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TREATY OF AMITY, SETTLEMENT AND LIMITS.

Between the United States of America and his Catholic Majesty.

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

Article 1. There shall be a firm and inviolable peace and sincere friendship, between the United States and their citizens, and Catholic Majesty, his successors, and subjects, without exception of persons or places.

on the Red river, and proceed to run and mark the said line, from the mouth of the Sabine to the Red river, and from the Red river to the river Arkansas, and to ascertain the latitude of the source of the said river Arkansas, in conformity to what is above agreed upon and stipulated, and the line of 42, the South Sea: they shall make out plans, and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree respecting the necessary articles to be furnished to those persons, and also to their respective escorts, should such be deemed necessary.

Art. 5. The inhabitants of the ceded territories shall be secured in the free exercise of their religion, without any restriction, and all those who may desire to remove to the Spanish dominions shall be permitted to sell or export their effects at any time whatever, without being subject, in either case, to duties.

Art. 6. The inhabitants of the territories which His Catholic Majesty cedes to the United States, by this treaty, shall be incorporated in the Union of the United States: as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

Art. 7. The officers and troops of His Catholic Majesty, in the territories hereby ceded by him to the United States, shall be withdrawn, and possession of the places occupied by them shall be given, within six months after the exchange of the ratification of this treaty, or sooner, if possible, by the officers of His Catholic Majesty, to the commissioners or officers of the United States, duly appointed to receive them; and the United States shall furnish the transports and escort necessary to convey the Spanish officers and troops, and their baggage, to the Havana.

Art. 8. All the grants of land made before the 24th of January, 1818; by His Catholic Majesty, or by his lawful authorities, in the said territories ceded by His Majesty to the United States, shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid if the territories had remained under the dominion of His Catholic Majesty. But the owners in possession of such lands, who, by reason of the recent circumstances of the Spanish nation, and the revolutions in Europe, have been prevented from fulfilling all the conditions of their grants, shall complete them within the terms limited in the same, respectively, from the date of this treaty; in default of which, the said grants shall be null and void. All grants made since the said 24th January, 1818, when the first proposals on the part of His Catholic Majesty, for the cession of the Floridas, was made, are hereby declared and agreed to be null and void.

Art. 9. The two high contracting parties, animated with the most earnest desire of conciliation, and with the object of putting an end to all the differences which have existed between them, and of confirming the good understanding which they wish to be forever maintained between them, reciprocally renounce all claims for damages or injuries which they themselves; as well as their respective citizens and subjects, may have suffered, until the time of signing this treaty.

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

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

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

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

The renunciation of His Catholic Majesty extends.

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

2. To the sum which His Catholic Majesty advanced for the return of capt. Pike from the Provincias Internas.

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

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

Finally, to all the claims of subjects of his Catholic Majesty upon the Government of the United States, in which the interposition of His Catholic Majesty's Government has been solicited, before the date of this treaty, and since the date of the Convention of 1802, or which may have been made to the Department of Foreign Affairs of His Majesty, or to his Minister in the U. States. And the high contracting parties res-

pectively renounce all claim to indemnities for any of the recent events or transactions of their respective commanders and officers in the Floridas.

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

Art. 10. The Convention entered into between the two Governments, on the 11th Aug. 1802, the ratifications of which were exchanged the 21st Dec. 1818, is annulled.

Art. 11. The United States, exonerating in Spain from all demands in future, on account of the claims of their citizens, to which the renunciations herein contained extend, and considering them entirely cancelled, shall make satisfaction for the same, to an amount not exceeding five millions of dollars. To ascertain the full amount and validity of those claims, a commission, to consist of three commissioners, citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate; which commission shall meet at the City of Washington, and, within the space of three years from the time of their first meeting shall receive, examine, and decide upon the amount and validity of all the claims included within the descriptions above mentioned. The said commissioners shall take an oath of affirmation, to be entered on the record of their proceedings, for the faithful and diligent discharge of their duties, and in case of the death, sickness, or necessary absence, of any such commissioner, his place may be supplied by the appointment, as aforesaid, or by the President of the United States, during the recess of the Senate, of another commissioner in his stead. The said commissioners shall be authorized to hear and examine, on oath, every question relative to the said claims, and to receive all suitable authentic testimony concerning the same. And the Spanish Government shall furnish all such documents and elucidations as may be in their possession, for the adjustment of the said claims, according to the principles of justice, the laws of nations, and the stipulations of the treaty between the two parties, of 27th October, 1795, the said documents to be specified, when demanded, at the instance of the said commissioners.

