

UNITED STATES HIGH COMMISSIONERS.  
CHARLES W. FAIRBANKS, *Chairman*.  
CHARLES J. FAULKNER.  
NELSON DINGLEY.  
JOHN W. FOSTER.  
JOHN A. KASSON.  
T. JEFFERSON COOLIDGE.

SECRETARY,  
CHANDLER P. ANDERSON.

UNITED STATES & BRITISH JOINT HIGH COMMISSION  
FOR THE ADJUSTMENT OF CANADIAN QUESTIONS.

OFFICE OF THE UNITED STATES HIGH COMMISSIONERS,  
WASHINGTON, December 6, 1898.

DEAR SIR: Pursuant to your request of today, I return herewith the papers entitled "Abstract of Title," which I received from you, accompanying your letter of July 30th last. These, I believe, are all the papers which I have received from you, except your letters.

Kindly acknowledge receipt.

Very truly yours,

CHANDLER P. ANDERSON,  
*Secretary.*

D. W. WOOD, Esq.,  
No. 1329 G Street,  
Washington, D. C.

THE REPUBLICAN LEAGUE,  
79 DEARBORN ST., CHICAGO, ILL.,  
May 19th, 1898.

BRITISH AMBASSADOR,

SIR:—Herewith find my Statement of claim for Chapman and Lane and the reason for asking your assistance in getting a settlement of Disputed Land. The Indians claim these unsold lands, the U. S. government do not own them, the State cannot own them for they have never purchased them. It is a doubtful question of possession and Settlers & Squatters have resided on this land for 40 years and more and the map shows that the Michigan waters cover them. It is time that civilization should break out and something be done to help British subjects to secure their rights. There never was a better time than now; the people will uphold the President and Secy. of State in all efforts to quiet the title to these lands. Hoping you will place these disputed lands in your complaint and grievance Calendar and call on the U. S. gov. to aid you in settling this title, I am,

Respectfully yours, &c.,

D. W. WOOD.

To The BRITISH AMBASSADOR,  
Washington, D. C.

In the matter of the grievancés and complaint of L. N. Chapman and Freeman Lane, British subjects, I herewith submit the following statement, as requested by you while I was in Washington.

The treaty between Great Britain and the United States in 1814, Article IX, says: "The United States of America engaged to put an end immediately after the ratification of the present treaty, to all hostilities with all the tribes or nations of Indians with whom they may be at war at the time of such ratification, and forthwith to restore to such tribes or nations respectively, all the possessions, rights and privileges which they may have enjoyed or been entitled to in 1811, previous to such hostilities."

This article recognizes the Indian title, and the certified copy of the deed attached to the British Consul's report is a certified copy of the deed on record in Cook County, State of Illinois, showing a conveyance from the Chief and the tribes of Indians from whom the United States have always purchased their title in and to lands in the State of Illinois. The property conveyed by the Indians, vested their title in one W. H. Cox, who conveys by warranty deed to Chapman and Lane.

Article IV in the treaty of 1842 recognizes these titles, and all equitable possessory claims arising from a possession and improvement on any lot or parcel of ground by the persons actually in possession or by those under whom such person claims.

The treaty of 1871, Article XXVIII, subject treats of the navigation of Lake Michigan, and clearly recognizes the rights of British subjects in the waters of Lake Michigan, and by implication taken in connection with the other sections to which I have reference clearly indicate that any disputed territory in regard to land titles within the waters of Lake Michigan is a subject of dispute between the two countries; Great Britain and the United States; and also where it affects the Indian title, which has never been disposed of, deprives the courts of the United States of Jurisdiction on the subject matter of quieting titles; and after a careful study, and comparing notes with men who have studied this subject carefully, I have come to the conclusion that there is no other remedy except through the contracting parties, Great Britain and the United States, in settling the question of title to disputed lands in and around Lake Michigan, and especially in view of the fact that the land Department of the United States have never purchased from the Indians the ground known as "Lake front" in the Chicago harbor in the State of Illinois; and in view of the fact that the United States and Great Britain have a treaty which regulates and controls the waters of Lake Michigan, and the lands under said waters.

November 19th, 1794, Article IX, it is agreed that British subjects who now hold lands in the territories of the United States and American citizens who now hold lands in the dominions of his Majesty, shall continue to hold them, according to the nature and tenure of their respective estates and titles therein; and may grant, sell or devise the same to whom they please in like manner as if they were natives; and that neither they nor their heirs or assigns shall, so far as may respect the said lands and the legal remedies incident thereto, be regarded as aliens.

This real estate claim of Chapman and Lane is outside of the Wall's boundary line, which was admitted to be the boundary line of Lake Michigan. My clients claim that these lands are subject to dispute; that they are not within the corporate limits of the city of Chicago, and are not subject to taxation, and as a matter of fact are not taxed by the said County or the State of Illinois; that this large body of land is in dispute; that settlers have resided upon this land while part of it was an island in the waters of Lake Michigan, and by filling in and accretions it has become a part of the mainland; and especially as to that portion of the land belonging to Chapman, which is on the border of the Chicago river, is a point especially of dispute that should be settled by arbitration; and neither the United States nor the State of Illinois has jurisdiction over the same, only in conjunction with the Indians' right and the right of Great Britain's subjects, and the fact that the United States courts have no jurisdiction, and the additional fact that the land department of the United States has already decided that it is not a subject of entry, and that they have no jurisdiction, is certainly sufficient to warrant a British subject in calling upon Great Britain to intercede, and ask the United States to join them in settling the title and quieting the same in the rightful owners and possessors.

As requested, I make the following suggestion: that you ask the United States to join you in creating a commission or court, for the purpose of investigating and settling all disputes in regard to island and accretions and other disputed territory in Lake Michigan; that said commission or court be invested with power to hear evidence and report its conclusions and findings, and that all corporations and citizens, British subjects and all others be required to present their claims to said commission or court for final adjudication.

Respectfully submitted,

D. W. WOOD,  
*Solicitor for Chapman and Lane.*

STATE OF ILLINOIS, }  
COUNTY OF COOK, } ss.

FREEMAN LANE, of lawful age, and  
LILLIAN N. CHAPMAN, of lawful age,

say that they are citizens of Canada and British subjects; that they have an interest in lands upon the Lake Front, designated by red marks upon an abstract hereto attached, marked Exhibit "A," and made a part of this statement of facts; each of them separately and for themselves say that they are the owners of lands marked upon said map, and that they have no means of ascertaining and determining in any of the courts of the United States an adjudication that will quiet their title and remove the cloud upon the same; that the said lands are made lands upon Lake Michigan, along the Chicago Harbor, and that they are subject to treaties between the United States and Great Britain; that said parties have no recourse in the courts of the United States, and are unable to ascertain and determine their rights and to secure the same except through arbitration and a commission appointed by the United States and Great Britain; that the abstract hereto attached and referred to as Exhibit "A," and Exhibit "B" hereto attached, set forth a complete statement of facts connected therewith, and these affiants respectfully request the British Ambassador to take such steps as will be right and proper to secure them their rights in the premises.

FREEMAN LANE.  
LILLIAN M. CHAPMAN.

TALLMADGE & WOOD,  
SOLICITORS & ATTORNEYS IN BANKRUPTCY JURISPRUDENCE,  
Rooms 6 & 7, 1423 F st., n. w.,

WASHINGTON, D. C., 30th July, 1898.

To the BRITISH AMBASSADOR,  
Washington, D. C.

SIR: I herewith submit to you a copy of a letter I have filed with Mr. Anderson, Secretary of the American Commission, together with a copy of the Deed from Chapman to Wood, also one from Cox to Chapman, also copy of the trust deed from Cox and wife to George E. Cox, Trustee, to secure \$1,060,000. The indebtedness is to British subjects, and pertains to the disputed lands in W. H. Cox's Lake Michigan District Subdivision lying east of and adjoining the south part of fractional section Three (3) and the north part of fractional section Ten (10) Township Thirty-nine (39) North of Range Fourteen (14) East of the Third P. M., as shown upon the map attached to abstract submitted to you in the Chapman and Lane matter.

There seems to be a willingness on the part of the American Commission to take up this matter and adjudicate it and I trust that you will see your way clear to manifest the same willingness on your part to present the matter to the Joint-Commission.

You should not leave British subjects and their interests to be made the foot-ball of a dual form of government and the subject of endless discussion in the Land departments of the United States.

British subjects have rights in the Chicago Harbor and now is the opportunity to have them adjudicated and provide a remedy for putting an end to endless litigation and uncertain legal proceedings.

I have no apology to offer for my earnestness in this matter; I am an American citizen and am willing to do all I can to secure the rights of British subjects and to make them secure in their possessions, and trust that you will aid me with all your powers.

Hoping you will present this matter to the Joint-Commission and recommend that they give me hearing in the matter at some date to be fixed by said Commission.

Very respectfully yours,

D. W. WOOD.

(This is a copy of a letter I have filed with Mr. Anderson, Secy. C. & A. Com.)

WASHINGTON, D. C., July 29th, 1898.

To the BRITISH AMBASSADOR,

WASHINGTON, D. C.

DEAR SIR: In compliance with suggestion in the matter of the grievances and complaints relating to the Lake Front lands at Chicago, Ill., I make the following statement as the Solicitor and Agent of Chapman, Lane and Mallarey British subjects, of the following described real-estate: Commencing at the northwest corner of fractional section Ten (10) township Thirty-nine (39) north range Fourteen (14) East Third P. M. thence South 2265 feet; thence East 2150 feet; thence South 475 feet; thence East 166 feet; thence North 515 feet; thence West 166 feet to the place of beginning; also that piece commencing at the southwest corner of fractional section Three (3) thirty-nine (39) north range Fourteen (14) East third P. M.: thence East 1375 feet to a point on the east side of the United States Government Surveyed meandered Boundary Line 1150 feet; thence North 25 m West 400 feet to the place of beginning; thence East 300 feet; thence South 250 feet; thence West 190 feet to the said meandered boundary line; thence North 25 m West 400 feet, along said boundary line to the place of beginning; all of said described lands are situated east of the County of Cook, in the State of Illinois. The first described tract is situated on the Chicago River on the north side of said River and the south front of said described tract of land is on said Chicago River and opposite of the swinging bridge in the centre of the Chicago River owned and occupied by the Illinois Central Railway Company and the track of said Illinois Central Railway Company is on a portion of said described land; that said Chicago River is a navigable stream and a subject of treaty stipulation pertaining to the navigable waters of Lake Michigan and that said swinging bridge of the Illinois Central Railway Company is an obstruction in the navigable waters of the said Chicago River and is detrimental to the interests of the owners of said described tract of land so situated as aforesaid upon and adjoining said Chicago River.

