed in them.

No. XXVIII.
An Act to empower the delegates of this State in Congress assembled, to sign, seal and deliver a deed of cession to the United States, of certain western territory belonging to this State.

WHEREAS the United States in congress assembled, did on the twentieth day of October, one thousand seven hundred and eighty-seven, represent to the States of North Carolina and Georgia, the advantages that would result to the union from a liberal cession of territory. And whereas this State is desirous of adopting every measure which can tend to promote the interest of the United States, Be it therefore enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That it shall be lawful for the delegates of this State, or any two or more of them, and they are hereby fully authorized and empowered, for and on behalf of this State, by proper deeds or instruments in writing under their hands and seals, to convey, transfer, assign and make over unto the United States, for the use and benefit of the said United States, Georgia inclusive, all right, title and claim, as well of soil as jurisdiction, which this State hath to that territory or tract of country within the limits of the State of Georgia, situate, lying and comprehended within the boundaries herein after described, that is to say, beginning at the middle of the river Catahouchee or Apalachicola, where it is intersected by the thirty-first degree of north latitude; and from thence due north one hundred and forty British statute miles, thence due west to the middle of the river Mississippi, thence down the middle of the said river to where it intersects the thirty-first degree of north latitude, and thence along said degree to the beginning: Provided, that the United States in congress assembled, shall guarantee to the citizens of the said territory,
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a republican form of government, subject only to such change as may take place in the federal constitution of the United States: And provided also, That the navigation of all the waters included in the said cession shall be equally free to all the citizens of the United States, nor shall any tonnage on vessels or any duties whatever be laid on any goods, wares or merchandise that may pass up or down either of the said waters, unless for the use and benefit of the United States: Provided also, That the sum of one hundred and seventy-one thousand four hundred and twenty-eight dollars, and forty-five ninetieths of a dollar, which has been expended in quieting the minds of the Indians, and refitting their hostilities, shall be allowed as a charge against the United States, and be admitted in payment of the specific requisitions of this State's quota, that have been or may be required by the United States. And also, That in all cases when this State may require defence, the expenses arising thereon shall be allowed as a charge against the United States, agreeable to the articles of the confederation. And provided, That congress shall guarantee and secure all the remaining territorial rights of this State, as pointed out and expressed by the definitive treaty of peace between the United States and Great Britain; the convention between this State and the State of South Carolina, entered into the twenty-eighth day of April, one thousand seven hundred and eighty-seven; and the clause of an act of this State, describing the boundaries thereof, passed the seventeenth day of February, one thousand seven hundred and eighty-three.

II. And be it further enacted by the authority aforesaid, That the act entitled "An act for laying out a district of land situate on the river Mississippi, and within the limits of this State into a county to be called Bourbon," passed the seventh of February, one thousand seven hundred and eighty-five, be and the same is hereby repealed.

NATHAN BROWNSON, Speaker.

Augusta, February 1, 1788.

N°. XXIX.

A Resolution of Congress dated July 15, 1788, rejecting the proposed Cession, not on the ground of Claim, but on account of the Terms.

THE committee consisting of Mr. Clarke, Mr. Dane, Mr. Williamson, Mr. Carrington, and Mr. Wingate, to whom was re-committed their report on a motion of the delegates of Georgia, and an act of the legislature of that State, passed February 1st, 1788, for ceding a part of the territorial claims of the said State to the United States, having reported,

"That the said State, by the act aforesaid, has authorised her delegates in congress, to convey to the United States, the territorial claim of the said State, to a certain tract of country bounded as follows, to wit, Beginning at the middle of the river Catahouche, or Apalachicola, where it is intersected by the thirty-first degree of north latitude, and from thence due north one hundred and forty British statute miles; thence due
due west to the middle of the river Missisippis; thence down the said river to where it intersects the thirty-first degree of north latitude; and thence along the said degree to the place of beginning, annexing the provisos and conditions following, to wit, 

First, That the United States in congress assembled, shall guarantee to the citizens of the said territory a republican form of government, subject only to such change as may take place in the federal constitution of the United States. Secondly, That the navigation of all the waters included in the said cession shall be equally free to all the citizens of the United States, nor shall any tonnage on vessels, or any duties whatever be laid on any goods, wares or merchandize that may pass up and down the said waters, unless for the use and benefit of the United States. Thirdly, That the sum of one hundred and seventy-one thousand four hundred and twenty-eight dollars and forty-five ninetieths of a dollar, which has been expended in quieting the minds of the Indians and resiling their hostilities, shall be allowed as a charge against the United States, and be admitted in payment of the specie requisitions of that State's quotas that have been or may be required by the United States. Fourthly, That in all cases where the State may require defence, the expences arisings theron shall be allowed as a charge against the United States, agreeably to the articles of confederacion: And fifthly, That congress shall guarantee and secure all the remaining territorial rights of the State as pointed out and expressed by the definitive treaty of peace between the United States and Great Britain, the convention between the said State and the State of South Carolina, entered into the 28th day of April 1787, and the clause of an act of the said State of Georgia describing the boundaries thereof, passed the 17th of February, 1783.

The committee having fully considered the subject referred to them, are of opinion that the cession offered by the State of Georgia, cannot be accepted on the terms proposed. First, Because it appears highly probable that on running the boundary line between that State and the adjoining State or States, a claim to a large tract of country extending to the Missisippi, and lying between the tract proposed to be ceded and that lately ceded by South Carolina, will be retained by the said State of Georgia, and therefore the land which the State now offers to cede must be too far removed from any other lands hitherto ceded to the union to be of any immediate advantage to it. Second, Because there appears to be due from the State of Georgia, on specie requisitions, but a small part of the sum mentioned in the third proviso or condition before recited, and it is improper in this case to allow a charge against the specie requisitions of congress which may hereafter be made, especially as the said State stands charged to the United States for very considerable sums of money loaned: And third, because the fifth proviso or condition before recited, contains a special guarantee of territorial rights, and such a guarantee as has not been made by congress to any State, and which considering the spirit and meaning of the confederacion, must be unnecessary or improper. But the committee are of the opinion, that the first, second and fourth provisos, before recited, and also the third, with some variations, may be admitted; and that, should the said State extend the bounds of her cession, and vary the terms thereof as herein after
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after mentioned, congress may accept the same; whereupon they submit the following resolutions:

That the cession of claims to western territory, offered by the State of Georgia, cannot be accepted on the terms contained in her act passed the first of February last.

That in case the said State shall authorize her delegates in congress to make a cession of all her territorial claims to lands west of the river Apalachee, or west of a meridian line running through or near the point where that river intersects the thirty-first degree of north latitude, and shall omit the last proviso in her said act, and shall so far vary the proviso respecting the sum of one hundred and seventy-one thousand four hundred and twenty-eight dollars and forty-five ninetieths of a dollar, expended in quieting and refitting the Indians, as that the said State shall have credit in the specific requisitions of congress to the amount of her specific quotas on the past requisitions, and for the residue in her account with the United States for monies loaned, congress will accept the cession.”

Resolved, That congress agree to the said report.

No. XXX.

Extract from a representation made to the Court of Spain on the subject of Boundary, &c. by the Commissioners of the United States on the 7th of December, 1793.

In this stage of their government the several boundaries were fixt, and particularly the southern boundary of Georgia, the one now brought into question by Spain. This boundary was fixt by the proclamation of the king of Great Britain their chief magistrate, in the year 1763, at a time when no other power pretended any claim whatever to any part of the country through which it run—The boundary of Georgia was thus established, to begin in the MiSissipii in latitude 31, north, and running eastwardly to the Apalachee, &c. From what has been said it results, 1st, That the boundary of Georgia, now forming the southern limits of the United States, was lawfully established in the year 1763. 2d, That it has since been confirmed by the only power who could at any time have pretensions to contest it.

No. XXXI.

Extract from the Report of Mr. Jefferson Secretary of State, to serve as the basis of Instructions to our Commissioners for settling the points in dispute with Spain.

As to boundary, that between Georgia and Florida is the only one which needs any explanation. It sets up a claim to possessions within the State of Georgia, founded on her having rescued them by force from the British during the late war. The following view of that subject seems to admit of no reply.
The several States now composin the United States of America, were, from their first establishment, separate and distinct societies dependent on no other society of men whatever. They continued at the head of their respective governments the executive magistrate who presided over the one they had left; and thereby secured, in effect, a constant amity with the nation. In this stage of their government their several boundaries were fixed, and particularly, the southern boundary of Georgia, the only one now in question, was established at the first degree of latitude from the Apalachicola westwardly—The southern limits of Georgia depend chiefly on, 1st. The charter of South Carolina, &c. 2d. On the proclamation of the British king in 1763, establishing the boundary between Georgia and Florida to begin on the Misisipi in 31 degrees north latitude, and running west to the Apalachicola, &c.

No. XXXII.

Extract of a Communication submitted by Mr. Pinckney, the American Minister at Madrid to the Prince of Peace, in the course of the Negociations for the late Treaty, dated the 10th of August, 1795, viz.

THIRTY-TWO years have elapsed since all the country on the left, or eastern bank of the Missisipi, being under the legitimate dominion of the then king of England, that sovereign thought proper to regulate with precision the limits between the provinces of Georgia and of the two Floridas, which was done by his solemn proclamation, published in the usual form; by which he established between them precisely the same limits, which nearly twenty years after he declared to be the southern limits of the United States, by the treaty which the same king of England concluded with them in the month of November, 1782.

No. XXXIII.

An Extract from the Treaty between the United States and Spain, concluded in 1795—by which the Southern Boundary of the United States is finally settled at Latitude 31 on the Missisipi.

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 Missisipi, at the northernmost part of the thirty-first degree of latitude north of the Equator, which from thence shall be drawn due east to
APPENDIX.

to the middle of the river Apelachicola, 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, garrifons, or settlements of either party, in the territory of the other according to the abovementioned boundaries, they shall be withdrawn from the said territory within the term of six months after the ratification 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.

No. XXXIV.

An Act of the United States for an amicable settlement of limits with the State of Georgia, authorizing the establishment of a government in the Mississippi territory, passed in April 1798.

Sec. 1. Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That the president of the United States be, and he hereby is authorized to appoint three commissioners; any two of whom shall have power to adjust and determine with such commissioners as may be appointed under the legislative authority of the State of Georgia, all interfering claims of the United States and that State, to territory situate west of the river Catahouchee, north of the thirty-first degree of north latitude, and south of the cession made to the United States by South Carolina: And also to receive any proposals for the relinquishment or cession of the whole or any part of the other territory claimed by the State of Georgia, and out of the ordinary jurisdiction thereof.

Sec. 2. Be it further enacted, That all the lands thus ascertained as the property of the United States, shall be disposed of in such manner as shall be hereafter directed by law; and the nett proceeds thereof shall be applied to the sinking and discharging the public debt of the United States, in the same manner as the proceeds of the other public lands in the territory north-west of the river Ohio.