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

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

Art. 12. The treaty of limits and navigation of 1795, remains confirmed in all and each one of its articles excepting the 2d, 3d, 4th, and 21st, and the 2d clause of the 22d article, which, having been altered by this treaty, or having received their entire execution, are no longer valid.

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

Art. 13. Both contracting parties, wishing to favor their mutual commerce, by affording in their ports every necessary assistance to their respective merchant vessels, have agreed, that the sailors who shall desert from their vessels in the ports of the other shall be arrested and delivered up, at the instance of the Consul; who shall prove, nevertheless, that the deserters belonged to the vessels that claimed them, exhibiting the document that is customary in their nation; that is to say: The American consul, in a Spanish port, shall exhibit the document known by the name of articles; and the Spanish consul, in American parts, the roll of the vessel; and if the name of the deserter or deserters, who are claimed, shall appear in the one or the other, they shall be ar-

rested, held in custody, and delivered to the vessel to which they shall belong.

Art. 14. The United States hereby certify, that they have not received any compensation from France for the injuries they suffered from her privateers, consuls, and tribunals, on the coasts and in the ports of Spain, for the satisfaction of which provision is made by this treaty; and they will present an authentic statement of the prizes made, and their true value, that Spain may avail herself of the same, in which manner as she may deem just and proper.

Art. 15. The United States, to give His Catholic Majesty a proof of their desire to cement the relations of amity subsisting between the two nations, and to favor commerce the subjects of H. C. Majesty, agree that Spanish vessels, coming laden only with productions of Spanish growth or manufactures, directly from the ports of Spain or her colonies, shall be admitted, for the term of twelve years, to the ports of Pensacola and St. Augustine in the Floridas, without paying other or higher duties on their cargoes, or tonnage, than will be paid by the vessels of the United States. During the said term no other nation shall enjoy the same privileges, within the ceded territories. The twelve years shall commence three months after the exchange of the ratifications of this treaty.

Art. 16. The present treaty shall be ratified in due form, by the contracting parties and the ratifications shall be exchanged in six months from this time, or sooner, if possible.

In witness whereof, we, the undersigned Plenipotentiaries of the U. States of America and of his C. Majesty, have signed, by virtue of our powers, the present treaty of amity, settlement and limits, and have thereunto affixed our seals respectively.

Done at Washington, this twenty-second day of February, 1819.

[Seal.] JOHN Q. ADAMS.

[Seal.] LUIS DE ONIS.

Resolution of the Senate, advising Ratification.

In Senate of the United States, February, 24th, 1819.

Resolved, Two-thirds of the Senators present concurring therein, that the Senate do advise and consent to the ratification of the Treaty of Amity, Settlement and Limits, made and concluded at Washington, on the 22d day of February, 1819, between the United States and his Catholic Majesty: Attest,

CHARLES CUTTS, Sec'y.

Ratification by the President of the United States.

James Monroe, President of the United States of America, to all and singular who shall see these presents: greeting: Whereas a Treaty of Amity, Settlement, and Limits, between the United States of America, and his Catholic Majesty, was conducted and signed between their Plenipotentiaries, in this city, on the 22d day of the present month of February, which Treaty is word for word, as follows:—(See copy herewith transmitted.) And whereas the Senate of the United States, by their resolution, on the 24th day of the same month, two-thirds of the Senators then present concurring did advise and consent to the ratification of the said Treaty:

Now, therefore, I, James Monroe, President of the United States of America, having seen and considered the Treaty above recited, do, in pursuance of the aforesaid advice and consent of the Senate of the United States, by these presents accept, ratify, and confirm the said Treaty, and every clause and article thereof, as the same are hereinbefore set forth.

In faith whereof, I have caused the seal of the United States of America to be hereto affixed. Given under my [L. S.] hand, at the City of Washington, this twenty-fifth day of February, in the year of our Lord one thousand eight hundred and nineteen, and of the independence of the said States the forty-third.

JAMES MONROE.

General instructions to Mr. Forsyth, Minister Plenipotentiary to Spain.

Department of State, Washington, 8th March, 1819.

John Forsyth.