That the second described tract of land is adjoining and extending to the navigable waters of Lake Michigan at the foot and east end of Oak Street Chicago, Ill. The abstract herewith submitted contains a map showing the location of said described lands. The owners of said described lands is a citizen of the United States and asks your Honorable Body to create a commission or court for the purpose of investigating and settling all disputes in regard to said land and accretions and other disputed territory on said Lake Front at Chicago Ill. That said Commission or Court be invested with power to take and hear evidence and report its conclusions and findings to such bodies in your judgment may be right and proper and that all corporations and citizens and British subjects and all other persons interested, both State and National and the Indian Tribes claiming an interest in said lands with all other persons interested be required to present their claims to said Commission or Court for final adjudication within six months after said Court or Commission is created.

I represent a number of claimants both American citizens and British subjects and I have been referred by the British Ambassador and by the Secretary of State to the United States Court as the proper jurisdiction for quieting the title, but after years of study and litigation and perplexities and annoyance and the uncertainty and doubt already created by the decisions of the Supreme Court of the State of Illinois and by the decisions of the Supreme Court of the United States, these lands have become the subject of more dispute and doubt than before said decisions were rendered.

By a recent decision of the Supreme Court of the State of Illinois, these lands they declare "to be held in trust for the people of the State of Illinois," which proposition we deny and assert that there is no Act of Congress which gives the said lands in trust to the State of Illinois for the people of Illinois, and that the State of Illinois has no power or authority to dedicate said lands to any purpose whatever; these lands are not within the corporate limits of the City of Chicago, this being a political question we ask your fair and candid attention.

They are not subject to taxation as a matter of fact are not taxed by the County or the State of Illinois; that this large body of land is in dispute; and claimed by the State; that the Secretary of the Department of the Interior of the United States has rendered a final decision that said lands are not a part of the public domain of the United States and to the decision of Commissioner Lamereaux of the Land Department, which was to the contrary and was reversed by said Secretary Bliss and to said Bliss' opinion we call attention for your consideration.

The Pottawattomie Indians who reside in Allegan County, Michigan, claim an interest in said lands and assert that their Indian title has never been extinguished as provided by treaties and acts of Congress with them.

You will observe by the deeds photographed from the originals and made a part of the abstract herewith submitted, that there is a large tract of this land that has been occupied by settlers and traders for many years and their right of possession has never been questioned and their right to convey has never been questioned for the reason that all settlers and traders within the precincts or jurisdiction of any post shall be free to sell their lands, houses or effects at their discretion; that these settlers, some of them were British subjects some of them French subjects, and their rights and possessions lands, and effects are protected by treaty stipulation.

A careful study of the treaties and of the rights of these traders, settlers and Indians will disclose the fact that the United States Government has never extinguished the Indian Title in the ground known as the Lake Front in the Chicago Harbor, in the State of Illinois.

The fact that the United States and Great Britain have a treaty which regulates and controls the navigable waters of the Chicago River and Lake Michigan and that there is an uncertainty and a doubt in regard to the made lands on the banks of the Chicago River and Lake Michigan in the Chicago Harbor and in view of the fact that we are unable in our Courts to protect the title to said lands, I am prompted as the Solicitor and legal adviser of several American citizens who have lands situated on this disputed territory and several British subjects who own lands on said disputed territory and representing parties who have trust-deeds on some of said disputed lands that the best course would be to ask some definite action clearing up the title and quieting the same in the owners who have lands and lots

situated on the Chicago Harbor and the Chicago River. The treaty of Sept. 29, 1827, Art. 4, on Water Courses, clouds the title to these lands.

Hoping that I have presented enough in this brief letter calling your attention to the condition of things in the Chicago Harbor and on the Chicago River to enable you to see the matters necessary for investigation.

Yours truly,

D. W. WOOD,  
*Solicitors for Owners.*

THIS INDENTURE WITNESSETH, that the grantor, William H. Cox and Susan A. Cox, his wife, of the City of Chicago, in the County of Cook and State of Illinois, for and in consideration of the sum of One Dollar and for a further consideration according to contract dated this day in hand paid, Convey and Warrant to Lillian M. Chapman of London, Canada, the following-described real-estate to-wit: Commencing at the northwest corner of fractional section ten (10) township thirty nine (39) North Range fourteen (14) east of third P. M. Thence south twenty-two hundred and sixty five (2265) feet; thence East twenty-one hundred and fifty (2150) feet to a place of beginning; thence South four hundred and seventy five (475) feet; thence East one hundred and sixty six (166) feet thence North five hundred and fifteen (515) feet; thence West one hundred and sixty six (166) feet. Also that piece commencing at the southwest corner of fractional section three (3) Township thirty-nine (39) North Range (14) east of 3rd P. M. thence east thirteen hundred and seventy five (1375) feet to a point on the east side of the United States Government's surveyed meander boundary line; thence North fifteen (15) m. west eleven hundred and fifty (1150) feet; thence north 25m. west four hundred (400) feet to a place of beginning; thence East three hundred (300) feet; thence South two hundred and fifty (250) feet; thence west one hundred and ninety (190) feet thence North 25m. west four hundred (400) feet to the place of beginning, situated east of the County of Cook State of Illinois hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of this State.

Dated this thirteenth day of April A. D. 1898

WILLIAM H. COX [SEAL]  
SUSAN A. COX [SEAL]

Witness OLIVER W. COX

THIS INDENTURE WITNESSETH, That the Grantor Lillian M. Chapman, Unmarried, of London, Canada, for and in consideration of the sum of One Dollar and other valuable exchange of real estate, in hand paid, Convey and Warrant to Charles W. Wood, Trustee, of the City of Chicago, County of Cook and State of Illinois, the following described Real Estate, towit: Commencing at the north corner of fractional section 10 (ten) township (39) thirty-nine, North Range fourteen (14) East of the 3 P. M.; thence South twenty two hundred and sixty five ft. (2265); thence East twenty one hundred and fifty (2150) feet to a place of beginning; thence South 475 ft.; thence East 80 ft.; thence North 515 ft. thence West 80 ft. to the place of beginning. Also that piece commencing at the southwest corner of fractional section three (3) Township (39) thirty nine N. R. 14 E. 3 P. M.; thence East 1375 thirteen hundred and seventy five ft. to a point on the east side of the U. S. Gov. Surveyed Meander Boundary line; thence North fifteen (15) m. West eleven hundred and fifty (1150) ft.; thence North 25 m. west 400 ft. to place of beginning; thence East 300 ft.; thence South 120 ft.; thence West to the U. S. G. Meander line and thence North along said U. S. G. line to the place of beginning, situated East of the City of Chicago and East of the County of Cook in the State of Illinois hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of this State.

This tract of land was conveyed for the purchase price of the entire tract of land conveyed by W. H. Cox to Lillian M. Chapman.

Dated this 24th day of May A. D. 1898.

LILLIAN M. CHAPMAN [SEAL]

THIS INDENTURE, WITNESSETH, That the Grantor William H. Cox and Susan A. Cox, his wife, of the City of Chicago, in the County of Cook and State of Illinois, for and in consideration of the sum of One Million and Sixty Thousand (\$1,060,000) Dollars, in hand paid, Conveys and Warrants to George E. Cox, Trustee, of the City of Chicago, County of Cook and State of Illinois, the following described Real-Estate to-wit: Commencing at the northwest corner of section ten (10) township thirty-nine (39) North range fourteen (14) east of the third (3rd) principal meridian in Cook County in the State of Illinois; thence South on section line seventeen hundred and eighty six (1786) feet; thence due East two thousand and twenty two (2022) feet to a point of beginning; thence South four hundred (400) feet; thence East one hundred and sixty six (166) feet; thence South five hundred and fifteen (515) feet; thence East 15 M. south eight hundred and thirty four (834) feet; thence East 15 M. north one hundred (100) feet; thence due north nine hundred and ninety eight (998) feet; thence West nine hundred and ninety four (994) feet to the point of beginning. Also, commencing at the southwest corner of fractional section three (3) township thirty-nine (39) North Range fourteen (14) east of third (3rd) principal meridian in Cook County, Illinois; thence due North with one mile along the west line of fractional section three (3) in said fractional township 39 to the north line of said section 3 three (3); thence East on the north line of said fractional section three (3) three hundred and twenty five (325) feet to a point of beginning; thence South nine hundred (900) feet; thence East three hundred (300) feet; thence North nine hundred (900) feet; thence West to the point of beginning: Also, commencing at the northwest corner of fractional section ten (10) in said township, county and state; thence East seventeen hundred and fifty (1750) feet to a point of beginning; thence South one hundred and seventy seven (177) feet; thence



East eight hundred (800) feet; thence north four hundred and eighty (480) feet; thence West eight hundred (800) feet; thence south to the point of beginning. All lying east and adjacent to the east lines of fractional sections three (3) and ten (10) Township thirty-nine (39) North Range fourteen (14) east of the third (3rd) principal meridian, situated East of the County of Cook and the State of Illinois, hereby releasing and waiving all rights under and by virtue of the Homestead Laws of the State of Illinois, and all right to retain possession of said premises after default in payment or a breach of any of the covenants or agreements herein contained in trust, nevertheless for the following purposes:

WHEREAS, the said William H. Cox Grantor herein is justly indebted upon Eighty (80) promissory notes bearing even date herewith, payable to the order of himself, 20 notes \$500. each payable in two yrs from date a 7 % int.; 20 notes \$5000 each payable in three yrs. from date a 7 % int.; 10 notes \$20000 each payable in four yrs. from date a 7 % int.; 10 notes \$25000 each payable in five yrs. from date a 7 % int.; 10 notes \$25000 each payable in six years from date a 7 % int.; 10 notes \$25000 each payable in seven years from date a 7 % int.

This Deed is given to cure error and omissions in a certain trust deed from William H. Cox and wife to George E. Cox, Trustee; recorded in the Recorder's Office of Cook Co., State of Illinois Doc. No. 2,701,437 on the 21st day of June A. D. 1898 at 9 o'clock A. M. and recorded in book 6271 of records on page 467. Which error consist in the word consideration of 1,000,000 dollars; whereas the consideration in said deed is for one million and sixty thousand (1,060,000.) dollars; also in the words "seven hundred and fifty feet (750)" in the description whereas the figures are seventeen hundred and fifty (1750). The omissions in the description are the words "to the north line of fractional section three (3)" Also the words "to a point of beginning."