Sec. 3. Be it further enacted, That all that tract of country bounded on the west by the Mississippi; on the north by a line to be drawn due east from the mouth of the Yahous to the Catahouchee river; on the east by the river Catahouchee; and on the south by the thirty-first degree of north latitude, shall be, and hereby is constituted one district, to be called the Mississippi Territory: And the president of the United States is hereby authorized to establish therein a government in all respects similar to that now exercised in the territory north-west of the river Ohio, excepting and excluding the last article of the ordinance made for the government thereof by the late congress on the thirteenth day of July one thousand seven hundred and eighty-seven, and by and with the advice and consent of the senate to appoint all the necessary officers therein, who shall respectively receive the same compensations for their services; to be paid in the same manner as by law established for similar officers in the territory.
north-west of the river Ohio; and the powers, duties and emoluments of a superintendent of Indian affairs for the southern department, shall be united with those of governor: Provided always, That if the president of the United States should find it most expedient to establish this government in the recess of congress, he shall nevertheless have full power to appoint and commission all officers herein authorized; and their commissions shall continue in force until the end of the session of congress next ensuing the establishment of the government.

Sec. 4. Be it further enacted, That the territory hereby constituted one district for the purposes of government, may at the discretion of congress be hereafter divided into two districts, with separate territorial governments in each, similar to that established by this act.

Sec. 5. Be it further enacted, That the establishment of this government shall in no respect impair the right of the State of Georgia, or of any person or persons either to the jurisdiction or the foil of the said territory, but the rights and claims of the said State and all persons interested, are hereby declared to be as firm and available, as if this act had never been made.

Sec. 6. And be it further enacted, That from and after the establishment of the said government, the people of the aforesaid territory, shall be entitled to and enjoy all and singular the rights, privileges and advantages granted to the people of the territory of the United States, north-west of the river Ohio, in and by the aforesaid ordinance, of the thirteenth day of July, in the year one thousand seven hundred and eighty-seven, in as full and ample a manner as the same are possessed and enjoyed by the people of the said last mentioned territory.

Sec. 7. And be it further enacted, That from and after the establishment of the aforesaid government, it shall not be lawful for any person or persons to import or bring into the said Mississippi territory, from any port or place, without the limits of the United States, or to cause or procure to be so imported or brought or knowingly to aid or assist in so importing or bringing any slave or slaves, and that every person so offending, and being thereof convicted before any court within the said territory, having competent jurisdiction, shall forfeit and pay, for each and every slave so imported or brought, the sum of three hundred dollars; one moiety for the use of the United States, and the other moiety for the use of any person or persons who shall sue for the same; and that every slave, so imported or brought, shall thereupon become entitled to, and receive his or her freedom.

Sec. 8. And be it further enacted, That the sum of ten thousand dollars be, and hereby is appropriated, for the purpose of enabling the president of the United States to carry into effect the provisions of this act; and that the said sum be paid out of any monies in the treasury not otherwise appropriated.

JONATHAN DAYTON, Speaker of the House of Representatives.

THOMAS JEFFERSON, Vice-President of the United States, and

President of the Senate.

Approved—April 7, 1798.

JOHN ADAMS, President of the United States.
APPENDIX.

No. XXXV.

Treaty at Augusta with the Cherokee and Creek Indians, in 1773.

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 Sevency-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 superintendant 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 Cherokee and Creeks to attend at this Congress and to act for them and each of them:

WHEREAS the Cherokee Indians did some time ago propose to the aforesaid governor and the superintendant, 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 cross the country towards the Oconee river, and which the said Cherokee Indians claimed as their right and property. And whereas the aforesaid 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 aforesaid governor and superintendant to lay their distress 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 1761, that so their said 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 confer to receive a cession of the said lands for the purposes aforesaid, and hath given instructions to his aforesaid governor and superintendant, 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 aforesaid 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 aforesaid lands be received and taken jointly from both Cherokee and Creek Indians;
APPENDIX.

Cherokees and Creek Indians. It is therefore contented 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 king's 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 Oguechee 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 Buffaloe 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 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 Phinhotaway creek on the Alatamaha river, up the said river to an island opposite to the mouth of Barber creek, and from thence across to Oguechee river opposite to the road about four miles above Buch 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 request 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
APPENDIX.

GEORGIA.

Treaty at Augusta with the Cherokee Indians, in 1783.

No. XXXVI.

TREATY at Augusta with the Cherokee Indians, in 1783.

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 Ocunna mountain, shall intersect; thence along

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.

Note. The foregoing is taken from an official copy of the original, deposited at Whitehall in London. There being no record of this Treaty in any of the public offices of this State.

Treaty with the Creek Indians.
along the said line in a south west direction, to the top of the said mountain; thence in the same direction to the Tugaloo 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, evidenced 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-horsemens 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 said 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:

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<tr>
<th>Name</th>
<th>Signature</th>
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<td>LYMAN HALL</td>
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<td>JOHNN TWIGGS</td>
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Witnesses

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 aforesaid, 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 Clarke, Edward Telfair, Andrew Burns, and William Glafook, commissioners appointed by the authority of the same, on the one part; and the Talleflee king, the Talleflee warrior, the Fat king, Mad Fih, Topwar king, Alachago, Hitcheto warrior, Okoney, Okolege, Cufe king, Second man, Inomatuhata, Inomatawfusigua, Head warrior, Sugahacho, 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; 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 north east line, to be drawn from the top of the Ocunna mountain, shall intercept; thence along the said line in a south west direction to the top of the said mountain, thence in the same direction to Tugaloo 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

TREATY WITH THE CREEK INDIANS.
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 said State of Georgia; and they the said Indians aforesaid 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 aforesaid, the day and year abovementioned, in the presence of those whose names are subscribed.

JOHN TWIGGS (l.s.)
ELIJAH CLARK (l.s.)
EDWD. TELFAIR (l.s.)
ANDREW BURNS (l.s.)
WM. GLASCOCK (l.s.)

TALLESEE KING,
TALLESEE WARRIOR,
FAT KING,
MAD-FISH,
TOPWAR KING

ALACHAGO
HITCHETO WARRIOR
OKOLEGE
COWETAW
CUSE KING
SECOND-MAN
INOMATUHATA
SUGAHACHO

SIGNED, SEALED AND DELIVERED IN PRESENCE OF CORNELIUS DYFART, RICHARD HENFON, JOHN LAMAR.

No. XXXVIII.

Treaty at Galphinton with the Creek Indians, in 1785.

Articles of a treaty concluded at Galphinton on the 12th 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, on the following conditions:

Article 1.

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 referred 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.
ment, 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 practiced 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 honour the governor.

VI. In case of any design being formed in any neighbouring 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 persons 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 of 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 Okmulgee rivers, thence in a south-west 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 before written:

On the part of the State,  
JOHN TWIGGS (l.s.)  
ELIJAH CLARK (l.s.)  
Commissioners.

On the part of the Indians,

WARRIOR KING (l.s.)  
O'KEMULGEE TUSKONUCKY (l.s.)  
TUSKIA MICKO (l.s.)  
CURATER MICKO (l.s.)  
ENEHA LUCKO (l.s.)  

FOHELTHE OAKFUSKIES (l.s.)  
INNEHAN UFOLLIES (l.s.)  
ABICO TUSKANUCKY (l.s.)  
INNEHA MICKO (l.s.)  
YAHOLO MICKO (l.s.)  

COSO
APPENDIX.

Coso Micko ✦ (l.s.) Dickson Tallicus ✦ (l.s.)
Opohelethe Micko ✦ (l.s.) Upalahahe ✦ (l.s.)
Cuso Micko ✦ (l.s.) Opo-yahahe ✦ (l.s.)
Warthucko Micko ✦ (l.s.)


No. XXXIX.

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, Jofeph Martin, and Lachlan McIntosh, 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 Teneffee; thence running north east to the ridge dividing the waters running into Cumberland from those running into the Teneffee; thence easterly along the said ridge to a north-east line to be run, which strike the river Cumberland forty miles above Nashville; thence along the said line to the river; thence
APPENDIX.

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 Clauds creek on Holstein; thence to the Chimney top 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 the South Carolina Indian boundary, and along the same south-west over the top of the Oconee mountain till it shall strike Tugaloo 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 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 so 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 practiced on either side, except where there is a manifest violation of this treaty; and then it shall be proceeded 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:
bled 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 found in any neighbouring 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 justice of 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 McIntosh (l.s.)
KOATOHEE, or Corn Tafle of Toquo (l.s.)
SCHOLAUETTA, or Hanging Man of Chota (l.s.)
TUSKEGATAHU, or Long Fellow of Chriftohoe (l.s.)
OSKWA, or Abraham of Chilkowa (l.s.)
KOLAKUSTA, or Prince of North (l.s.)
NEWOTA, or the Grits of Chicamaga (l.s.)
KONATOTA, or the Rising Fawn of Highwaffay (l.s.)
TUCKASEE, or Young Tarrapin of Allajoy (l.s.)
TOOSTAKA, or the Waker of Ooflanwa (l.s.)
UNTOOLA, or Gun Rod of Seteco (l.s.)
UNSUOAKANAIL, Buffalo White Calf New Cofee (l.s.)
KOSTAYEAK, or Sharp Fellow Wataga (l.s.)

CHONOSTA,
APPENDIX.

CHONOSTA, of Cowe
CHESCOONWHA, Bird in Close of Tomotlug
TUCKASEE, or Tarapin of Hightowa
CHESETOA, or the Rabbit of Flacoa
CHESECOTETONA, or Yellow Bird of the Pine Log
SKETALOSKA, Second Man of Tillico
CHOKASATAHE, Chickafaw killer Tafoanta
ONANOOTA, of Koofoatee
OOKOSETA, or Sower Mufh of Kooloque
UMATOOTAHE, the Water Hunter, Choikamawgee
SKETALOSKA, Second Man of Tillico
CHOKASATAHE, Chickafaw killer Tafoanta
ONANOOTA, of Koofoatee
OOKOSETA, or Sower Mufh of Kooloque
UMATOOETHA, the Water Hunter, Choikamawgee
KEUKUCH, Talkoa
TULCO, or Tom of Chatuga
TULCO, or Tom of Chatuga
WILL, of Akoha
NECATEE, of Sawta
AMOKONTAKONO, Kutcloa
ROWETATAHEE, in Frog Town
KEUKUCH, Talkoa
TULATISCA, of Chaway
WOOALUKA, the Way Layer, Chota
TATLIUSTA, or Porpus of Tilaffi
JOHN, of Little Tallico
SKELELAK,
AKONOLUCHTA, the Cabin
CHENANOKA, of Kawetakac
YELLOW BIRD

No. XL.

TREATY AT HOPEWELL WITH THE CHOCTAW INDIANS, IN 1786.

Articles of a Treaty concluded at Hopewell, 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 Yockahooma, great medal Chief of Soonacoha; Yockahoope, leading Chief Bugtoogolo; Mingohoopoie, leading Chief of Hafhooqua; Tobocoh, great medal Chief of Congetoo; Pooshemaftubic, 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
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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 allotted 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 whatsoever.