Sir: The treaty of amity, settlement, and limits, between the United States and Spain, concluded on the 22d ultimo, and ratified on the part of the United States having provided for the adjustment of all important subjects of difference between the two nations, the first object of your mission will be to obtain the ratification of the Spanish government, and receive it in exchange for ours; the authentic instrument of which is committed to your charge. The United States' ship Hornet, captain Read, is in readiness at Boston, and orders have been despatched under which you will take passage in her for Cadiz. It is desirable that you should embark without delay. On your arrival in Spain, the Hornet will remain at Cadiz, subject to your orders, until the exchange of the ratifications can be effected. And if, as is anticipated, no obstacle should intervene to delay that transaction, you will, upon receiving the Spanish ratified copy, immediately forward it to captain Read, with directions to bring it immediately to the United States. As the ulterior destination of the Hornet

will be the Gulf of Mexico, the port to which it will be advisable for him to come, will be New-York.

On exchanging the ratifications, certificates of the fact will be mutually executed and delivered by you and the Spanish Minister with whom you will make the exchange. Copies of that which passed, in both languages, on the exchange of the ratifications of the convention of the 22d August 1802, are now furnished you, and will serve as forms, to be used in the performance of this ceremony. On this occasion, as upon all others upon which you may have occasion to execute any document, joint, or reciprocal, with a foreign Minister of State, you will be careful to preserve the right of the United States to the alternative of being first named, and your own right, as their representative, to sign first in the papers executed; while, in the counterparts, the other contracting party will be named first, and the foreign Minister will first sign and seal. A rigid adherence to this practice has become necessary, because it is strictly adhered to by all the European sovereigns, in their contracts with one another; and, because the United States having heretofore sometimes forgotten to claim this conventional indication of respect and dignity, some appearance of a disposition to allege the precedent against them, as affecting their right to it, was manifested by the British Plenipotentiaries, on executing the convention of 3d July, 1810, and by Mr. de Onis at the drawing up and signing of this treaty. The scruple was, however, in both cases abandoned, and the right of the United States to the alternative was conceded. It is not expected that it will hereafter be questioned, and you will consider it as a standing instruction to abide by it in the execution of any instrument of compact, which as public minister of the United States, you may be called to sign.

After the exchange of the ratification your attention will be directed to the object of carrying the provisions of the treaty into effect. The orders for the evacuation, by the Spanish officers and troops of the places occupied by them in the Floridas, will, no doubt, be immediately issued, and as the transports and escorts for conveying them to the Havana, are to be furnished by the United States, it is hoped you will obtain copies of the orders, and transmit them here with the ratification of the treaty. You will think it advisable to keep the Spanish government reminded of the necessity to include in the orders for the delivery of possession, that of all the archives and documents relating to the dominion and sovereignty. The appointment of a commissioner and surveyor, for running the line of the western boundary, must also be kept in remembrance, and notice given as soon as possible after their appointment. You will collect from the archives of the legation at Madrid, all the documents relating to the claims of citizens of the United States upon the Spanish government, which have been deposited there, and which come within the description of claims to be exhibited to the commissioners, under the 11th article of the treaty. You will send all these documents, together with the ratified treaty to this department, retaining descriptions of them and, if necessary, copies of such papers for which no equivalent substitute could be produced in case of the being lost. Should you have reason to believe that any documents which you should be able to specify, were in possession of the Spanish government, tend to elucidate any of these claims, you endeavor to obtain them. The treaty provides that they shall be furnished, the demand of the commissioners. If so much time may be saved, if they be sent here to be ready when the commission will be organized, and commence the exercise of its functions, you should the occasion present itself, use your endeavors to that effect.

Certificate of Exchange of Ratification referred to in the preceding Instructions.

We, John Quincy Adams, secretary of state of the United States of America, and Don Luis de Onis, Gonzales Lopez, Lord of the town of Rayages, Cadina, and Lagatera, Member of the Academies and Societies, both national and foreign, perpetual Regidor of the corporation of the city of Salamea, Knight Grand Cross of the royal Andean Order of Isabella the Catholic, created with the Lys of La Vendee, Captain of the royal and distinguished Spanish Order of Charles the Third, Member of the Supreme Assembly of the Catholic Majesty his Secretary with a title of Decrees, and his Envoy Extraordinary and Minister Plenipotentiary near the United States of America: certify that the ratifications of the convention between the said United States of America and his said Majesty, concluded on the eleventh day of August, one thousand eight hundred and two, accompanied with all suitable solemnities, and one comparison each with the other, with the original examples of the convention, have been exchanged by us this

In witness whereof, we have signed this act triplicate, and have affixed our seals, at the City of Washington, this twenty-first day of December, one thousand eight hundred and eighteen.

JOHN QUINCY ADAMS. [L.]

LUIS DE ONIS, [L.]

(See fourth page.)