Now, if default be made in the payment of said eighty (80) promissory notes or of any part thereof, or the interests thereon, or any part thereof at the time and in the manner above specified for the payment thereof, or in case of waste or non-payment of taxes or assessments on said premises, or of a breach of any of the covenants or agreements herein contained, then and in such case the whole of said principal sum and interest, secured by the said eighty (80) promissory notes, shall thereupon, at the option of the legal holder or holders thereof, become immediately due and payable and on the application of the legal holder of said promissory notes or either of them, it shall be lawful for the said Grantee or his successor in trust, to enter into and upon and take possession of the premises hereby granted, or any part thereof, and to collect and receive all rents, issues and profits, thereof; and to collect and receive all rents, issues and profits, thereof; and in his own name, or otherwise, to file a bill or bills in any court having jurisdiction thereof against the said party of the first part, his heirs, executors, administrators and assigns, to obtain a decree for the sale and conveyance of the whole or any part of said premises for the purpose herein specified, by said party of the second part as such trustee or as special commissioner or otherwise, under order of court, and out of the proceeds of any such sale to first pay the costs of such suit, all costs of advertising, sale and conveyance, including the reasonable fees and commissions of said party of the second part or person who may be appointed to execute this trust, and Three hundred (\$300.) Dollars attorney's and solicitor's fees, and also all other expenses of this trust, including all moneys advanced for insurance, taxes and other liens or assessments with interest thereon at seven per cent per annum, then to pay the principal sum of said notes whether due and payable by the terms thereof or the option of the legal holder thereof, and interest due on said notes up to the time of such sale, rendering the overplus, if any, unto the said party of the first part, his legal representatives or assigns, on reasonable request, and to pay any rents that may be collected after such sale and before the time of redemption expires, to the purchaser or purchasers of said premises at such sale or sales, and it shall not be the duty of the purchaser to see to the application of the purchase money.

When the said notes and all expenses accruing under this Trust Deed shall be fully paid, the said Grantee or his successor or legal representatives shall re-convey all of said premises remaining unsold to the said Grantor or his heirs or assigns, upon receiving his reasonable charges therefor. In case of the death, resignation, absence, removal from said Cook County, or other inability to act of said Grantee George E. Cox, then Isaac C. Nelson of said County is hereby appointed and made successor in trust herein, with like power and authority, as is hereby vested in said Grantee. It is agreed that said Grantor shall pay all costs and a attorney's fees incurred or pay by said Grantee or the holder or holders of said notes in any suit in which either of them shall be plaintiff or defendant, by reason of being a party to this Trust Deed, or a holder of said notes and that the same may be a lie-on said premises, and may be included in any decree ordering the sale of said premises and taken out of the proceeds of any sale thereof.

Witness, the hand and seal of said Grantor this 23rd day of June A. D. 1898.

WILLIAM H. COX  
SUSAN A. COX

[SEAL]  
[SEAL]

In the matter of }  
LILLIAM M. CHAPMAN }

Who is a British subject. She purchased from Wm. H. Cox and Wife the following real estate to wit:

Commencing at the North West corner of fractional section ten (10) township thirty-nine (39) north of Range fourteen (14) east of the third P. M. thence south twenty-two hundred and sixty-five feet (2265) thence east twenty-one hundred and fifty ft. (2150) to a place of beginning, thence south four hundred and seventy-five ft. (475) thence east one hundred and sixty-six ft. (166) thence north five hundred and fifteen ft. (515) thence west one hundred and sixty-six (166); also that piece commencing at the south west corner of fractional section three (3) township thirty-nine (39) north range fourteen (14) east of the third P. M. thence east thirteen hundred and seventy-five ft. (1375) to a point on the east side of the United States government's surveyed meander boundary line, thence north fifteen minutes west, eleven hundred and fifty ft. (1150) thence north twenty-five min. west four hundred ft. (400) to a place of beginning, thence east three hundred ft. (300) thence south two hundred and fifty ft.

(250) thence west one hundred and ninety (190) thence north twenty-five min. west four hundred ft. (400) to a place of beginning situated east of the county of Cook, State of Illinois; said lands were deeded April 13th, 1898.

That said lands are marked upon the map hereto attached in red ink and a deed hereto attached marked exhibit "B" is the deed from the Indian chief who owned said lands, that the map marked exhibit "A" has a black line from W. to Y. showing the meander line of 1821, that all of said lands east of said meander line are not taxed by the City, County or State, that the title to said lands is defective, that the Courts have no jurisdiction to determine the right of ownership, that said lands are subject to the treaties between the United States and Great Britain; that Freeman Lane, a British subject, owns the south half of Block seventeen (17) eighteen and nineteen (18 & 19) (24) (25) (26) (27) marked in red ink on the map exhibit "A": that his title is defective for the reasons aforesaid, and he joins in this application with said Lilliam M. Chapman in a request that evidence be taken to ascertain their rights and determine the same, and secure a title through arbitration, and a commission appointed by the United States and Great Britain; that said Freeman Lane received his title by purchase from Peter J. Johnson, by deed dated January 11, 1894; that said parties have exhausted their remedy in the Courts and in the land department of the United States and now appeal to the British Ambassador for relief.

CHICAGO, ILLS.

May 2, 1898.

D. W. WOOD,

*Solicitor for Lane and Chapman, Claimants.*

DEPARTMENT OF THE INTERIOR,

M. L. 102387

GENERAL LAND OFFICE,

WASHINGTON, D. C., February 11, 1899.

Address only the Commissioner of the General Land Office.

Mr. D. W. Wood,

No. 1329 G street, N. W.,

Washington, D. C.

SIR: I am in receipt of your letter dated January 30, 1899, enclosing ten dollars and requesting copies of the following papers:

Instructions for the Rector contract to survey sections 3 and 10, T. 39 N., R. 14 E., 3d P. M., Illinois.

Field notes of sections 3 and 10, T. 39 N., R. 11 E.

The Rector Contract.

Commissioner's letter to surveyor general, dated January 9, 1821, also

Instructions for the survey of 1896 in section 10 and the field notes of said survey, to wit: a strip of alleged unsurveyed public lands lying between the meander line and the present shore line of Lake Michigan in section 10, T. 39 N., R. 14 E., 3d P. M., Illinois.

In this connection I would state that your letter dated January 30, 1899, addressed to the Secretary of the Interior requesting copy of the field notes of the survey made in said section 10, in 1896, was referred to this office for report. The matter was reported on February 7, 1899, but no reply has since been received from the Department.

It is understood from your letter that you desire two copies of the instructions, contract, field notes of the survey of 1821, and letter to surveyor general dated January 9, 1821, but I am in doubt as to whether you require *two* copies of the instructions for and field notes of the survey of 1896.

No copy of the *instructions* issued to the surveyors for the contract of 1821 can be found in this office.

A requested I enclose two duly certified copies each of the following papers:

1. Contract No. 63, dated March 20, 1821, made between William Rector, Surveyor of the Lands of the United States in the States of Illinois and Missouri, and Territory of Arkansas and Stephen Rector and Thomas C. Rector for surveying in the State of Illinois on Lake Michigan.

2. Field notes of the survey of sections 3 and 10, T. 39 N., R. 14 E., 3d P. M., Illinois, executed by John Walls in the year, 1821.

3. Letter dated January 9, 1821, from the Commissioner of the General Land Office to William Rector, Surveyor General.

The legal fee for the copies herewith enclosed (including the required revenue stamps on the certificates, is eight dollars and thirty cents (\$8.30), leaving a balance of one dollar and seventy cents (\$1.70).

The instructions for the survey of 1896, and the field notes of said survey are now being copied. The fee for these copies, including revenue stamp, is eight dollars and seventy-eight cents (\$8.78). You are therefore requested to remit the additional sum of seven dollars and eight cents (\$7.08), which with the balance (\$1.70) remaining of the amount inclosed with your letter of January 30, 1899, will cover the cost of the last named copies.

In case, however, you desire *two* copies of the instructions and field notes of 1896, it will be necessary for you to remit the additional sum of fifteen dollars and eighty-six cents (\$15.86).

Please advise this office immediately as to whether you desire a second copy of the instructions and field notes for the survey of 1896.

Very respectfully,

BINGER HERMANN,

*Commissioner.*

L. J.

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,

WASHINGTON, D. C., February 11, 1899.

I, Binger Hermann, Commissioner of the General Land Office, do hereby certify that the annexed copy of Contract No. 63 dated March 20, 1821, made between William Rector, Surveyor of the Lands of the United States in the States of Illinois and Missouri and Territory of Arkansas, and Stephen Rector and Thomas C. Rector, for surveying in the State of Illinois on Lake Michigan; copy of the field notes of the survey of Sections 3 and 10, Township 39 North Range 14 East of the Third Principal Meridian in the State of Illinois, executed by John Walls, in the year 1821, and copy of letter dated January 9, 1821, from the Commissioner of the General Land Office to William Rector, Surveyor General, are true and literal exemplifications of the copy of said contract, of the official transcript of said field notes, and of the official record of said letter on file in this office.

In testimony whereof I have hereunto subscribed my name, and caused the Seal of this Office to be affixed, at the City of Washington, on the day and year above written.

[SEAL]

BINGER HERMANN,  
Commissioner of General Land Office.

(Copy.)