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 reserving 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 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 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 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 neighbouring tribe, or by any person whatsoever, 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 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 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
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 (l.s.)
ANDREW PICKENS (l.s.)
JOSEPH MARTIN (l.s.)

TOOTEHOOMA (l.s.) YOOSTENOCHHA (l.s.)
TOOBENOHOMOCH (l.s.) CSHECOOPOOHOMOCH (l.s.)
YOCKENAHOMA (l.s.) STONAKOOHOPOIE (l.s.)
YOCKEHOOPOIE (l.s.) TUSHKOHEEGOHTA (l.s.)
MINGOHOOPIE (l.s.) TESHUHENOCHLOCH (l.s.)
TOBOCOH (l.s.) POOSHONALTIA (l.s.)
POOSHEMASTUBY (l.s.) OKANCONNOOBA (l.s.)
POOSHAIHOOMA (l.s.) AUTOONACHUBA (l.s.)
TUSCOONOHOOPOIE (l.s.) PANGEKOOLCH (l.s.)
SHINHEMASTUBY (l.s.) STEABEE (l.s.)
YOOPAKOOMA (l.s.) TENCTEHENNA (l.s.)
STOONOKOOHOPOIE (l.s.) TUSHKEMENTAHOCK (l.s.)
TEHAKUBAY (l.s.) TUSHTALLAY (l.s.)
POOSHEMASTUBY (l.s.) CSHAANGCHABBA (l.s.)
TUSKKAHOOMOCH (l.s.) CUNNOPOIE (l.s.)
TUSHKAHOOMOCH (l.s.)


N°. XLI.

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 Piomingo, head Warrior and first Minister of the Chickasaw Nation; Mingatuika, one of the leading Chiefs; and Latopoa, 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 7.

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
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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 Cumberland, from those running into the Tennessee, at a point to be run in a line north-east, 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 Oochappo, 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 persons 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.

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

* The name of the river is not in the original.
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 Chickafaws, 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 practiced 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 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, shall have liberty to go to any of the tribes or towns of the Chickafaws 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 neighbouring tribe, or by any person whatsoever, 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-establihshed between the said States on the one part, and the Chickafaw 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-establihshed.

IN WITNESS of all and every thing herein contained, between the said States and Chickafaws, We their underwritten commissioners, by virtue of our full powers, have signed this definitive treaty, and have caused our seals to be hereunto annexed.

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, ☑(L. s.)
ANDREW PICKINS, (L. s.) MINGATUSKA, ☑(L. s.)
JOSEPH MARTIN, (L. s.) LATOPOIA, ☑(L. s.)

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No. XLII.

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 defirous of renewing a treaty, which may comprehend such articles as will give satisfaction to the party in jured, 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
APPENDIX.

Vered 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 neighbouring 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 referred 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 licence 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 Chuwocklie Mico (of the Cowetas) Cuchas Mico (of the Cuffetas) Sukawockie (brother to the last named, also of the Cuffetas) Enathlocks (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 before 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 ONEAL, (l.s.)
JARED IRWIN, (l.s.)

On the part of the Indians,

CUSHA MICO (l.s.)
NINNEHOMOHTA-TUSTO-
NUCKIE MICO (l.s.)
MICO CHEE, (l.s.)
HOTHLEPOYA MICO (l.s.)
OPOHETHELE MICO, or
Tallefeek King,

CUSHA MICO (l.s.)
NINNEHOMOHTA-TUSTO-
NUCKIE MICO (l.s.)
MICO CHEE, (l.s.)
HOTHLEPOYA MICO (l.s.)
OPOHETHELE MICO, or
Tallefeek King,

CUSHA MICO (l.s.)
NINNEHOMOHTA-TUSTO-
NUCKIE MICO (l.s.)
MICO CHEE, (l.s.)
HOTHLEPOYA MICO (l.s.)
OPOHETHELE MICO, or
Tallefeek King,

CUSHA MICO (l.s.)
NINNEHOMOHTA-TUSTO-
NUCKIE MICO (l.s.)
MICO CHEE, (l.s.)
HOTHLEPOYA MICO (l.s.)
OPOHETHELE MICO, or
Tallefeek King,

CUSHA MICO (l.s.)
NINNEHOMOHTA-TUSTO-
NUCKIE MICO (l.s.)
MICO CHEE, (l.s.)
HOTHLEPOYA MICO (l.s.)
OPOHETHELE MICO, or
Tallefeek King,
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 Samanoles, 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 north-east line to be drawn from the top of the Ocunna mountain shall intersect; thence along the said line in a south-west direction to the Tugaloo river; thence to the top of the Currahee mountain; thence to the head or source of the main south branch of the Oconee river called the Apalachee; thence down the middle of the said main south branch and river Oconee, to its confluence with the Oakmulgee,
APPENDIX.

Oakmulgee, which form the river Alatamaha, and thence down the middle of the said Alatamaha 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 further as may be necessary to mark distinctly the said boundary. And in order to extinguish for ever 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 and 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 considerations 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 Creek's 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 country, 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
APPENDIX.

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 relation 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 any 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
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,

FUSKATCHE MICO, or Birdtail King, \( \times \) (L.s.)

NEATHLOCK, or Second Man, \( \times \) (L.s.)

HALLETEMAL THLE, or Blue Giver, \( \times \) (L.s.)

OPAY MICO, or the Singer, \( \times \) (L.s.)

TOTKESHAJOU, or Samoniac, \( \times \) (L.s.)

HOPOTHE MICO, or Tallisee King, \( \times \) (L.s.)

OPOTOTACHE, or Long Side, \( \times \) (L.s.)

SOHOLESSEE, or Young Second-Man, \( \times \) (L.s.)

OCHEEHAJOU, or Aleck Cornel, \( \times \) (L.s.)

CHINABIE, or the Great Natches Warrior, \( \times \) (L.s.)

NATSOWACHEHEE, or the Great Natches Warrior's brother, \( \times \) (L.s.)

THAKOTEEHEE, or the Mole, \( \times \) (L.s.)

OQUABEE, \( \times \) (L.s.)

TUSKENAAH, or Big Lieutenant, \( \times \) (L.s.)

HOMATAH, or Leader, \( \times \) (L.s.)

CHINNABIE, or Matthews, \( \times \) (L.s.)

JULEETAULEMATHA, or Dry Pine, \( \times \) (L.s.)

CHAWOCKLY MICO, \( \times \) (L.s.)

COOSADES HOPOY, or the Measurer, \( \times \) (L.s.)

MUTIHITEE, or the Measurer, \( \times \) (L.s.)

STIMAFUCHKEE, or Good Humour, \( \times \) (L.s.)

STILNALEEJE, or Disputer, \( \times \) (L.s.)

MUMAGECHEE, David Francis, \( \times \) (L.s.)


5 G
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 Tugaloo river; thence north-east 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 Tennesse; thence up the river Clinch to Campbell's line, and along the same to the top of Cumberland mountain; thence
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 south-west 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 south-west 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 Tenesee 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 Cherokee’s 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 person 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
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 or 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 neighbouring 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 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 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.
APPENDIX.

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, (l.s.)
SQUOLLECUTTAH, or Hanging Maw, (l.s.)
OCUNNA, or the Badger, (l.s.)
ENOLEH, or Black Fox, (l.s.)
NONTUAKA, or the Northward, (l.s.)
TEKAKISKA (l.s.)
CHUTLOH, or King-fisher, (l.s.)
TUEKASEH, or Tarrapin, (l.s.)
KATEH, (l.s.)
KUNNOCHATUTLOH, or the Crane, (l.s.)
CAUQUILEHANAH, or the Thigh, (l.s.)
CHESQUOTTELONI, or Yellow Bird, (l.s.)
CHICKASWTEHE, or Chikasaw Killer, (l.s.)
TUSKEGATEHE, Tuskega Killer, (l.s.)
KULSATEHE, (l.s.)
TINSTSHALENE, (l.s.)
SAWUTTEH, or Slave Catcher, (l.s.)
AUKUAH, (l.s.)
OOSENALEH, (l.s.)
KENOTETAH, or rising Fawn, (l.s.)
KANEIETOKA, or standing Turkey, (l.s.)
YONEWATLEH, or Bear at Home, (l.s.)
LONG WILL, (l.s.)
KUNOSKESKIE, or John Watts, (l.s.)
NENETOYYAH, or Bloody Fellow, (l.s.)
CHUQUILATAGUE, or Double Head, (l.s.)
Koolaquah, or Big Acorn, (l.s.)
TOOWAYELLOH, or Bold Hunter, (l.s.)
SAHLE-OONOYEHLA, or Middle Striker, (l.s.)
KINNESAH, or Cabin, (l.s.)
TULLOTEHE, or Two Killer, (l.s.)
KOOLOUSKE, or Stopt Still, (l.s.)
KULSATEHE, (l.s.)
AUQUOTAGUE, the Little Turkey's Son, (l.s.)

TALOHTESKE.
APPENDIX.

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

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; Claiborne Watkins, of Virginia; John M. Whitney of Georgia; Fauche, of Georgia; Titus Ogden, North Carolina; John Chifolm, of Washington District; Robert King, Thomas Gegg.

No. XLV.

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 Holfton 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.

1. 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 of Holfton, 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.

2. 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.

3. 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 Holfton river.
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.

4. 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 conseqences 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.

5. The articles now stipulated will be considered as permanent additions to the treaty of Holfton 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 Creek 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, \( \text{[l.s.]} \)
NONTUAKA, or the Northward, \( \text{[l.s.]} \)
CINASAW, or the Cabin, \( L \text{[l.s.]} \)
SKYUKA, \( \text{[l.s.]} \)
CHUQUILATAGUE, D. H. or Double Head, \( \text{[l.s.]} \)
JOHN McCLEMORE, \( \text{[l.s.]} \)
WALALUE, or Humming Bird, \( \text{[l.s.]} \)
CHULEOWEE, \( \text{[l.s.]} \)
USTANAQUA, \( \text{[l.s.]} \)
KULLSATHEE, \( \text{[l.s.]} \)
SITEAHA, \( \text{[l.s.]} \)
KEENAFUNA, or the Iying Fawn, \( \text{[l.s.]} \)
CHATAKAELESA, or the Fowl Carrier, \( C \text{[l.s.]} \)


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No. XLVI.

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 of the United States.
APPENDIX.

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, 1793, 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 Oconeé 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, to 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 adviseable, to establish a trading or military post on the south side of the Alatamaha, 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 lands annexed thereto, are hereby ceded to, and shall be to the use, and under the government of the United States of America.

ARTICLE IV.

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 Oconeé, 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 Chocktaw 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 Chocktaws and Chickasaws, and at Hollton 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 at 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, evidenced 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
APPENDIX.

DONE at Colerain, the 29th of June, one thousand seven hundred and ninety-six.

BENJAMIN HAWKINS,
GEORGE CLYMER,
ANDREW PICKENS.

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<td>Ephah Tuskenah,</td>
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<td>Tusfikia Mico.</td>
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<td>Knapematha Thlocco.</td>
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<td>Tufskia Mico Ahtee,</td>
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APPENDIX.