ARTICLES OF AGREEMENT, had, made and concluded upon, this Twentieth day of March in the year of our Lord one thousand eight hundred and twenty one between William Rector, Surveyor of the Lands of the United States in the State of Illinois & Missouri and Territory of Arkansas acting for and in behalf of the United States of the one part, and Stephen Rector & Thomas C. Rector of the other part, Witnesseth, that the said Stephen & Thomas C. Rector for and in consideration of the terms, provisions and covenants hereinafter expressed, and according to the true intent and meaning thereof, doth hereby covenant and agree with the said William Rector in his capacity aforesaid, that they the said Stephen and Thomas C. Rector will do and perform the following surveying agreeably to the laws of the United States and such instructions as may be given to them by the said William Rector, Viz. They will lay off and survey the exterior boundary lines, and survey and subdivide into Sections and establish corners for quarter Sections (except such lines thereof as has already been surveyed, all the Townships and fractional townships of lands that are included within the following bounds and limits, Viz; Beginning at the corner of Townships Nos. 15 & 15 & fractional Townships Nos. 16 & 16 North of the base line, of Ranges Nos. 4 & 5 West of the fourth principal Meridian. Thence South to the line between Townships Nos. 14 & 15 North of the base line. Thence West to the line between Ranges Nos. 5 & 6 West. Thence South to the Mississippi River. Thence up that river including all Islands that are within the State of Illinois, to where the Indian boundary line intersects the River, which is opposite to Rock Island. Thence with said line due East 93 miles, 71 chains and fifty links to Fox River, Thence down Fox River, to the end of another Indian boundary line—Thence with said line N. 82° 30' E. 22 miles & 66 chains. Thence with another Indian boundary line N. 44° 35' E. 37 miles and 70 chains. Thence with another Indian boundary line N. 60° 30' E. 8 miles & 75 chains to Lake Michigan. Thence with the margin of that Lake Southeasterly to the mouth of the Little Calumic. Thence with the Indian boundary line, which has been surveyed from that place S. 48° 02' W. 43 miles and 18 chains to the Kankakee River. Thence down that River to the line between Ranges Nos. 6 & 7 East of the third principal Meridian. Thence South to the standard line between Townships Nos. 30 & 31 North of the base line—Thence with the said standard line West to the Illinois River, Thence up that river, including all Islands therein to a point directly East of Fractional Townships Nos. 14 & 15 North of the base line in Range No. 10 East of the 4th principal meridian—Thence West to the line between Ranges Nos. 9 & 10 East of the 4th principal Meridian. Thence North to the line between Townships Nos. 15 & 16 North of the base line—Thence west to the place of beginning. And also that they will subdivide into sections and establish corners for quarter sections, the following described Townships of Land, Viz: Townships Nos. 15 North of the base line, of ranges Nos. 1, 2, 8 & 9 East of the 4th principal Meridian, all situate in the State of Illinois. And the said Stephen Rector and Thomas C. Rector, further covenants and agrees that if in the course of performing the surveys aforesaid, any corner shall fall (whether of a township, section or quarter section) within any prairie where bearing trees within a reasonable distance from such corner cannot be found, then in that case and in all such cases they will erect mounds of earth or sod to perpetuate such corners. The mounds to be at least two feet six inches high, and two feet six inches diameter at the base. And the said Stephen & Thomas C. Rector further covenants and agrees that they will make out three neat and accurate plats and descriptions of each of the aforesaid townships and fractional townships which they shall survey as aforesaid, with all the lines thereof, according to their true length and position. And means shall be furnished by which the content of each and all the fractional sections can be calculated and ascertained, and that they will make the calculations of the content of each fractional section and set it down on the plats of the townships and fractional townships. And they will complete the surveys, plats and descriptions and calculations as aforesaid, and make return thereof together with the field notes to the Office of the Surveyor of the Lands of the United States for the States and Territory aforesaid, within Twelve months from the date hereof, on penalty of forfeiture and paying to the United States the sum of Fifteen Thousand Dollars if default be made in any of the foregoing conditions.

And the said William Rector covenants and agrees in his capacity aforesaid, that on the completion of the work in the manner aforesaid, there shall be paid to the said Stephen Rector & Thomas C. Rector on account of the United States, as a full compensation for the whole expense of surveying, making the plats descriptions and calculations aforesaid, Three dollars per mile, for every mile and part

of a mile that shall actually be surveyed and marked (random lines and offsets not included), provided no member of congress have any part in this contract.

In Testimony Whereof, The parties to this agreement have interchangeably set their hands and seals, the day and year aforesaid.

WM. RECTOR. [SEAL]  
THOS. C. RECTOR. [SEAL]  
STEPHEN RECTOR. [SEAL]

Signed, Sealed and Delivered }  
in the Presence of }  
EDWARD BROWNE. }

[Indorsed] No 63. 20th March, 1821. Stephen & Thomas C. Rector. Contract for Surveying in the State of Illinois, on Lake Michigan \$25,062.95.

(Copy.)

C. L.  
East on true line along the South side of Sect. 33, T. 40 N., R. 14 E.  
40. 00 Set  $\frac{1}{4}$  Sect. post from which a W. Oak 24 in. dia. bears N.,  $37^{\circ}$  W. 44 links, and An Elm 6 in. dia. bears S.  $52^{\circ}$  W. 13 links.  
80. 00 Set a post cor. of Sects. 33 & 34 from which A W. Oak 8 in. dia. bears N.  $2\frac{1}{2}^{\circ}$  E. 45 links and a B. Oak 12 in. dia. bears N.  $89^{\circ}$  W. 46 links.  
First half of this mile a perfect swamp thicket. Last a little higher.  
Timber Ash, B. & W. Oak, Cottonwood & Elm.

East on a true line along the South side of Sect. 34, T. 40 N, R. 14 E.  
C. L.  
3. 35 Struck the bank of Lake Michigan where set a post cor. of fract'l. Sects. 3 & 34, Towns. 39 & 40, N. R. 14 E. from which,  
A pine 9 in. dia. bears N.  $19^{\circ}$  W. 31 links, and A. W. Oak 6 in dia. bears S.  $17^{\circ}$  36 links.  
\* \* \* \* \*

North between Sects. 15 & 16 from the cor. of Sects. 15, 16, 21 & 22, T. 39 N., R. 14 E.  
C. L. \* \* \* \* \*  
80. 00 Raised a mound in the field for cor. of Secs. 9, 10, 15 & 16.  
Prairie level soil 2<sup>d</sup> rate sandy.  
\* \* \* \* \*

East on a true line between Sects 10 & 15 from the cor. of Sects. 9, 10, 15 & 16, T. 39 N., R. 14 E  
C. L.  
13. 45 Left the field bears N. & S.  
15. 36 The dwelling of citizen Joe Masino.  
C. L.  
17. 30 Struck the bank of Lake Michigan, where set a post cor. fractl. Sects. 10 and 15 in a mound.  
Land level sandy soil.

June 15, 1821.

C. L. North between Sects. 9 & 10, T. 39 N., R. 14 E.  
27. 08 Struck the bank of Chicago River, where set a post in a mound for cor. of fract. Sects. 9 & 10.  
This line through the Garrison fields.  
\* \* \* \* \*

South between Sects. 3 & 4, T. 39 N., R. 14 E.  
C. L.  
12. 73 A B. Oak 11 ins. dia.  
40. 00 Set  $\frac{1}{4}$  Sect. post from which  
A W. Oak 12 in. dia. bears N.  $52^{\circ}$  E. 44 lks. and  
A Do. 9 in. dia. bears N.  $65^{\circ}$  W. 86 links  
80. 00 Set a post for cor. of Sects. 3, 4, 9 & 10 from wh  
An Aspin 9 in. dia. bears S.  $47^{\circ}$  E. 44 links, and  
A Cottonwood 16 in. dia. bears N.  $87^{\circ}$  W. 53 lks.  
This line is through a timber thicket the last part of which is excessively swampy.  
Timber W & B. Oak, Cottonwood, Hickory &c.  
\* \* \* \* \*

On a true line between Sects. 3 & 10, T 39 N., R. 14 E.  
C. L.  
22. 02 Struck the bank of Lake Michigan where set a post for cor. of fractl. Sects. 3 & 10, from which  
A Pine 7 ins. dia. bears S.  $42^{\circ}$  W. 52 lks. and  
A Do. 10 ins. dia. bears N.  $9^{\circ}$  W. 122 links.

C. L. Land similar to last mile.

South Between Sects. 9 & 10, T. 39 N., R. 14 E.  
0. 75 Entered a small prairie in a circular form very wet.  
10. 50 Left prairie



17. 29 A B. Oak 10 ins. dia.  
 34. 50 Left timr Bears E & W.  
 40. 00 Set  $\frac{1}{4}$  Sect. post in a mound.  
 49. 85 Struck the N. bank of Chicago river where raised a mound in which set a post corner of fractl.  
 Sects. 9 & 10. Chicago is here 335 links wide.  
 First part of this line a timbered thicket last—field soil thin.

June 18th, 1821.

\* \* \* \* \*  
 Meanders on Lake Michigan of Town 39  
 North of the Base line of Range 14 E.  
 \* \* \* \* \*

To the cor. of fractl. Sects. 10 & 15. Thence along the East side of fractl. Sect. 10.

C. L.  
 North 2 West 14. 50  
 N. 4° W. 8. 29  
 N. 5½° W. 11. 83 To the mouth of Chicago river  
 Thence across the mouth of Chicago river

C. L.  
 N. 29° East 4. 47  
 North 10° E. 14. 05  
 North 4° West 19. 00

C. L.  
 N. 14° West 10. 43 To the cor. of fractl. Sects. 3 & 10. Thence along the East side of  
 frcl. Sect. 3

C. L.  
 North 11° West 17. 11  
 N. 20° W. 22. 50

C. L. C. L.  
 N. 10° W. 19. 50  
 N. 11½° W. 23. 17 To the cor. of fractl. Sects. 3 & 34 and of Towns. 39 & 40 North of Range  
 14 E

Here follows the meanders of Chicago river Commenced the meanders of Chicago on the South  
 side of said river at its mouth, Thence up the said river in Sect. 10.

C. L.  
 North 30½° W. 2. 50  
 N. 65° W. 1. 75  
 South 83½° W. 2. 61.  
 S. 62° W. 2. 11.  
 S. 44° W. 2. 05.

C. L.  
 S. 42½° W. 5. 36.  
 S. 53° W. 4. 00.  
 S. 61° W. 1. 50.  
 S. 85° W. 1. 80. To the cor. in fractl. sects. 9 & 10.

\* \* \* \* \*  
 To the cor. of fractl. Sects. 9 & 10. Thence in fractl. Sect. 10.

C. L.  
 North 67° East 3. 79  
 N. 39½° E. 6. 38  
 N. 57° E. 3. 93  
 N. 69° E. 3. 74.  
 South 88° E. 2. 98  
 S. 64° E. 4. 50 To the mouth of Chicago River in the North side.

Here ends the Meanders of subdivision of fractl. Town 39 N. R. 14 E.

June 20th, 1821.

JOHN WALLS.

9th

WM. RECTOR, ESQRE.

*Surveyor Genl. &c St. Louis.*

SIR: The Secretary of the Treasury directs that the survey of the Public Lands may be so regulated that there shall be every year two sales by auction (each 20 townships) at each land district where Land remains to be exposed for sale, this direction you will consider as permanent, it will facilitate your business by enabling you to have the surveys made at such seasons of the year as are most suitable.

You will also cause to be surveyed the Lands lying on the shore of Lake Michigan on each side of Fort Chicago, extending from thence to the military tract in the State of Illinois, so that they may be ready for Market when Congress shall authorize the sale.

I am, &c,

BUREAU OF ROLLS AND LIBRARY,  
DEPARTMENT OF STATE,

WASHINGTON, February 8, 1899.