Halartee Matla,
Talahoua Mico,
Neathlocto,
Nuckfamico,
Eftechaco Mico,
Tufkegee Tuskinagee,
Cochus Mico,
Opio Hajo,
Oneas Tuskenagee,
Alak Ajo,
Stilepeck Chatsee,
Tuchefee Mico.

Cheea Hajo.

Talmafee Matla.

Tuckabatchees.

Tuftinche Hajo,
Okollia,
Coweta Matla,
Coofa Mico,
Fufatchee Mico,
Pio Hatkee,
Fooseatchee Mico,
Neathlaco,
Tuchabatchee Howla,
Spoko Hajo.

Kiakagees.

Chuckchack Nincho,
Opoyo Matla,
Lachlee Matla.

Big Tallaffees.

Chowofia Hajo,
Neathloco Opoyo,
Neathloco,
Chowlactely Mico,
Tocofo Hajo,
Hoochee Matla,
Howlafta,
Tuftinica Mico,
Opoy Fraico.

Big Tallaffee.

Houlafta,
Elcatee Hajo,

Chofolop Hajo,
Coofa Hajo.

Tuckabatchees.

Chohajo.

Coos's.

Tufthegee Tuskinagee,
Talmafa Watalica.

Euphalees.

Tothes Hago.

Otafees.

Opio Tusfinagee,
Yafee Mall Haja,
Oboyethlee Tusfinagee,
Tusfinagee Hajo,
Hillibee Tusfinagee Hajo,
Efa Tuskeena,
Emathlee Loco,
Tuskenagee Mico,
Yaha Tusfinagee,
Cunctaftee Jultinagee.

Otafees.

Coofa Tusfinagee,
Neamatle Matla.

Weookee's.

Tufticnica Hajo.

Tuchabatchees.

Neamatoochee.

Cuffits's.

Telewa Othleopoya,
Talmafe Matla,
Niah Weathla,
Emathlee-laco,
Orteffee Matla,
Muchaffe Matla,
Eufalle Matla.

Tuckabatchees.

Cunipee Howla.

Cwetas.

Hofpotak Tusfinagee.

Nachees.

Spoko Hodjo.

Uchees.

Tuftinagee Chatsee.

Ufuchees.
APPENDIX.


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 Alatamahla, 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 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 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 revert to, and become a part of the Indian lands, shall be construed to effect 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,"
APPENDIX.

foul, or to the exclusive legislation over the same, or any other right than that of es-
tablifhing, maintaining, and exclusively governing military and trading pofts within the
Indian territory mentioned in the faid articles, as long as the frontier of Georgia may
require thefe eftabli{hments.

Now know ye, that I, having seen and confidered the faid treaty, do hereby accept,
ratify and confirm the fame, and every article and clause thereof; under and subject
to the provifio and condition mentioned and contained in the aforefaid resolution of
the fenate of the United States. In testimony whereof, I have caufed the seal of the
United States to be hereunto affixed, and signed the fame with my hand.

GIVEN at the city of Philadelphia, the eighteenth day of March, in the year of
our Lord, one thoufand 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.

No. XLVII.

Articles of Confederation and perpetual Union, between the States of
New Hampshire, Massachusetts Bay, Rhode Ifland and Providence
Plantations, Connecticut, New York, New Jersey, Pennsylvania,
Delaware, Maryland, Virginia, North Carolina, South Carolina
and Georgia.

ARTICLE I.

THE ftitle of this confederacy fhall be, "The United States of America."

ARTICLE II.

Each State retains its sovereignty, freedom and independence, every power, jurif-
diction and right which is not by this confederacy exprefsly delegated to the United
States in confrefs assembled.

ARTICLE III.

The faid States hereby feverally 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 affift each other, againft 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 excepted, fhall be entitled to all privi-
leges and immunities of free citizens in the feveral States; and the people of each
fhall have free ingress and egress to and from any other State, and fhall enjoy there-
in all the privileges of trade and commerce, fubject to the fame duties, impositions
and restrictions as the inhabitants thereof respectively, provided that fuch restric-
tions
ons 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 imposition, duties or restriction 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 or 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 referred 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 emolument of any kind.

Each State shall maintain its own delegates in a meeting of the States, and while they act as members of a 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
APPENDIX.

No State shall lay any imports 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 eminent as not to admit of a delay, till the United States in congress assembled can be consulted; nor shall any State grant commissions to 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 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 fifth 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 imports 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 by 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 legislative or 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 majority 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 such reason 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 appear to 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
APPENDIX.

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 expenses 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 forces, 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 expenses; 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 soldierlike manner, at the expense 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.
APPENDIX.

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 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 expenses 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 legislatures 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 agreeing 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
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 determinations 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 legislature 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 in 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 aforesaid 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.

John Hancock,
Samuel Adams,
Elbridge Gerry,
Francis Dana,
James Lovell,
Samuel Holton.

MASSACHUSETTS BAY.

RHODE ISLAND, &c.

William Ellery,
Henry Merchant,
John Collins.

CONNECTICUT.
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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 HARVEY,  
  FRANCIS LIGHTFOOT LEE. ]

NORTH CAROLINA.  
[ JOHN PENN,  
  CORNELIUS HARNETT,  
  JOHN WILLIAMS. ]

SOUTH CAROLINA.  
[ HENRY LAURENS,  
  WILLIAM HENRY DRAYTON,  
  JOHN MATTHEWS,  
  RICHARD HUISON,  
  THOMAS HEYWARD, JUN. ]

GEORGIA.  
[ JOHN WALTON,  
  EDWARD TELFAIR,  
  EDWARD LANGWORTHY. ]
APPENDIX.

N°. XLVIII.

THE CONSTITUTION

OF THE

United States of America.

The people of the United States, in order to form a more perfect union, establish justice, insure 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 1.

LEGISLATURE.

Sect. 2. 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 service 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 chuse three, Massachusetts eight, Rhode Island and Providence plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania 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 chuse 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.

Sec. 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.

Sec. 5. Each house shall be the judge of 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.

Sec.
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 the 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 re-consider it. If after such re-consideration, 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 re-considered, 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 repassed by two thirds of the senate and house of representatives, according to the rules and limitations preferred 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 the 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, to 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 calling forth the 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, referring 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 Congress, become the seat 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 excluding 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
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No money 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 whatever, 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 said 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 chuse 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 chuse the president.
But in chusing 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 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 chuse from them, by ballot, the vice president.

The congress may determine the time of chusing 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 enter 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 offices, 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.
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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; in 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, and 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 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 case 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.
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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 legislature 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 amendments 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 12th. 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 SAML. JOHNSON.
ROGER SHERMAN.

NEW YORK.

ALEXANDER HAMILTON.
WILLIAM LIVINGSTON.
DAVID BREARLEY.
WILLIAM PATERSO;
JONATHAN DAYTON.

NEW JERSEY.

BENJAMIN FRANKLIN.
THOMAS MIFFLIN.
ROBERT MORRIS.
GEORGE CLYMER.
THOMAS FITZSIMMONS.
JARED INGERSOL.
JAMES WILSON.
GOUV. MORRIS.

PENNSYLVANIA.

DELAWARE.
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 insure 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.
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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 of 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 he be compelled, in any criminal case, to be witnesses 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 favour, 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 preferred, and no fact, tried by a jury, shall be otherwise
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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.

No. XLIX.

An Act more effectually to provide for the national defence by establishing an uniform militia throughout the United States.

I. BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That every free able bodied white male citizen of the respective States, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years (except as is herein after excepted) shall severally and respectively be enrolled in the militia by the captain or commanding officer of the company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act. And it shall at all times hereafter be the duty of every such captain or commanding officer of a company to enrol every such citizen, as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years and under the age of forty-five years (except as before excepted) shall come to reside within his bounds; and shall without delay notify such citizen of the said enrolment, by a proper non-commissioned officer of the company, by whom such notice may be proved. That every citizen so enrolled and notified, shall, within six months thereafter, provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints, and a knapack, a pouch with a box therein, to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapack, shot pouch and powder horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear so armed, accoutred and provided, when called out to exercise or into service, except that, when called out on company days to exercise only, he may appear without a knapack. That the commissioned officers shall severally be armed with a sword or hanger and espontoon, and that from and after five years from the passing of this act, all muskets for arming the militia as herein required, shall be of bores sufficient for balls of the eighteenth part of a pound. And every citizen so enrolled, and providing himself with the arms, ammunition and accoutrements required,
as aforesaid, shall hold the same exempted from all suits, distresses, executions or sales for debt or for the payment of taxes.

II. And be it further enacted, That the vice president of the United States; the officers, judicial and executive of the government of the United States; the members of both houses of congress, and their respective officers; all custom house officers with their clerks; all post officers and stage drivers, who are employed in the care and conveyance of the mail of the post office of the United States; all ferrymen employed at any ferry on the post road; all inspectors of exports; all pilots; all mariners actually employed in the sea service of any citizen or merchant within the United States; and all persons who now are or may hereafter be exempted by the laws of the respective States, shall be and they are hereby exempted from militia duty, notwithstanding their being above the age of eighteen, and under the age of forty-five years.

III. And be it further enacted, That within one year after the passing of this act, the militia of the respective States shall be arranged into divisions, brigades, regiments, battalions and companies, as the legislature of each State shall direct; and each division, brigade and regiment, shall be numbered at the formation thereof; and a record made of such numbers in the adjutant general's office in the State; and when in the field, or in the service in the State, each division, brigade and regiment, shall respectively take rank according to their numbers, reckoning the first or lowest number highest in rank. That if the same be convenient, each brigade shall consist of four regiments; each regiment of two battalions; each battalion of five companies; each company of sixty-four privates. That the said militia shall be officered by the respective States, as follows: To each division one major general, and two aids-de-camps with the rank of major, to each brigade one brigadier general, with one brigade inspector, to serve also as a brigade major, with the rank of a major; to each regiment one lieutenant colonel commandant; and to each battalion one major; to each company one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer, and one fifer or bugler. That there shall be a regimental staff, to consist of one adjutant and one quarter-master, to rank as lieutenants; one paymaster; one surgeon and one surgeon's mate; one sergeant major, one drum-major and one fifer-major.

IV. And be it further enacted, That out of the militia enrolled, as is herein directed, there shall be formed for each battalion at least one company of grenadiers, light infantry or riflemen; and that to each division there shall be at least one company of artillery and one troop of horse: There shall be to each company of artillery one captain, two lieutenants, four sergeants, four corporals, six gunners, six bombadiers, one drummer and one fifer. The officers to be armed with a sword or hanger, a pike, bayonet and belt, with a cartridge box to contain twelve cartridges; and each private or matros shall furnish himself with all the equipments of a private in the infantry, until proper ordinance and field artillery is provided. There shall be to each troop of horse, one captain, two lieutenants, one cornet, four sergeants, four corporals, one faddler, one farrier and one trumpeter. The commissioned officers to furnish themselves with good horses, of at least fourteen hands and an half high, and to be armed with a sword and a pair of pistols, the holsters of which to be covered.