D. W. Wood, Esquire,  
No. 1329 G Street, n. w.,  
Washington, D. C.

SIR: In further response to your letter of the 25th ultimo, requesting a "certified copy of Act of Congress creating the State of Illinois a Trustee for the Submerged lands on the shores of Lake Michigan," I have to advise you that no such act, in terms, has been found; but that the matter of the State's position respecting those lands is to be found in the "Act to authorize the State of Illinois to open a canal through the public lands, to connect the Illinois River with Lake Michigan, approved March 30, 1822, and in the "Act to grant a quantity of land to the State of Illinois for the purpose of aiding in opening a canal to connect the waters" etc., approved March 2, 1827,—authenticated copies of both of which acts were furnished you with my letter of February 2, instant.

I am, Sir,  
Your obedient servant,

ANDREW H. ALLEN,  
*Chief of Bureau.*

DEPARTMENT OF STATE,  
BUREAU OF ROLLS AND LIBRARY,

WASHINGTON, February 2nd, 1899.

D. W. Wood, Esqr.,  
Washington, D. C.

SIR: In response to your request of the 26th ultimo, I am directed by the Secretary of State to send herewith, certified under this Department's seal, copies of the following:—(1) Treaty between the U. S. & Great Britain of Sept. 3, 1783. (2) Ordinance for the Government of the N. W. Territory, July 13, 1787. (3) Treaty of Ghent, Dec. 24, 1814. (4) Naval force on the Lakes, agreement, April 28, 1817. (5) Treaty between the U. S. and Great Britain, August 9, 1842, and (6) Treaty between the U. S. and Great Britain of May 8, 1871.

Very respectfully,

ANDREW H. ALLEN,  
*Chief of Bureau.*

No. 831.

UNITED STATES OF AMERICA.  
DEPARTMENT OF STATE.

[STAMP]

To all to whom these presents shall come, Greeting:

I Certify That the papers hereto attached are true copies of the Originals on file in this Department.

In testimony whereof I, John Hay, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the City of Washington this 2nd day of February, A. D. 1899, and of the Independence of the United States of America the one hundred and twenty-third.

[SEAL]

JOHN HAY.

To all who shall see these presents

We Thomas Jefferson, Samuel Hardy, Arthur Lee and James Monroe the underwritten, delegates for the Commonwealth of Virginia in the Congress of the United States of America send GREETING.

WHEREAS the General Assembly of the Commonwealth of Virginia at their sessions begun on the *twentieth* day of October one thousand seven hundred & eighty-three passed an Act entitled "an Act to authorize the delegates of this State in Congress to convey to the United States in Congress Assembled all the right of this Commonwealth to the Territory North-Westward of the River Ohio." in these words following to wit.

"WHEREAS the Congress of the United States did by their Act of the *sixth day of September* in the Year one thousand seven hundred and eighty recommend to the several States in the Union having claims to waste and unappropriated Lands in the Western Country a liberal Cession to the United States of a portion of their respective claims for the common Benefit of the Union. AND WHEREAS this Commonwealth did on the *second day of January* in the Year one thousand seven hundred & Eighty one yield to the Congress of the United States for the Benefit of the said States all right, title & claim which the said Commonwealth had to the Territory North-West of the River Ohio subject to the Conditions annexed to the said Act of Cession AND WHEREAS the United States in Congress Assembled have by their Act of the *thirteenth of September last* stipulated the terms on which they agree to accept the Cession of this State should the Legislature approve thereof which Terms although they do not come fully up to the propositions of this Commonwealth are conceived on the whole to approach so nearly to them as to induce this State to accept thereof in full confidence that Congress will in justice to this State for the liberal Cession she hath made earnestly press upon the other States claiming large Tracts of waste and uncultivated Territory the propriety of making Cessions equally liberal for the common Benefit and support of the Union. BE IT ENACTED by the General Assembly that it shall and may be lawful for the delegates of this State to the Congress of the United States or such of them as shall be

assembled in Congress and the said delegates or such of them so assembled are hereby fully authorized and empowered for and on behalf of this State by proper deeds or instrument in writing under their Hands and Seals to convey, transfer, assign and make over unto the United States in Congress Assembled for the Benefit of the said States all right title and claim as well of soil as of jurisdiction which this Commonwealth hath to the Territory or Tract of Country within the limits of the Virginia Charter situate lying and being to the North-West of the River Ohio subject to the terms and conditions contained in the before recited Act of Congress of the thirteenth day of September last that is to say upon condition that the Territory so ceded shall be laid out and formed into States containing a suitable extent of Territory not less than one hundred nor more than one hundred and fifty miles square or as near thereto as circumstances will admit and that the States so formed shall be distinct Republican States and admitted members of the federal Union, having the same rights of Sovereignty, Freedom and Independence as the other States- That the necessary and reasonable expences incurred by this State in subduing any British Posts or in maintaining Forts or Garrisons within and for the defence or in acquiring any part of the Territory so Ceded or relinquished shall be fully reimbursed by the United States and that one Commissioner shall be appointed by Congress one by this Commonwealth and another by those two Commissioners who or a Majority of them shall be authorized and empowered to adjust and liquidate the account of the necessary and reasonable expences incurred by this State which they shall judge to be comprized within the intent and meaning of the Act of Congress of the tenth of October one thousand seven hundred and Eighty respecting such expences- That the French and Canadian Inhabitants and other Settlers of the Kaskaskies St. Vincents and the neighbouring Villages who have professed themselves Citizens of Virginia shall have their possessions and titles confirmed to them and be protected in the enjoyment of their rights and liberties- That a quantity not exceeding one hundred and fifty thousand Acres of land promised by this State shall be allowed and granted to the then Colonel now General George Rogers Clarke and to the Officers and Soldiers of his Regiment who marched with him when the posts of Kaskaskies and St. Vincents were reduced and to the Officers and Soldiers that have been since incorporated into the said Regiment to be laid off in one Tract the length of which not to exceed double the breadth in such place on the North-West side of the Ohio as a Majority of the Officers shall choose and to be afterwards divided among the said Officers and Soldiers in due proportion according to the Laws of Virginia. That in case the quantity of good Lands on the South-East side of the Ohio upon the Waters of Cumberland River and between the Green River and Tennessee river which have been reserved by Law for the Virginia Troops upon Continental establishment should from the North Carolina line bearing in further upon the Cumberland Lands than was expected prove insufficient for their legal Bounties the deficiency should be made up to the said Troops in good Lands to be laid off between the Rivers Scioto & little Miami on the North-West side of the River Ohio in such proportions as have been engaged to them by the Laws of Virginia- That all the Lands within the Territory so Ceded to the United States and not reserved for or appropriated to any of the before mentioned purposes or disposed of in Bounties to the Officers and Soldiers of the American Army shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the Confederation or federal Alliance of the said States Virginia inclusive according to their usual respective proportions in the general charge and expenditure and shall be faithfully and bona fide disposed of for that purpose and for no other use or purpose whatsoever. PROVIDED that the Trust hereby reposed in the delegates of this State shall not be executed unless three of them at least are present in Congress." AND WHEREAS the said General Assembly by their Resolution of June sixth one thousand seven hundred & Eighty three had constituted and appointed us the said Thomas Jefferson, Samuel Hardy Arthur Lee and James Monroe Delegates to represent the said Commonwealth in Congress for one year from the first Monday in November then next following, which Resolution remains in full force Now therefore Know ye that we the said Thomas Jefferson, Samuel Hardy, Arthur Lee and James Monroe by virtue of the power and authority committed to us by the Act of the said General Assembly of Virginia before recited, and in the name & for & on behalf of the said Commonwealth do by these presents convey, transfer, assign and make over unto the United States in Congress Assembled for the benefit of the said States, Virginia inclusive all right, title and claim as well of soil as of jurisdiction which the said Commonwealth hath to the Territory or tract of Country within the limits of the Virginia Charter, situate, lying and being to the North-West of the River Ohio, to and for the uses & purposes and on the Conditions of the said recited Act. IN TESTIMONY whereof we have hereunto subscribed our Names and affixed our Seals in Congress the first day of March in the Year of our Lord one thousand seven hundred & Eighty four and of the INDEPENDENCE of the UNITED STATES the Eighth.

Sign'd Sealed and  
Delivered in presence of  
CHAS THOMSON  
HENRY REMSEN JR.  
BENJN BANKSON JUNR.

TH: JEFFERSON [SEAL]  
S: HARDY [SEAL]  
ARTHUR LEE [SEAL]  
JAS. MONROE [SEAL]

#### AN ACT

to authorize the State of Illinois to open the Canal through the public lands, to connect the Illinois river with Lake Michigan.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,* That the State of Illinois be, and is hereby, authorized to survey and mark through the public lands of the United States, the route of the canal connecting the Illinois river with the southern bend of Lake Michigan, and ninety feet of land on each side of said canal shall

be forever reserved from any sale to be made by the United States, except in the cases hereinafter provided for; and the use thereof forever shall be and the same is hereby vested in the said state for a canal, and for no other purpose whatever. On condition, however, that if the said state does not survey and direct by law said canal to be opened, and return a complete map thereof to the Treasury Department within three years, and after the passing of this act; or if the said canal be not completed suitable for navigation within twelve years thereafter, or if said ground shall ever cease to be occupied by, and used for, a canal, suitable for navigation, the reservation and grant hereby made shall be void, and of none effect; Provided always, and it is hereby enacted and declared, that nothing in this act contained, or that shall be done in pursuance thereof, shall be deemed or construed to imply any obligation on the part of the United States to appropriate any money to defray the expense of survey or opening said canal: Provided also, and it is hereby further enacted and declared, that the said canal when completed, shall be, and forever remain a public highway for the use of the government of the United States, free from any toll or other charge whatever, for any property of the United States, or persons in their service, passing through the same. SEC. 2. And be it further enacted, That every section of land through which said canal route may pass shall be and the same is hereby reserved from future sale, until hereafter specially directed by law, and the said state is hereby authorized and permitted, without waste, to use any materials on the public lands adjacent to said canal that may be necessary for its construction.

Approved March 30, 1822.

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#### AN ACT

to grant a quantity of land to the state of Illinois, for the purpose of aiding in opening a canal, to connect the waters of the Illinois river with those of Lake Michigan.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,* That there be and hereby is, granted to the state of Illinois, for the purpose of aiding the said state in opening a canal, to unite the waters of the Illinois river with those of Lake Michigan, a quantity of land equal to one-half of five sections in width, on each side of said canal, and reserving each alternate section to the United States, to be selected by the commissioner of the Land Office, under the direction of the President of the United States, from one end of the said canal to the other; and the said lands shall be subject to the disposal of the Legislature of the said state for the purpose aforesaid, and no other: Provided, That the said canal, when completed shall be and forever remain a public highway for the use of the government of the United States, free from any toll or other charge, whatever, for any property, or persons in their service passing through the same: Provided, That the said Canal shall be commenced within five years, and completed in twenty years, or the state shall be bound to pay to the United States the amount of any lands previously sold, and that the title to purchasers under the state shall be valid.