Each battalion to have one company of grenadiers, &c. and one company of artillery.

Officers to be armed.

Troops of horse how officered, &c.
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with bearskin caps. Each dragoon to furnish himself with a serviceable horse, at least fourteen hands and an half high, a good saddle, bridle, mail-pillion, and valise, holsters and a breast-plate and crupper; a pair of boots and spurs, a pair of pistols, a sabre and a cartouch box, to contain twelve cartridges for pistols. That each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the discretion of the commander in chief of the State, not exceeding one company of each to a regiment, nor more in number than one eleventh part of the infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expense; the color and fashion to be determined by the brigadier commanding the brigade to which they belong.

V. And be it further enacted, That each battalion and regiment shall be provided with the State and regimental colors by the field officers, and each company with a drum and fifes or bugle horn, by the commissioned officers of the company, in such manner as the legislature of the respective States shall direct.

VI. And be it further enacted, That there shall be an adjutant general appointed in each State, whose duty it shall be to distribute all orders from the commander in chief of the State to the several corps; to attend all public reviews when the commander in chief of the State shall review the militia or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by this act; to furnish blank forms of different returns that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps throughout the State, returns of the militia under their command, reporting the actual situation of their arms, accoutrements and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline: All which the several officers of the divisions, brigades, regiments and battalions, are hereby required to make in the usual manner, so that the said adjutant-general may be duly furnished therewith; from all which returns he shall make proper abstracts, and lay the same annually before the commander in chief of the State.

VII. And be it further enacted, That the rules of discipline, approved and established by congress in their resolution of the twenty-ninth of March, one thousand seven hundred and seventy-nine, shall be the rules of discipline to be observed by the militia throughout the United States, except such deviations from the said rules as may be rendered necessary by the requisitions of this act, or by some other unavoidable circumstances. It shall be the duty of the commanding officer at every muster, whether by battalion, regiment or single company, to cause the militia to be exercised and trained agreeably to the said rules of discipline.

VIII. And be it further enacted, That all commissioned officers shall take rank according to the date of their commissions; and when two of the same grade bear an equal date, then, their rank shall be determined by lot, to be drawn by them before the commanding officer of the brigade, regiment, battalion, company or detachment.
IX. *And be it further enacted*, That if any person whether officer or soldier, belonging to the militia of any State, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of, and provided for at the public expense.

X. *And be it further enacted*, That it shall be the duty of the brigade inspector to attend the regimental and battalion meetings of the militia composi ng their several brigades, during the time of their being under arms, to inspect their arms, ammunition and accoutrements; superintend their exercise and manoeuvres, and introduce the system of military discipline before described throughout the brigade, agreeable to law, and such orders as they shall from time to time, receive from the commander in chief of the State, to make returns to the adjutant general of the State, at least once in every year, of the militia of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements and ammunition of the several corps, and every other thing which, in his judgment, may relate to their government, and the general advancement of good order and military discipline; and the adjutant general shall make a return of all the militia of the State to the commander in chief of the said State, and a duplicate of the same to the president of the United States.

XI. *And whereas*, sundry corps of artillery, cavalry and infantry, now exist in several of the said States, which by the laws, customs or usages thereof, have not been incorporated with, or subject to the general regulations of the militia:

*Be it further enacted*, That such corps retain their accustomed privileges, subject, nevertheless, to all other duties required by this act, in like manner with the other militia.

JONATHAN TRUMBULL, *Speaker of the House of Representatives.*

RICHARD HENRY LEE, *President pro tempore of the Senate.*

Approved, May 8th, 1792.

GEORGE WASHINGTON, *President of the United States.*

Deposited among the Rolls in the Office of the Secretary of State.

THOMAS JEFFERSON, *Secretary of State.*

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**No. L.**

*Rules and articles for the better government of the troops raised, or to be raised, and kept in pay, by, and at the expence of the United States of America.*

IN CONGRESS, September 20, 1776.

RESOLVED, That from and after the publication of the following articles in the respective armies of the United States, the rules and articles by which the said armies have hitherto been governed, shall be, and they are hereby repealed.

By order of congress,

JOHN HANCOCK, *President.*
ART. 1. That every officer who shall be retained in the army of the United States, shall, at the time of his acceptance of his commission, subscribe these rules and regulations.

ART. 2. It is earnestly recommended to all officers and soldiers, diligently to attend divine service. And all officers and soldiers who shall behave indecently or irreverently at any place of divine worship, shall if commissioned officer, be brought before a general court martial, there to be publicly and severely reprimanded by the president; if non-commissioned officers or soldiers, every person so offending, shall for his first offence, forfeit one sixth of a dollar, to be deducted out of his next pay; for the second offence, he shall not only forfeit the like sum, but be confined for twenty four hours; and for every like offence shall suffer and pay in like manner; which money, so forfeited shall be applied to the use of sick soldiers of the troop or company to which the offender belongs.

ART. 3. Whatsoever non-commissioned officer or soldier, shall use any profane oaths or execration, shall incur the penalties expressed in the foregoing article; and if a commissioned officer be thus guilty of profane cursing or swearing, he shall forfeit and pay for each and every such offence two thirds of a dollar.

ART. 4. Every chaplain, who is commissioned to a regiment, company, troop, or garrison, and shall absent himself from said regiment, company, troop, or garrison (except in case of sickness, or leave of absence) shall be brought to a court martial, and be fined, not exceeding one month's pay, besides the loss of his pay during his absence, or be discharged, as the said court martial shall judge most proper.

SECTION II.

MUTINY.

ART. 1. Whatsoever officer or soldier shall presume to use traitorous or disrespectful words against the authority of the United States in congress assembled, or the legislature of any of the United States, in which he may be quartered; if a commissioned officer, he shall be cashiered; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted upon him by the sentence of a court martial.

ART. 2. Any officer or soldier, who shall behave himself with contempt or disrespect towards the general or other commander in chief of the forces of the United States, or shall speak words tending to his hurt or disonor, shall be punished according to the nature of his offence, by the judgment of a court martial.

ART. 3. Any officer or soldier, who shall begin, excite, cause or join in any mutiny or sedition in the troop, company, or regiment to which he belongs, or in any other troop or company in the service of the United States, or in any party, post, detachment or guard, on any pretence whatsoever, shall suffer death, or such other punishment as by a court martial shall be inflicted.

ART. 4. Any officer, non-commissioned officer, or soldier, who being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same; or coming to the knowledge of any intended mutiny, does not, without delay, give information
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Every regiment, each wear, Every discharge non-commiffioned Any of him entirely superior shall death, or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence, be inflicted upon him by the sentence of a court martial.

SECTION III.
OF ENLISTING SOLDIERS.

Art. 1. Every non-commiffioned officer and soldier, who shall enlist himself in the service of the United States, shall, at the time of his so enlisting, or within six days afterwards, have the articles for the government of the forces of the United States read to him, and shall, by the officer who enlisted him, or by the commanding officer of the troop or company into which he was enlisted, be taken before the next justice of the peace, or chief magistrate of any city or town corporate, not being an officer of the army, or where recourse cannot be had to the civil magistrate, before the judge advocate, and in his presence shall take the following oath, or affirmation, if conscientiously scrupulous about taking an oath:

I swear, or affirm (as the case may be) to be true to the United States of America, and to serve them honestly and faithfully against all their enemies or opposers whatsoever; and to observe and obey the orders of the continental congress, and the orders of the generals and officers set over me by them.

Which justice or magistrate is to give the officer a certificate, signifying that the man enlisted did take the said oath or affirmation.

Art. 2. After a non-commiffioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge granted to him shall be allowed of as sufficient, which is not signed by a field officer of the regiment into which he was enlisted, or commanding officer, where no field officer of the regiment is in the same State.

SECTION IV.
MUSTERS AND FURLoughs.

Art. 1. Every officer commanding a regiment, troop or company, shall, upon the notice given to him by the commissary of musters, or from one of his deputies, assemble the regiment, troop or company, under his command, in the next convenient place for being mustered.

Art. 2. Every colonel, or other field officer commanding the regiment, troop or company, and actually residing within it, may give furloughs to non-commiffioned officers and soldiers, in such numbers, and for so long a time, as he shall judge to be most consistent with the good of the service; but no non-commiffioned officer or soldier shall by leave of his captain, or inferior officer commanding the troop or company (his field officer not being present) be absent above twenty days in six months, nor shall more than two private men be absent at the same time, from their troop or company,
company, excepting some extraordinary occasion shall require it, of which occasion the field officer present with, and commanding the regiment, is to be the judge.

Art. 3. At every muster the commanding officer of each regiment, troop or company, there present, shall give to the commissary, certificates signed by himself, signifying how long officers, who shall not appear at the said muster, have been absent, and the reason of their absence. In like manner the commanding officer of every troop or company, shall give certificates, signifying the reasons of the absence of the non-commisioned officers and private soldiers; which reasons, and time of absence, shall be inserted in the muster-rolls, opposite to the names of the respective absent officers and soldiers. The said certificates shall, together with the muster-rolls, be remitted by the commissary to the congress, as speedily as the distance of place will admit.

Art. 4. Every officer who shall be convicted, before a general court-martial of having signed a false certificate, relating to the absence of either officer or private soldier, shall be cashiered.

Art. 5. Every officer who shall knowingly make a false muster of man or horse, and every officer or commissary, who shall willingly sign, direct, or allow the signing of the muster rolls, wherein such false muster is contained, shall, upon proof made thereof by two witnesses, before a general court-martial, be cashiered, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

Art. 6. Any commissary who shall be convicted of having taken money, or any other thing by way of qualification on the mustering any regiment, troop or company, or on the signing the muster-rolls, shall be displaced from his office, and shall be thereby utterly disabled to have or hold any office or employment under the United States.

Art. 7. Any officer who shall presume to muster any person as a soldier, who is at other times accustomed to wear a livery, or who does not actually do his duty as a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

SECTION V.

RETURNS.

Art. 1. Every officer who shall knowingly make a false return to the congress, or any committee thereof, to the commander in chief of the forces of the United States, or to any his superior officer, authorized to call for such returns of the State of the regiment, troop, or company, or garrison, under his command; or of arms, ammunition, clothing, or other stores thereunto belonging, shall, by a court-martial, be cashiered.

Art. 2. The commanding officer of every regiment, troop, or independent company, or garrison of the United States, shall, in the beginning of every month, remit to the commander in chief of the American forces, and to the congress, an exact return of the state of the regiment, troop, independent company, or garrison under his command, specifying the names of the officers not then residing at their posts, and the reason for, and time of, their absence. Whoever shall be convicted of having, through neglect
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neither or design omitted the sending such returns, shall be punished according to the nature of his crime, by the judgment of a general court-martial.

SECTION VI.

DESERPTION.

Art. 1. All officers and soldiers, who having received pay, or having been duly enlisted in the service of the United States, shall be convicted of having deserted the same, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

Art. 2. Any non-commisioned officer or soldier, who shall, without leave from his commanding officer, absent himself from his troop or company, or from any detachment with which he shall be commanded, shall, upon being convicted thereof, be punished according to the nature of his offence, at the discretion of a court-martial.