SEC. 2. And be it further enacted, That so soon as the route of the said canal shall be located and agreed on by the said state, it shall be the duty of the Governor thereof, or such person or persons as may have been, or shall hereafter be, authorized to superintend the construction of said canal, to examine and ascertain the particular sections to which the said state will be entitled, under the provisions of this act, and report the same to the Secretary of the Treasury of the United States.

SEC. 3. And be it further enacted, That the said state, under the authority of the Legislature thereof, after the selection shall have been so made, shall have power to sell and convey the whole or any part of the said land, and to give a title, in fee simple, therefor, to whomsoever shall purchase the whole or any part thereof.

Approved 2. March 1827.



## DEPARTMENT OF THE INTERIOR,

M. L. 102267.

GENERAL LAND OFFICE,

[STAMP]

WASHINGTON, D. C., January 24, 1899.

I, Binger Hermann, Commissioner of the General Land Office, do hereby certify that the annexed copy of office letter 'F' May 8, 1894, to the Board of Canal Commissioners of the State of Illinois at Lockport, Illinois, is a true and literal exemplification from the record of same on file in this office.

In testimony whereof I have hereunto subscribed my name and caused the seal of this Office to be affixed, at the City of Washington, on the day and year above written.

[SEAL]

BINGER HERMANN,

Commissioner of the General Land Office.

Refer in reply to this initial: "F."

Address only the Commissioner of the General Land Office.

## DEPARTMENT OF THE INTERIOR,

31859

GENERAL LAND OFFICE,

WASHINGTON, D. C., May 8, 1894.

Board of Canal Commissioners }  
of the State of Illinois, }  
Lockport Ills. }

GENTLEMEN:—I am in receipt of your letter of March 20, 1894, relative to certain land in Sec. 30 T 39<sup>N</sup> R 14<sup>E</sup> of the 3rd P. M. You state a suit is now pending in the U. S. Circuit Court "for this Dist. at Chicago," in which the plaintiff one Wheeler, claims title to some tracts of land in Sec 30 etc., and add:

"This land is a part of the Canal lands granted by the Act of Congress of 1822, 3rd U. S. Statutes at Large 659, and the other lands in aid of the Canal granted by the Act of Congress of [March 27] 1827, 4th idem 234."

You also state: The Canal Commissioners are advised that it is important for their interests in the case that they have copies—"of any correspondence of records in your office between the authorities of the United States and those of this State with reference to the subject matter of the mapping of the route of the Canal and the selection of the Canal lands under the acts above referred to. They are informed that such correspondence is on file, and it appears to be referred to in a letter of Governor Edwards of Illinois of September" [December?] "25, 1829, of which we have a copy attached to a certificate of the Commissioner of the General Land Office bearing date November 23, 1882."

You also state: There is another matter, which the Canal Commissioners are advised is important, and as to which they desire to have—"copies of any information in your Office of record."

That relates to the reservation from sale referred to in the second section of Act March 30, 1822, [3, Stat., 659] which as therein stated was to subsist until otherwise specially directed by law—

"Counsel have thus far been unable to find any legislation of Congress removing such reservation but it has occurred to them that perhaps there may have been some proclamation or other administrative action of the President or the Department upon the reservation or its removal." You conclude your said letter: "As to the official correspondence referred to above they desire that it cover any correspondence the act of 1822, as well as the later correspondence under act of 1827. It is not supposed that the correspondence above called for will be very voluminous or expensive in the preparation. If it should appear upon search to be otherwise, please advise us to that effect, and of the approximate expense of furnishing copies."

In reply to the foregoing I would state:

Considerable time has been bestowed on the subject matter of your letter, and from the data thus obtained I find.

The Act of March 3, 1822, [3 Stat. 659] granted to the State of Illinois authority to survey and mark through the public land of the United States the route of a canal connecting the Illinois River with the Southern bend of Lake Michigan—"and ninety feet of land on each side of said canal shall be forever reserved from any sale to be made by the United States, except in cases hereinafter provided for." After the provisions alluded to the act concludes with Sec. 2'—to the effect That every section of land through which said canal route may pass shall be, and the same is hereby reserved from future sale, until hereafter specially directed by law. This act it will be perceived authorized the survey of the canal, reserves 90 feet on each side thereof (under certain provisions), and reserves every section through which the said canal route may pass. It is also here observed that the survey of this Township 39<sup>n</sup> Range 14<sup>E</sup> of 3rd Principal Meridian (as shown by official plat) was not approved until March 16, 1831, at surveyors office at St. Louis.

The Act of March 2, 1827, 4, [Stat., 234.] granted to the State of Illinois, a quantity of land equal to one-half of five sections in on each side of said canal, to be selected by the Commissioner of the land office, under the direction of the President of the United States.

This act neither defines as to the number—odd or even of the sections granted, nor alludes to the mode of adjustment, or to the alternate sections.

It appears, however, after the approval of the Township Plat (of the Township mentioned in your letter), which as shown was March 16, 1831, the lands in said township 39<sup>n</sup> R 14<sup>E</sup> were on June 15, 1835, offered for sale, except the odd-numbered sections specified as sections 3, 5, 7, 15, 17, 19, 21, 27, 29, 31, 33 and 35, which were noted on Tract Book as "canal lands."

This offering was under authority of the President's Proclamation of February 12, 1835. The act of August 29-1842, [5, Stat. 542], authorized the State of Illinois to cause to be selected from any of

the unsold public lands of that State, not subject to the right of preemption the granting of 5,760 acres, in lieu of certain specified sections (all of which, be it noted, were odd-numbered sections) heretofore selected by the State under the act of March 2, 1827 (above) but which had been sold and patented to individuals by the U. S. before the location by the said State had been approved.

The *Act of August 3, 1854*, (10 Stat., 344), authorized the Governor of the State of Illinois to select balance of land to which that State was entitled under said act of March 2, 1827, out of any unsold public land in that State, subject to private entry at \$1.25 per acre, and not claimed by preemption—"the quantity to be ascertained upon the principal which governed the final adjustment of the grant to the State of Indiana for the Wabash and Erie canal, under the provisions of the act of Congress approved the ninth of May, eighteen hundred and forty-eight," [9, Stat., 219.].

Under the acts cited, and the provisions referred to in act last mentioned the adjustment of this canal was effected by this office, and I further find that, what is now termed, in railroad grant, the map of definite location was transmitted to this office by Governor Vivian Edwards' letter of December (not September as stated by you) 25, 1829, said letter dated at Belleville Ills.

The Governor concludes his letter with, "wishing to avoid delay, I have no time to have a copy taken of the map herewith sent and shall be very glad if you would send it back after you are done with it."

It does not appear from any of the correspondence, thus far examined, that this map was sent back as requested, I note, however, that by office Letter "F" November 23, 1882, William Thomas (Gen'l Supt Illinois & Michigan Canal, Lockport Ills), was furnished with a "certified tracing copy of Map of the Illinois & Michigan canal, filed under the provisions of act March 2, 1827, and also the letter transmitting said map to this office by the Governor of Illinois, dated 25th December 1829."

I find, also, that by letter of January 16, 1830, to Governor Edwards of Illinois, from Commissioner of the Land Office, G. Graham: a copy of Commissioner Graham's letter of November 3, 1829, to the President of the Board of Canal Commissioners of Indiana, "respecting the locations for the Wabash Canal, and explanatory of the mode proposed for ascertaining the quantity to be granted for that Canal," was enclosed, and Governor Edwards was advised—"Those principles are equally applicable to the reservations for the Illinois Canal, and upon examining your map and list of selections by them the following are found to be the result." There follows an exemplification of the proposed manner of adjustment of the (Illinois) Canal, the letter concluding:

"To the manner in which the selections have been made no objection is made, and the only difficulty that now prevents their being submitted to the President for his approval arises from this excess in the number of the sections proposed to be reserved by the State."

It is noted, in this letter, the discussion is as to the *odd* numbered sections reserved to grant. Commissioner Graham's letter of March 3, 1830, to Governor Edwards, also indicates the *odd* numbered sections, as appertaining to the grant, and as so selected by the State. Commissioner John Wilson's letter of August 24, 1854, to Governor Joel A. Matterson, (of Illinois), shows the result of the adjustment of this grant: The length of the canal being found as 101, 35 miles; Canal entitled to 324,320 acres; Had selected and approved (under Prest Jackson 288,669.11 acres; Had selected Sec 2 Act Aug. 29, 1842—and approved by Prest Tyler) 5,755.26 acres; aggregating in selections 291,424.37; and leaving 32,895.63 acres—"The quantity yet to be selected in full satisfaction of the grant."

If from all this data, you can definitely determine exactly what you desire, an attempt will be made to furnish you with any exemplifications of the records that can be found in the premises. The cost of same is fifteen cents per 100 words, and one dollar for each exemplification, or certificate. By grouping a number of copies under one certificate, with seal attached, some expense may be saved.

Finally, as to SE<sup>1</sup> Sec 30 T 39<sup>n</sup> R 14<sup>E</sup> of 3 Prin. Mer. (which I understand is the particular tract involved in suit mentioned): I would observe, there is no reservation mentioned as to any right of way of the said canal, either in the final certificate of Patrick Welch's Cash Entry (private) No 1246, made Oct. 2, 1834, (embracing this tract); or, the patent July 6, 1836.

The entire section 30-39<sup>n</sup> 14<sup>E</sup>, is embraced in some seven private cash entries, of which Welch's said entry forms one, six of these entries made in November 1834, subsequent to that of Welch, were patented at various dates.

As section 30, does not appear to have alt-rnately issued to the grant; your mention of same "as a part of the Canal lands granted by the act \* \* of 1822," is not clearly understood For if it was ever reserved (before survey) under section 2 act of March 30, 1822, subsequent, "legislation, by defining the quantum and method of adjustment, not to mention the Executive orders referred to, appears to have removed the reservation.

Respectfully,

EDW. A. BOWERS  
Acting Commissioner.

M. L. 102267.

4—207.

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,

[STAMP]

WASHINGTON, D. C., January 24, 1899.

I, Binger Hermann, Commissioner of the General Land Office, do hereby certify that the annexed is a photograph-copy of a "Map of that part of the State of Illinois through which it is contemplated to construct a canal by James Thompson, A. D. 1829" and is a true and literal exemplification from the original on file in this office.

In testimony whereof I have hereunto subscribed my name and caused the seal of this office to be affixed, at the City of Washington, on the day and year above written.

[SEAL]

BINGER HERMANN,  
*Commissioner of the General Land Office.*

[Photograph of Map attached, Exhibit A.]

DEPARTMENT OF STATE,  
BUREAU OF ROLLS AND LIBRARY.

WASHINGTON, February 3, 1899.

D. W. WOOD, Esqre., Washington, D. C.

SIR:—In response to your oral request of this morning I am directed by the Secretary of State to send you herewith a certified copy of the Convention between the United States and Great Britain, concluded at London, September 29th, 1827.

Very respectfully,

ANDREW H. ALLEN,  
*Chief of Bureau.*

No. 835.

UNITED STATES OF AMERICA.  
DEPARTMENT OF STATE.

To all whom these presents shall come, Greeting:

I certify that the paper hereto attached is a true copy of the original on file in this Department  
[STAMP]

In testimony whereof I, John Hay, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the City of Washington this 3rd day of November, A. D., 1899, and of the Independence of the United States of America the one hundred and twenty-third.

[SEAL]

JOHN HAY.

Whereas it is provided by the Fifth Article of the treaty of Ghent, that in case the Commissioners appointed under that Article for the Settlement of the Boundary Line therein described, should not be able to agree upon such Boundary Line, the Report or Reports of those Commissioners, stating the Points of which they had differed, should be submitted to some friendly Sovereign or State, and that the Decision given by such Sovereign or State on such Points of Difference, should be considered by the Contracting Parties as final and conclusive:—That case having now arisen, and it having therefore become expedient to proceed to and regulate the reference as above described, The United States of America, and His Majesty the King of the United Kingdom of Great Britain and Ireland have, for that purpose, named their Plenipotentiaries—that is to say, The President of the United States has appointed Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary at the Court of His Britannick Majesty: and His said Majesty, on His part, has appointed The Right Honorable Charles Grant, a Member of Parliament, a Member of His said Majesty's Most Honorable Privy Council, and President of the Committee of the Privy Council for affairs of Trade and Foreign Plantations; and Henry Unwin Addington Esquire—Who, after having exchanged their respective Full Powers, found to be in due and proper form, have agreed to and concluded the following Articles.—

ARTICLE I.

It is agreed that the Points of Difference which have arisen in the Settlement of the Boundary between the American and British Dominions, as described in the 5th Article of the Treaty of Ghent, shall be referred, as therein provided, to some friendly Sovereign or State, who shall be invited to investigate and make a decision upon such Points of Difference.

The Two Contracting Powers engage to proceed in concert, to the Choice of such Friendly Sovereign or State, as soon as the Ratifications of this Convention shall have been exchanged, and to use their best endeavors to obtain a decision, if practicable, within two years after the Arbiter shall have signified his Consent to act as such.

## ARTICLE II.

The Reports and Documents thereunto annexed of the Commissioners appointed to carry into execution the 5th Article of the Treaty of Ghent, being so voluminous and complicated, as to render it improbable that any Sovereign or State should be willing or able to undertake the office of investigating and arbitrating upon them, it is hereby agreed to substitute for those Reports new and separate Statements of the respective cases severally drawn up by each of the Contracting Parties, in such form and terms as each may think fit.

The said Statements, when prepared, shall be mutually communicated to each other by The Contracting Parties, that is to say, by The United States to His Britannick Majesty's Minister or Chargé d'affaires at Washington, and by Great Britain to the Minister or Chargé d'affaires of The United States at London, within Fifteen Months after the Exchange of the Ratifications of the present Convention.

After such Communication shall have taken place, each Party shall have the Power of drawing up a second, and definitive, Statement, if it thinks fit so to do, in reply to the Statement of the other Party so communicated, which definitive Statements shall also be mutually communicated in the same manner as aforesaid, to each other, by The Contracting Parties, within Twenty One Months after the Exchange of Ratifications of the present Convention.

## ARTICLE III.

Each of the Contracting Parties shall, within Nine Months after the Exchange of Ratifications of this Convention, communicate to the other, in the same manner as aforesaid, all the Evidence intended to be brought in support of its Claim beyond that which is contained in the Reports of the Commissioners or Papers thereunto annexed, and other written documents laid before the Commission under the 5th Article of the Treaty of Ghent.

Each of the Contracting Parties shall be bound on the Application of the other Party, made within Six Months after the Exchange of the Ratifications of this Convention, to give authentick Copies of such individually specified Acts of a publick nature, relating to the Territory in question, intended to be laid as Evidence before the Arbiter, as have been issued under the Authority or are in the exclusive possession of each Party.

No Maps, Surveys or topographical Evidence of any description, shall be adduced by either Party beyond that which is hereinafter stipulated, nor shall any fresh Evidence of any description be adduced or adverted to by either Party, other than that mutually communicated or applied for as aforesaid.

Each party shall have full Power to incorporate in, or annex to, either its first or second Statement, any portion of the Reports of the Commissioners or Papers thereunto annexed, and other written documents laid before the Commission under the 5th Article of the Treaty of Ghent, or of the other Evidence mutually communicated or applied for as above provided, which it may think fit.

## ARTICLE IV.

The Map called Mitchell's Map, by which the Framers of the Treaty of 1793 are acknowledged to have regulated their joint and official Proceedings, and the Map A which has been agreed on by The Contracting Parties, as a delineation of the Water courses, and of the Boundary Lines in reference to the said Water Courses, as contended for by each Party respectively, and which has accordingly been signed by the above named Plenipotentiaries at the same time with this Convention, shall be annexed to the Statements of the Contracting Parties, and be the only Maps that shall be considered as Evidence mutually acknowledged by the Contracting Parties of the Topography of the Country.

It shall however be lawful for either Party to annex to its respective first Statement, for the purposes of general illustration, any of the Maps, Surveys or topographical delineations which were filed with The Commissioners under the 5th Article of the Treaty of Ghent—any engraved Map heretofore published—and also a Transcript of the above-mentioned Map A, or of a section thereof; in which Transcript each Party may lay down the Highlands or other Features of the Country as it shall think fit, the Watercourses and the Boundary Lines, as claimed by each Party, remaining as laid down in the said Map A.

But this Transcript, as well as all the other Maps, Surveys or topographical delineations, other than the Map A, and Mitchell's Map, intended to be thus annexed by either Party to the respective Statements, shall be communicated to the other Party, in the same manner as aforesaid, within Nine Months after the Exchange of the Ratifications of this Convention, and shall be subject to such objections and Observations as the other Contracting Party may deem it expedient to make thereto, and shall annex to his first Statement, either in the Margin of such Transcript, Map, or Maps or otherwise.

## ARTICLE V.

All the Statements, Papers, Maps and Documents abovementioned, and which shall have been mutually communicated as aforesaid shall, without any addition, subtraction, or alteration whatsoever, be jointly and simultaneously delivered in to The Arbitrating Sovereign or State within Two Years after the Exchange of Ratifications of this Convention, unless The Arbiter should not, within that time, have consented to act as such; in which case, all the said Statements, Papers, Maps, and Documents shall be laid before him within Six Months after the time when he shall have consented so to act. No other Statements, Papers, Maps, or Documents shall ever be laid before the Arbiter, except as herein-after provided.

## ARTICLE VI.

In order to facilitate the Attainment of a just and sound decision on the part of the Arbiter, it is agreed that in case the said Arbiter should desire further elucidation, or evidence in regard to any specifick point contained in any of the said Statements submitted to him, the requisition for such



elucidation or evidence shall be simultaneously made to both Parties, who shall thereupon be permitted to bring further evidence if required, and to make each, a written reply to the specifick questions submitted by the said Arbiter but no further; and such evidence and replies shall be immediately communicated by each Party to the other.

And in case the Arbiter should find the topographical Evidence laid, as aforesaid, before him, insufficient for the purposes of a sound and just decision, he shall have the power of ordering additional Surveys to be made of any portions of the disputed Boundary Line or Territory as he may think fit; which Surveys shall be made as the joint expence of the Contracting Parties, and be considered as conclusive by Them.

#### ARTICLE VII.

The Decision of the Arbiter when given, shall be taken as final and conclusive: and it shall be carried without reserve into immediate effect by Commissioners appointed for that purpose by the Contracting Parties.

#### ARTICLE VIII.

This Convention shall be ratified, and the ratifications shall be exchanged in Nine Months from the date hereof, or sooner if possible.

In Witness whereof We the respective Plenipotentiaries have signed the same, and have affixed thereto the Seals of Our Arms.

Done at London the Twenty Ninth day of September, in the Year of  
Our Lord One Thousand Eight Hundred and Twenty Seven.

[SEAL]  
[SEAL]  
[SEAL]

ALBERT GALLATIN  
CHA. GRANT  
HENRY UNWIN ADDINGTON.

DEPARTMENT OF STATE,  
BUREAU OF ROLLS AND LIBRARY,

WASHINGTON, February 2, 1899.

D. W. Wood, Esqre.

Washington, D. C.

SIR:—In response to your request of the 26th ultimo. I am directed by the Secretary of State to send herewith, certified under this Department's Seal, copies of the following: (1) Cession by Virginia to the United States, March 1, 1784. (2) An act to authorize the State of Illinois to open a canal through the public lands, to connect the Illinois river with Lake Michigan, App'd March 30, 1822 (3) An Act to grant a quantity of land to the State of Illinois, for the purposes of aiding in opening a canal to connect the waters of the Illinois river with those of Lake Michigan, approved, March 2, 1827.

Very respectfully,

ANDREW H. ALLEN,  
*Chief of Bureau.*

No. 830.

UNITED STATES OF AMERICA,  
DEPARTMENT OF STATE.

[Ten-cent Documentary Revenue Stamp.]

*To all to whom these presents shall come, Greeting:*

I certify that the papers hereto attached are true copies of the Originals on file in this Department. In testimony whereof I, John Hay, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

[Seal of Department  
of State.]

Done at the City of Washington, this 2nd day of February, A. D. 1899,  
and of the Independence of the United States of America the one hundred and  
twenty-third.

JOHN HAY.

(Duplicate.)

In the Name of the Most Holy & Undivided Trinity.