Art. 3. No non-commisioned officer or soldier, shall enlist himself in any other regiment, troop or company, without a regular discharge from the regiment, troop or company in which he last served, on the penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commisioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him, and give notice thereof to the corps in which he last served, he the said officer so offending, shall by a court-martial be cashiered.

Art. 4. Whate'er officer or soldier shall be convicted of having advised or persuaded any other officer or soldier to desert the service of the United States, shall suffer such punishment as shall be inflicted on him by the sentence of a court-martial.

SECTION VII.

OF QUARRELS AND SENDING CHALLENGES.

Art. 1. No officer or soldier shall use any reproachful or provoking speeches, or gestures to another, upon pain, if an officer, of being put in arrest; if a soldier, imprisoned, and of asking pardon of the party offended, in the presence of his commanding officer.

Art. 2. No officer or soldier shall presume to send a challenge to any other officer or soldier, to fight a duel, upon pain, if a commisioned officer, of being cashiered; if a non-commisioned officer or soldier, of suffering corporal punishment at the discretion of a court-martial.

Art. 3. If any commisioned or non-commisioned officer commanding a guard, shall knowingly and willingly suffer any person whatsoever to go forth to fight a duel, he shall be punished as a challenger; and likewise all seconds, prompters, and carriers of challenges, in order to duels, shall be deemed as principals, and be punished accordingly.

Art. 4. All officers of what condition soever, have power to part and quell all quarrels, frays and disorders though the persons concerned should belong to another regiment, troop or company; and either to order officers into arrest, or non-commisioned or soldiers to prison; till their proper superior officers shall be acquainted therewith; and whosoever shall refuse to obey such officer (though of an inferior rank) or shall draw his sword upon him, shall be punished at the discretion of a general court-martial.

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Art. 5. Whatsoever officer or soldier shall upbraid another for refusing a challenge, shall himself be punished as a challenger; and all officers and soldiers are hereby discharged of any disgrace or opinion of disadvantage, which might arise from their having refused to accept of challenges, as they will only have acted in obedience to the order of Congress, and done their duty as good soldiers, who subject themselves to discipline.

SECTION VIII.

SUTTLING.

Art. 1. No sutler shall be permitted to sell any kind of liquors or victuals, or to keep their houses or shops open, for the entertainment of soldiers, after nine at night, or before the beating of the reveilles, or upon Sundays, during divine service or sermon, upon the penalty of being dismissed from all future sutting.

Art. 2. All officers and soldiers shall have full liberty to bring into any of the forts or garrisons of the United American States, any quantity of eatable provisions, except where any contracts are or shall be entered into by congress, or by their order, for furnishing such provisions, and with respect only to the species of provisions so contracted for.

Art. 3. All officers commanding in the forts, barracks, or garrisons of the United States, are hereby required to see that the persons permitted to suttle, shall supply the soldiers with good and wholesome provisions, at the market price, as they shall be answerable for their neglect.

Art. 4. No officers commanding in any of the garrisons, forts, or barracks of the United States, shall either themselves exact exorbitant prices for houses or stalls let out to sutlers, or shall connive at the like exactions in others; nor by their own authority, and for their private advantage, shall they lay any duty or imposition upon, or be interested in the sale of such victuals, liquors, or other necessaries of life, which are brought into the garrison, fort or barracks, for the use of the soldiers, on the penalty of being discharged from the service.

SECTION IX.

OF GOOD ORDER.

Art. 1. Every officer commanding in quarters, garrisons or on a march, shall keep good order, and to the utmost of his power redress all such abuses or disorders which may be committed by any officer or soldier under his command; if upon complaint made to him of officers or soldiers beating or otherwise ill treating any person; of disturbing fairs or markets or of committing any kinds of riots, to the disquieting of the good people of the United States, he, the said commander, who shall refuse or omit to see justice done on the offender or offenders, and reparation made to the party or parties injured, as far as part of the offenders pay shall enable him or them, shall, upon proof thereof, be punished by a general court-martial, as if he himself had committed the crimes or disorders complained of.

SECTION X.

OF CRIMES PUNISHABLE BY LAW.

Art. 1. Whenever any officer or soldier shall be accused of a capital crime, or of having used violence or committed any offence against the persons or property of the good
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good people of any of the United American States, such as is punishable by the known
laws of the land, the commanding officer, and officers of every regiment, troop or
party, to which the person or persons so accused shall belong, are hereby required,
upon application duly made by or in behalf of the party or parties injured, to use his
utmost endeavors to deliver over such accused person or persons to the civil magistrate,
and likewise to be aiding and assisting to the officers of justice in apprehending and
securing the person or persons so accused, in order to bring them to a trial. If any
commanding officer or officers shall wilfully neglect, or shall refuse upon the application
aforesaid, to deliver over such accused person or persons to the civil magistrate,
or to be aiding and assisting to the officers of justice, in apprehending such person or
persons, the officer or officers so offending shall be cashiered.

Art. 2. No officer shall protect any person from his creditors, on the pretence of
his being a soldier, nor any non-commissioned officer or soldier, who does not actually
do all duties as such, and no further than is allowed by a resolution of congress,
bearing date the 26th day of December, 1775; Any officer offending herein, being
convicted thereof before a court-martial, shall be cashiered.

SECTION XI.

OF REDRESSING WRONGS.

Art. 1. If any officer shall think himself to be wronged by his colonel or the com-
manding officer of the regiment, and shall, upon due application made to him, be
refused to be redressed, he may complain to the continental general commanding in
the State where such regiment shall be stationed, in order to obtain justice, who is
hereby required to examine into the said complaint, and take proper measures for
redressing the wrong complained of, and transmit as soon as possible to the congress,
a true state of such complaint, with the proceedings had thereon.

Art. 2. If any inferior officer or soldier shall think himself wronged by his captain,
or other officer commanding the troop or company to which he belongs, he is to com-
plain thereof to the commanding officer of the regiment, who is hereby required to
summon a regimental court-martial for the doing justice to the complainant; from
which regimental court-martial either party may, if he thinks himself still aggrieved,
appeal to a general court-martial. But if, upon a second hearing, the appeal shall
appear to be vexatious and groundless, the person so appealing shall be punished at
the discretion of the said general court-martial.

SECTION XII.

OF STORES, AMMUNITIONS, &c.

Art. 1. Whatsoever commissary officer, store keeper, or commissary, shall be
convicted at a general court-martial of having sold (without a proper order for that
purpose) embezzled, misapplied, or wilfully or through neglect, suffered any of the
provisions, forage, arms, clothing, ammunition, or other military stores, belonging
to the United States, to be spoiled or damaged, the said officer, store keeper, or
commissary so offending, shall, at his own charge, make good the loss or damage;
shall moreover forfeit all his pay, and be dismissed from the service.

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Art. 2. Whatever non-commissioned officer or soldier, shall be convicted at regimental court-martial, of having sold, or defiledly, or through neglect, wasted the ammunition delivered out to him to be employed in the service of the United States, shall, if a non-commissioned officer, be reduced to a private centinal, and shall besides, suffer corporeal punishment, in the same manner as a private centinal for offending, at the discretion of a regimental court-martial.

Art. 3. Every non-commissioned officer or soldier who shall be convicted at a court-martial, of having sold, lost or spoiled through neglect, his horse, arms, clothes, or accoutrements, shall undergo such weekly foppages (not exceeding the half of his pay) as a court martial shall judge sufficient for repairing the loss or damages; and shall suffer imprisonment, or such other corporeal punishment as his crime shall deserve.

Art. 4. Every officer who shall be convicted at a court-martial, of having embezzled or misapplied any money with which he may have been entrusted for the payment of the men under his command, or for enlist men into the service, if a commissioned officer, shall be cashiered and compelled to refund the money; if a non-commissioned officer, shall be reduced to serve in the ranks as a private soldier, be put under foppages until the money be made good, and suffer such corporeal punishment (not extending to life or limb) as the court-martial shall think fit.

Art. 5. Every captain of a troop or company is charged with the arms, accoutrements, ammunition, clothing, or other warlike stores belonging to the troop or company under his command, which he is to be accountable for to his colonel, in case of their being lost, spoiled or damaged, not by unavoidable accidents, or on actual service.

SECTION XIII.

OF DUTIES IN QUARTERS, IN GARRISON, OR IN THE FIELD:

Art. 1. All non-commissioned officers and soldiers who shall be found one mile from the camp, without leave in writing from their commanding officer, shall suffer such punishment as shall be inflicted upon them by the sentence of a court-martial.

Art. 2. No officer or soldier shall lie out of his quarters, garrison or camp, without leave from his superior officer, upon penalty of being punished according to the nature of his offence, by the sentence of a court-martial.

Art. 3. Every non-commissioned officer and soldier shall return to his quarters or tent, at the beating of the retreat, in the default of which he shall be punished according to the nature of his offence, by the commanding officer.

Art. 4. No officer, non-commissioned officer, or soldier, shall fail of repairing, at the time fixed, to the place of parade of exercise, or other rendezvous appointed by his commanding officer, if not prevented by sickness, or some other evident necessity; or shall go from the said place of rendezvous, or from his guard, without leave from his commanding officer, before he shall be regularly dismissed or relieved on the penalty of being punished according to the nature of his offence, by the sentence of a court-martial.

Art. 5. Whatever commissioned officer shall be found drunk on his guard, party, or other duty under arms, shall be cashiered for it; any non-commissioned officer or soldier,
soldier so offending, shall suffer such corporeal punishment as shall be inflicted by the sentence of a court-martial.

Art. 6. Whatever sentinel shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by the sentence of a court-martial.

Art. 7. No soldier belonging to any regiment, troop, or company, shall hire another to do his duty for him, or be excused from duty, but in case of sickness, disability, or leave of absence; and every such soldier found guilty of hiring his duty, as also the party so hired to do another’s duty, shall be punished at the next regimental court-martial.

Art. 8. And every non-commissioned officer conniving at such hiring of duty as aforesaid, shall be reduced for it; and every commissioned officer, knowing and allowing of such ill practices in the service, shall be punished by the judgment of a general court-martial.

Art. 9. Any person belonging to the forces employed in the service of the United States, who by discharging of fire arms, drawing of swords, beating of drums, or by any other means whatsoever, shall occasion false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

Art. 10. Any officer or soldier who shall, without urgent necessity, or without the leave of his superior officer, quit his platoon or division, shall be punished according to the nature of his offence, by the sentence of a court-martial.

Art. 11. No officer or soldier shall do violence to any person who brings provisions or other necessaries to the camp, garrison or quarters of the forces of the United States, employed in parts out of said States, on pain of death, or such other punishment as a court-martial shall direct.

Art. 12. Whosoever officer or soldier shall misbehave himself before the enemy, or shamefully abandon any post committed to his charge, or shall speak words inducing others to do the like, shall suffer death.

Art. 13. Whosoever officer or soldier shall misbehave himself before the enemy, and run away, or shamefully abandon any fort, post, or guard, which he or they shall be commanded to defend, or speak words inducing others to do the like; or who, after victory, shall quit his commanding officer, or post, to plunder and pillage; every such offender, being duly convicted thereof, shall be reputed a disobayer of military orders; and shall suffer death, or such other punishment as by a general court-martial shall be inflicted on him.

Art. 14. Any person belonging to the forces of the United States, who shall cast away his arms and ammunition, shall suffer death or such other punishment as shall be ordered by the sentence of a general court-martial.

Art. 15. Any person belonging to the forces of the United States, who shall make known the watch-word to any person who is not entitled to receive it according to the rules and discipline of war, or shall presume to give a parole or watch-word different from
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from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

Art. 16. All officers and soldiers are to behave themselves orderly in quarters and on their march; and whosoever shall commit any waste or spoil, either in walks of trees, parks, warrens, fish-ponds, houses or gardens, corn fields, enclosures or meadows, or shall maliciously destroy any property whatsoever belonging to the good people of the United States, unless by order of the then commander in chief of the forces of the said States, to annoy rebels or other enemies in arms against the said States, he or they that shall be found guilty of offending herein shall (besides such penalties as they are liable to by law) be punished according to the nature and degree of the offence, by the judgment of a regimental or general court-martial.

Art. 17. Whosoever belonging to the forces of the United States, employed in foreign parts, shall force a safe guard, shall suffer death.

Art. 18. Whosoever shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbor or protect an enemy, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

Art. 19. Whosoever shall be convicted of holding correspondence with, or giving intelligence to the enemy, either directly or indirectly, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

Art. 20. All public stores taken in the enemy's camp, towns, forts, or magazines, whether of artillery, ammunition, clothing, forage or provisions, shall be secured for the service of the United States; for the neglect of which the commanders in chief are to be answerable.

Art. 21. If any officer or soldier shall leave his post or colors, to go in search of plunder, he shall, upon being convicted thereof before a general court-martial, suffer death, or such other punishment as by a court-martial shall be inflicted.

Art. 22. If any commander of any garrison, fortres or post, shall be compelled by the officers or soldiers under his command, to give up to the enemy or to abandon it, the commissioned officers, non-commissioned officers, or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court-martial.

Art. 23. All sutlers and retainers to the camp, and all persons whatsoever serving with the armies of the United States, in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

Art. 24. Officers having brevets, or commissions of a prior date to those of the regiment in which they now serve, may take place in courts-martial and on detachments, when composed of different corps, according to the ranks given them in their brevets, or dates of their former commissions; but in the regiment, troop or company, to which such brevet officers, and those who have commissions of a prior date, do belong, they shall do duty and take rank, both on courts-martial and on detachments, which shall be composed only of their own corps, according to the commissions by which they are mustered in the said corps.
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Art. 25. If upon marches, guards, or in quarters, different corps shall happen to join, or do duty together, the eldest officer by commission there, on duty, or in quarters, shall command the whole, and giving out orders for what is needful to the service, regard being always had to the several ranks of those corps, and the posts they usually occupy.

Art. 26. And in like manner also, if any regiments, troops, or detachments of horse or foot, shall happen to march with, or be encamped, or quartered with any bodies or detachments of other troops in the service of the United States, the eldest, officer without respect to corps, shall take upon him the command of the whole, and give the necessary orders to the service.

**SECTION XIV.**

ADMINISTRATION OF JUSTICE.—REPEALED.

**SECTION XV.**

EFFECTS OF THE DEAD.

Art. 1. When a commissioned officer shall happen to die or be killed in the service of the United States, the major of the regiment, or the officer doing the major's duty in his absence, shall immediately secure all his effects or equipage then in camp or quarters; and shall, before the next regimental court-martial, make an inventory thereof, and forthwith transmit the same to the officer of the board of war, to the end that his executors may, after payment of his debts in quarters and interment, receive the overplus, if any be, to his or their use.

Art. 2. When any non-commissioned officer or soldier shall happen to die, or to be killed in the service of the United States the then commanding officer of the troop or company shall, in the presence of two other commissioned officers, take an account of whatever effects he dies possessed of, above his regimental clothing, arms and accoutrements, and transmit the same to the officer of the board of war; which said effects are to be accounted for, and paid to, the representatives of such deceased non-commissioned officer or soldier. And in case any of the officers so authorized to take care of the effects of dead officers and soldiers, should, before they shall have accounted to their representatives for the same, have occasion to leave the regiment, by preferment or otherwise, they shall, before they be permitted to quit the same, deposit in the hands of the commanding officer, or of the agent of the regiment, all the effects of such deceased non-commissioned officers and soldiers, in order that the same may be secured for, and paid to, their respective representatives.

**SECTION XVI.**

ARTILLERY, &c.

Art. 1. All officers, conductors, gunners, matroffs, drivers, or any other persons whatsoever, receiving pay or hire in the service of the artillery, of the United States, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts-martial, in like manner with the officers and soldiers of the other troops in the service of the United States.

Art. 2. For differences arising amongst themselves or in matters relating solely to their own corps, the courts-martial may be composed of their own officers; but where
where a number sufficient of such officers cannot be assembled, or in matters wherein other corps are interested, the officers of artillery shall sit in courts-martial with the officers of other corps, taking their ranks according to the dates of their respective commissions, and no otherwise.

SECTION XVII.

MILITIA DOING DUTY AND RANK.

Art. 1. the officers and soldiers of any troops, whether minute men militia, or others, being mustered and in continental pay, shall, at all times, and in all places, when joined, or acting in conjunction with the regular forces of the United States, be governed by these rules or articles of war, and shall be subject to be tried by courts-martial, in like manner with the officers and soldiers in the regular forces, save only, that such courts-martial shall be composed entirely of militia officers, of the same provincial corps with the offender.

That such militia and minute men as are now in service, and have, by particular contract with their respective States, engaged to be governed by particular regulations, while in continental service, shall not be subject to the above articles of war.

Art. 2. For the future, all general officers and colonels, serving by commission from the authority of any particular State, shall, on all detachments, courts-martial, or other duty wherein they may be employed in conjunction with the regular forces of the United States, take rank next after all generals and colonels serving by commissions from congress, though the commissions of such particular generals and colonels should be of elder date: And in like manner lieutenant colonels, majors, captains, and other inferior officers, serving by commission from any particular State, shall, on all detachments, courts-martial, or other duty, wherein they may be employed in conjunction with the regular forces of the United States, have rank next after all officers of the like rank serving by commission from the congress, though the commissions of such lieutenant colonels, majors, captains and other inferior officers should be of elder date to those of the like rank from congress.

SECTION XVIII.

RELATIVE TO THE FOREGOING ARTICLES.

Art. 1. The foregoing articles are to be read and published once in every two months at the head of every regiment, troop or company, mustered or to be mustered in the service of the United States, and are to be duly observed and exactly obeyed, by all officers and soldiers, who are or shall be in the said service.

Art. 2. The continental general commanding in either of the American States for the time being, shall have full power of appointing general courts-martial to be held, and of pardoning and mitigating any of the punishments ordered to be inflicted for any of the offenses mentioned in the aforementioned rules and articles for the better government of the troops, except the punishment of offenders under the sentence of death by a general court-martial, which he may order to be suspended until the pleasure of congress can be known; which suspension, with the proceedings of the court-martial, the said general shall immediately transmit to congress for their determination; and every offender convicted by any regimental court-martial, may be pardoned,
or have the punishment mitigated by the colonel, or commanding officer of the regiment.

Art. 3. No person shall be sentenced to suffer death, except in the cases expressly mentioned in the foregoing articles; nor shall more than one hundred lashes be inflicted on any offender at the discretion of a court-martial.

That every judge advocate, or person officiating as such, at any general court-martial, do, and he is hereby required to transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court-martial, to the secretary at war, which said original proceedings and sentence shall be carefully kept and preserved in the office of said secretary, to the end that persons entitled thereto, may be enabled, upon application to the said office, to obtain copies thereof.

That the party tried by any general court-martial, shall be entitled to a copy of the sentence and proceedings of such court-martial, upon demand thereof made by himself, or by any other person or persons on his behalf, whether such sentence be approved or not.

Art. 4. The field officers of each and every regiment are to appoint some suitable persons belonging to such regiment, to receive all such fines as may arise within the same, for any breach of any of the foregoing articles; and shall direct the same to be carefully and properly applied to the relief of such sick, wounded or necessitous soldiers as belong to such regiment; and such person shall account with such officer for all fines received, and the application thereof.

Art. 5. All crimes not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the above articles of war, are to be taken cognizance of by a general or regimental court-martial, according to the nature and degree of the offence, and be punished at their discretion.

Art. 6. That the general and commander in chief for the time being, shall have full power of pardoning or mitigating any of the punishments ordered to be inflicted, for any of the offences mentioned in the rules and articles of war, for the better government of the troops raised and to be raised, and kept in pay by, and at the expense of the United States of America, the fourth article resolved in congress the fourteenth day of April last is notwithstanding. (Passed May 27th, 1777.)

Art. 7. That a general officer, commanding in a separate department, be empowered to grant pardons to, or order execution of, persons condemned to suffer death by a general courts-martial, without being obliged to report the matter to congress, or the commander in chief. (Passed June 17th, 1776.)

In Congress, August 24, 1776.

Resolved, That the following resolution be printed at the end of the rules and articles of war, viz.

That all persons not members of, nor owing allegiance to any of the United States of America, as described in a resolution of congress, of the 24th of June last, who shall be found lurking as spies, in or about the fortifications or in encampments of the armies
armies of the United States, or any of them, shall suffer death, according to the law and usage of nations, by sentence of a court-martial, or such other punishment as such court-martial shall direct.

By order of congress, John Hancock, President.

Philadelphia, Sept. 29th, 1776.

APPENDIX.

BY THE UNITED STATES IN CONGRESS ASSEMBLED.

May 31, 1786.

Congress resumed the consideration of the report of the committee, to whom was referred a report of the secretary at war, on the articles of war and courts-martial, and thereupon came to the following resolutions:

WHEREAS, crimes may be committed by officers and soldiers, serving with small detachments of the forces of the United States, and where there may not be a sufficient number of officers to hold a general court-martial, according to the rules and articles of war, in consequence of which criminals may escape punishment, to the great injury of the discipline of the troops, and the public service:

Resolved, That the fourteenth section of the rules and articles for the better government of the troops of the United States, and such other articles as relate to the holding of courts-martial, and the confirmation of the sentences thereof, be; and they are hereby repealed.

Resolved, That the following rules and articles for the administration of justice, and the holding of courts-martial, and the confirmation of the sentences thereof, be duly observed, and exactly obeyed by all officers and soldiers, who are, or shall be in the armies of the United States.

ADMINISTRATION OF JUSTICE.

Art. 1. General courts-martial may consist of any number of commissioned officers from five to thirteen inclusively, but they shall not consist of less than thirteen where that number can be convened without manifest injury to the service.

Art. 2. General courts-martial shall be ordered as often as the cases may require, by the general or officer commanding the troops. But no sentence of a court-martial shall be carried into execution, until after the whole proceedings shall have been laid before the said general, or officer commanding the troops for the time being; neither shall any sentence of a general court-martial in time of peace, extending to the loss of life, the dismission of a commissioned officer, or which shall, either in time of peace or war respect a general officer, be carried into execution, until after the whole proceedings shall have been transmitted to the secretary at war, to be laid before congress for their confirmation or disapprobation, and their orders on the case. All other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer for the time being, as the case may be.
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Art. 3. Every officer commanding a regiment or corps, may appoint of his own regiment or corps, courts-martial to consist of three commissioned officers, for the trial of offenses, not capital, and the inflicting corporeal punishments, and decide upon their sentences. For the same purpose, all officers commanding any of the garrisons, forts, barracks, or other place, where the troops consist of different corps, may assemble courts-martial, to consist of three commissioned officers, and decide upon their sentences.

Art. 4. No garrison or regimental court-martial shall have the power to try capital cases, or commissioned officers; neither shall they inflict a fine exceeding one month's pay, nor imprison, nor put to hard labour any non-commissioned officer or soldier, for a longer time than one month.

Art. 5. The members of all courts-martial shall, when belonging to different corps, take the same rank in court which they hold in the army. But when courts-martial shall be composed of officers of one corps, they shall take rank according to the commissions by which they are mustered in the said corps.

Art. 6. The judge advocate, or some person deputed by him, or by the general, or officer commanding the army, detachment or garrison, shall prosecute in the name of the United States of America; but shall so far consider himself as counsel for the prisoner, after the said prisoner shall have made his plea, as to object to any leading question to any of the witnesses, or any question to the prisoner, the answer to which might tend to criminate himself, and administer to each member the following oaths which shall also be taken by all members of regimental and garrison courts-martial.

"You shall well and truly try and determine, according to evidence, the matter now before you, between the United States of America, and the prisoner to be tried. So help you God."

"You A. B. do swear, that you will duly administer justice, according to the rules and articles for the better government of the forces of the United States of America, without partiality, favor or affection; and if any doubt shall arise, which is not explained by said articles, according to your conscience, the best of your understanding, and the custom of war in the like cases; And you do further swear, that you will not divulge the sentence of the court until it shall be published by the commanding officer. Neither will you, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law. So help you God."

And as soon as the said oaths shall have been administered to the respective members, the president of the court shall administer to the judge advocate, or person officiating as such, an oath in the following words:

"You A. B. do swear, that you will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law. So help you God."

Art. 7. All members of a court-martial are to behave with decency and calmness; and in giving their votes, are to begin with the youngest in commission.
Art. 8. All persons who give evidence before a court-martial are to be examined on oath or affirmation, as the case may be; and no sentence of death shall be given against any offender by any general court-martial, unless two thirds of the members of the court shall concur therein.

Art. 9. Whenever an oath or affirmation shall be administered by a court-martial, the oath or affirmation shall be in the following form:

"You swear (or affirm, as the case may be) the evidence you shall give in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God."

Art. 10. On the trials of cases not capital, before courts-martial, the depositions of witnesses, not in the line or staff of the army, may be taken before some justice of the peace, and read in evidence, provided the prosecutor and person accused are present at the taking the same.

Art. 11. No officer shall be tried but by a general court-martial, nor by officers of an inferior rank, if it can be avoided. Nor shall any proceedings or trials be carried on excepting between the hours of eight in the morning and three in the afternoon, except in cases which, in the opinion of the officer appointing the court, require immediate example.

Art. 12. No person whatsoever shall use menacing words, signs or gestures, in the presence of a court-martial, or shall cause any disorder or riot, to disturb their proceedings, on the penalty of being punished at the discretion of the said court-martial.

Art. 13. No non-commissioned officer shall be cashiered or dismissed from the service, excepting by order of congress, or by the sentence of a general court-martial; and no non-commissioned officer or soldier shall be discharged the service, but by the order of congress, the secretary at war, the commander in chief, or commanding officer of a department, or by the sentence of a general court-martial.

Art. 14. Whenever any officer shall be charged with a crime, he shall be arrested and confined to his barracks, quarters or tent, and deprived of his sword by his commanding officer. And any officer who shall leave his confinement before he shall be set at liberty by his commanding officer, or by a superior power, shall be cashiered for it.

Art. 15. Non-commissioned officers and soldiers, who shall be charged with crimes, shall be imprisoned, until they shall be tried by a court-martial, or released by proper authority.

Art. 16. No officer or soldier who shall be put in arrest or imprisonment, shall continue in his confinement more than eight days, or until such time as a court-martial can be assembled.

Art. 17. No officer commanding a guard, or provost martial, shall refuse to receive or keep any prisoner committed to his charge, by any officer belonging to the forces of the United States; provided the officer commanding shall at the same time, deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.
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Art. 18. No officer commanding a guard, or provost martial, shall presume to release any prisoner committed to his charge, without proper authority for so doing; nor shall he suffer any person to escape on the penalty of being punished for it by the sentence of a court-martial.

Art. 19. Every officer or provost-martial, to whose charge prisoners shall be committed, shall within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, make report in writing, to the commander in chief, or commanding officer, of their names, their crimes, and the names of the officers who committed them, on the penalty of his being punished for disobedience or neglect, at the discretion of a court-martial.

Art. 20. Whatever commissioned officer shall be convicted before a general court-martial, of behaving in a scandalous and infamous manner, such as is unbecoming an officer and a gentleman, shall be dismissed the service.

Art. 21. In cases where a court-martial may think it proper to sentence a commissioned officer to be suspended from command, they shall have power also to suspend his pay and emoluments for the same time, according to the nature and heinousness of the offence.

Art. 22. In all cases where a commissioned officer is cashiered for cowardice, or fraud, it shall be added in the sentence, that the crime, name, place of abode, and punishment of the delinquent be published in the newspapers, in and about camp, and of the particular State from which the offender came, or usually resides; after which it shall be deemed scandalous for any officer to associate with him.

Art. 23. The commanding officer of any post or detachment, in which there shall be a number of officers adequate to form a general court-martial, shall in cases which require the cognizance of such court, report to the commanding officer of the department, who shall order a court to be assembled, at the nearest post or detachment, and the party accused with the necessary witnesses to be transported to the place where the said court shall be assembled.

Art. 24. No person shall be sentenced to suffer death, except in the cases expressly mentioned in the foregoing articles; nor shall more than one hundred lashes be inflicted on any offender, at the discretion of a court-martial.

Every judge advocate, or person officiating as such at any general court-martial, shall transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court-martial, to the secretary at war, which said original proceedings and sentence, shall be carefully kept and preserved in the office of the said secretary, to the end, that the persons entitled thereto, may be enabled, upon application to the said office, to obtain copies thereof.

The party tried by any general court-martial, shall be entitled to a copy of the sentence and proceedings of such court-martial after a decision on the sentence, upon demand thereof made by himself, or by any person or persons in his behalf, whether such sentence be approved or not.

Art. 25. In such cases where the general, or commanding officer may think proper to order a court of enquiry, to examine into the nature of any transaction, accusation or
or imputation against any officer or soldier, the said court shall be conducted conformably to the following regulations: It may consist of one or more officers, not exceeding three, with the judge advocate, or a suitable person, as a recorder to reduce the proceedings and evidences to writing, all of whom shall be sworn to the faithful performance of their duty. This court shall have the same power to summon witnesses as a court-martial, and to examine them on oath. But they shall not give their opinion on the merits of the case, excepting they shall be thereto specially required. The parties accused shall also be permitted to cross-examine and interrogate the witnesses, so as to investigate fully the circumstances in question.

Art. 26. The proceedings of a court of enquiry must be authenticated by the signature of the recorder, and the president, and delivered to the commanding officer, and the said proceedings may be admitted as evidence by a court-martial, in cases not capital or extending to the dismission of an officer; provided that the circumstances are such, that oral testimony cannot be obtained. But as courts of enquiry may be perverted to dishonorable purposes, and may be considered as engines of destruction to military merit, in the hands of weak, and envious commandants, they are hereby prohibited, unless demanded by the accused.

Art. 27. The judge advocate, or the recorder, shall administer the members the following oath:

"You shall well and truly examine and enquire, according to your evidence, into the matter now before you, without favor or affection. So help you God."

After which the president shall administer to the judge advocate, or recorder, the following oath:

"You A. B. do swear, that you will, according to the best of your abilities, accurately and impartially record the proceedings of the court, and the evidences to be given in the case in hearing. So help you God."

The witnesses shall take the same oath as is directed to be administered to witnesses sworn before a court-martial.

Resolved, That when any desertion shall happen from the troops of the United States, the officer commanding the regiment or corps to which the deserters belonged shall be responsible, that an immediate report of the same be made to the commanding officer of the forces of the United States present.

Resolved, That the commanding officer of any of the forces in the service of the United States, shall, upon report made to him of any desertions in the troops under his orders, cause the most immediate and vigorous search to be made after the defector or deserters, which may be conducted by a commissioned or non-commissioned officer, as the case shall require: That if such search should prove ineffectual, the officer commanding the regiment or corps to which the defector or deserters belonged, shall insert in the nearest gazette, or newspaper, an advertisement, descriptive of the defector or deserters, and offering a reward, not exceeding ten dollars, for each defector who shall be apprehended and secured in any of the goals of the neighboring States. That the charges of advertising deserters, the reasonable extra expenses incurred
An Act to prescribe the mode in which the public acts, records and judicial proceedings in each State, shall be authenticated so as to take effect in every other State.

I. Be it enacted by the senate and house of representatives of the United States of America in Congress assembled, That the acts of the legislatures of the several States shall be authenticated by having the seal of their respective States affixed thereto: That the records and judicial proceedings of the courts of any State, shall be proved or admitted in any other court within the United States, by the attestation of the clerk, and the seal of the court annexed, if there be a seal, together with a certificate of the judge, chief justice, or presiding magistrate, as the case may be, that the said attestation is in due form; and the said records and judicial proceedings authenticated as aforesaid, shall have such faith and credit given to them in every court within the United States, as they have by law or usage in the courts of the State from whence the said records are, or shall be taken.

FREDERICK AUGUSTUS MUHLENBURG,
Speaker of the House of Representatives

JOHN ADAMS, Vice-President of the United States and President of the Senate.

Approved May, 26th, 1790.

GEORGE WASHINGTON, President of the United States.

* The compilers on a review of the appendix, are induced to believe they may have erred, as to the date of the commission to governor Johnstone of West Florida. It appears from the documents furnished by the attorney general that the commission of governor Grant of East Florida was dated the 4th October, in the third year of the reign of George III; and, governor Johnstone's of West Florida the 21st November, in the fourth year of his reign; yet the commissions seem to have been issued in the same year. This we have thought proper to remark, in justice to Mr. Pendleton, for whom we avow a personal respect: But, at the same time, we feel ourselves warranted in the inferences drawn from a view of the whole subject, and still conclude, that the boundary of West Florida was never extended to the north, by any solemn act of the crown.