It having pleased the divine Providence to dispose the Hearts of the most Serene and most Potent Prince George the third, by the Grace of God, King of Great Britain, France & Ireland, Defender of the Faith, Duke of Brunswick and Lunenburg, Arch-Treasurer, and Prince Elector of the Holy Roman Empire &c., and of the UNITED STATES OF AMERICA, to forget all past Misunderstandings and Differences that have unhappily interrupted the good Correspondence and Friendship which they mutually wish to restore; and to establish such a beneficial and satisfactory intercourse between the two countries upon the Ground of reciprocal Advantage and mutual Convenience as may promote and secure to both perpetual Peace & Harmony and having for this desirable End already laid the Foundation of Peace and Reconciliation by the Provisional Articles signed at Paris on the 30th of Novr. 1782, by the Commissioners empowered on each Part, which Articles were agreed to be inserted in and to constitute the Treaty of Peace proposed to be concluded between the Crown of Great Britain and the said United States, but which Treaty was not to be concluded until Terms of Peace should be agreed upon between Great Britain & France, and his Britannic Majesty should be ready to conclude such Treaty accordingly: and the Treaty between Great Britain & France having since been concluded, His Britannic Majesty & the United States of America, in Order to carry into full Effect the Provisional Articles above mentioned, according to the Tenor thereof, have constituted & appointed, that is to say his Britannic Majesty on his part, DAVID HARTLEY, Esqr., Member of the Parliament of Great Britain; and the said United States on their Part, JOHN ADAMS, Esqr., late a Commissioner of the United States of America at the Court of Versailles, late Delegate in Congress from the State of Massachusetts and Chief Justice of the said State, and Minister Plenipotentiary of the said United States to their High Mightinesses the States General of the United Netherlands; BENJAMIN FRANKLIN Esqre. late Delegate in Congress from the State of Pennsylvania, President of the Convention of the sd. State, and Minister Plenipotentiary from the United States of America at the Court of Versailles; JOHN JAY Esqre. late President of Congress, and Chief Justice of the State of New York & Minister Plenipotentiary from the said United States at the Court of Madrid; to be the Plenipotentiaries for the concluding and signing the Present Definitive Treaty; who after having reciprocally communicated their respective full Powers having agreed upon and confirmed the following Articles.

ARTICLE 1st.

His Britannic Majesty acknowledges the sd. United States, viz. New-Hampshire Massachusetts Bay, Rhode-Island & Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania Delaware, Maryland, Virginia, North Carolina, South Carolina & Georgia, to be free sovereign & Independent States; that he treats with them as such, and for himself his Heirs & Successors, relinquishes all Claims to the Government Propriety & Territorial Rights of the same & every Part thereof.

ARTICLE 2d.

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 at St. Lawrence, from those which fall into the Atlantic Ocean, to the Northwesternmost Head of Connecticut River: Thence down along the middle of that River to the forty fifth Degree of North Latitude; From thence by a Line due West on said Latitude until it strikes the River Iroquois or Cataraguy; *Thence along the middle of said River into Lake Ontario; through the Middle of said Lake until it strikes the Communication by Water between that Lake & 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 & Lake Huron; Thence along the middle of said Water-Communication into the Lake Huron, thence through the middle of said Lake to the Water Communication between that Lake and Lake Superior, thence through Lake Superior Northward of the Isles Royal & Phelipeaux to the Long Lake; Thence through the Middle of said Long-Lake, and the Water Communication between it & the Lake of the Woods, to the said Lake of the Woods; Thence through the said Lake to the most Northwestern Point thereof, and from thence on a due West Course to the River Mississippi, Thence by a Line to be drawn along the Middle of the said River Mississippi until it shall intersect the Northernmost Part of the thirty first Degree of North Latitude.* South, by a line to be drawn due East from the Determination of the Line last mentioned, in the Latitude of thirty one Degrees North of the Equator to the middle of the River Apalachicola or Catahouche. Thence along the middle thereof to its Junction with the Flint River; Thence strait 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, & lying between Lines to be drawn due East from the Points where the aforesaid Boundaries between Nova Scotia on the one Part and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean, excepting such Islands as now are or heretofore have been within the Limits of the said Province of Nova Scotia.*

#### ARTICLE 3d.

It is agreed that the People of the United States shall continue to enjoy unmolested the Right to take Fish of every kind on the Grand Bank and on all the other Banks of New-foundland, also in the Gulph of St. Lawrence, and at all other Places in the Sea where the Inhabitants of both Countries used at any time heretofore to fish. And also that the Inhabitants of the United States shall have Liberty to take Fish of every Kind on such Part of the Coast of New-foundland as British Fishermen shall use, (but not to dry or cure the same on that Island) And also on the Coasts Bays & Creeks of all other of his Britannic Majesty's Dominions in America, and that the American Fishermen shall have Liberty to dry and cure Fish in any of the unsettled Bays Harbours and Creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled but so soon as the same or either of them shall be settled, it shall not be lawful for the said Fishermen to dry or cure Fish at such Settlement, without a previous agreement for that purpose with the Inhabitants, Proprietors or Possessors of the Ground.

#### ARTICLE 4th.

It is agreed that Creditors on either Side shall meet with no lawful Impediment to the Recovery of the full Value in Sterling Money of all bona fide Debts heretofore contracted.

#### ARTICLE 5th.

It is agreed that the Congress shall earnestly recommend it to the Legislatures of the respective States to provide for the Restitution of all Estates, Rights and Properties which have been confiscated belonging to real British Subjects; and also of the Estates Rights and Properties of Persons resident in Districts in the Possession of his Majesty's Arms, and who have not borne Arms against the said United States. And that Persons of any other Description shall have free Liberty to go to any Part or Parts of any of the thirteen United States and therein to remain twelve Months unmolested in their Endeavours to obtain the Restitution of such of their Estates Rights & Properties as may have been confiscated. And that Congress shall also earnestly recommend to the several States, a Reconsideration and Revision of all Acts or Laws regarding the Premises, so as to render the said Laws or Acts perfectly consistent, not only with Justice and Equity, but with that Spirit of Conciliation, which, on the Return of the Blessings of Peace should universally prevail. And that Congress shall also earnestly recommend to the several States, that the Estates, Rights and Properties of such last mentioned Persons shall be restored to them, they refunding to any Persons who may be now in Possession, the Bona fide Price (where any has been given) which such Persons may have paid on purchasing any of the said Lands, Rights or Properties, since the Confiscation.

And it is agreed that all Persons who have any Interest in confiscated Lands, either by Debts, Marriage Settlements, or otherwise, shall meet with no lawful Impediment in the Prosecution of their just Rights.

#### ARTICLE 6th.

That there shall be no future Confiscations made nor any Prosecutions commenc'd against any Person or Persons for or by Reason of the Part, which he or they may have taken in the present War, and that no Person shall on that Account suffer any future Loss or Damage, either in his Person Liberty or Property; and that those who may be in Confinement on such Charges at the Time of the Ratification of the Treaty in America shall be immediately set at Liberty, and the Prosecutions so commenced be discontinued.

#### ARTICLE 7th.

There shall be a firm and perpetual Peace between his Britannic Majesty and the said States and between the Subjects of the one, and the Citizens of the other, wherefore all Hostilities both by Sea and Land shall from henceforth cease: All Prisoners on both Sides shall be set at Liberty, and his Britannic Majesty shall with all convenient speed, and without causing any Destruction, or carrying away any Negroes or other

Property of the American Inhabitants, withdraw all his Armies, Garrisons & Fleets from the said United States, and from every Port, Place and Harbour within the same; leaving in all Fortifications the American Artillery that may be therein: And shall also Order & cause all Archives, Records, Deeds & Papers belonging to any of the said States, or their Citizens, which in the Course of the War may have fallen into the Hands of his Officers, to be forthwith restored and deliver'd to the proper States and Persons to whom they belong.

ARTICLE 8th.

*The Navigation of the River Mississippi, from its source to the Ocean shall forever remain free and open to the Subjects of Great Britain and the Citizens of the United States.*

ARTICLE 9th.

In case it should so happen that any Place or Territory belonging to great Britain or to the United States should have been conquer'd by the Arms of either from the other before the Arrival of the said Provisional Articles in America it is agreed that the same shall be restored without Difficulty and without requiring any Compensation.

ARTICLE 10th.

The solemn Ratifications of the present Treaty expedited in good & due Form shall be exchanged between the contracting Parties in the Space of Six Months or sooner if possible to be computed from the Day of the Signature of the present Treaty. IN WITNESS whereof we the undersigned their Ministers Plenipotentiary have in their Name and in Virtue of our Full Powers signed with our Hands the present DEFINITIVE TREATY, and caused the Seals of our Arms to be affix'd thereto.

DONE at Paris, this third Day of September, In the Year of our Lord one thousand seven hundred & eighty three.

D. HARTLEY

(SEAL)

JOHN ADAMS

(SEAL)

B. FRANKLIN

(SEAL)

JOHN JAY

(SEAL)

GEORGE R.

GEORGE the third, by the Grace of God, King of Great Britain France and Ireland, Defender of the Faith, Duke of Brunswick and Lunenburg, Arch Treasurer and Prince Elector of the Holy Roman Empire &c."

To all to whom these Presents shall come Greeting.

WHEREAS for the perfecting and establishing the Peace, Friendship, and good understanding, so happily commenced by the Provisional Articles signed at Paris the thirtieth day of November last by the Commissioners of Us and our Good Friends the United States of America, Viz. New Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, the three lower Counties on Delaware, Maryland, Virginia, North Carolina South Carolina and Georgia, in *North America*; and for opening, promoting and rendering perpetual the mutual intercourse of Trade and Commerce between our Kingdom and the Dominions of the said United States, We have thought proper to invest some fit Person with full Powers on our Part to meet and confer with the Ministers of the said United States now residing at Paris, duly authorized for the accomplishing of such laudable and Salutary Purposes. NOW KNOW YE that we reposing special Trust & Confidence in the Wisdom, Loyalty, Diligence and Circumspection of our Trusty and well-beloved David Hartley Esquire (on whom We have therefore conferred the Rank of our Minister Plenipotentiary) have nominated, constituted and appointed, and by these Presents do nominate constitute and appoint him our true, certain and undoubted Commissioner, Procurator and Plenipotentiary; Giving and granting to him all and all Manner of Faculty, Power and Authority together with general as well as special Order, (so as the general do not derogate from the special, nor on the contrary) for Us and in our Name, to meet, confer, treat and conclude, with the Minister or Ministers furnished with sufficient Powers on the Part of our said Good Friends the United States of America, of and concerning all such Matters and Things as may be requisite & necessary for accomplishing and completing the several Ends and Purposes herein before mentioned, and also for us and in our Name to sign such Treaty or Treaties, Convention or Conventions, or other Instruments whatsoever as may be agreed upon in the Premises and mutually to deliver and receive the same in Exchange, and to do and perform all such other Acts, Matters and things as may be any Ways proper and conducive to the Purposes above mentioned, in as full and ample Form and Manner, and with the like Validity and Effect, as We Ourself, if We were present, could do and perform the same: Engaging and promising, on our Royal Word, that we will accept, ratify and confirm in the most effectual manner all such Acts, Matters and Things, as shall be so transacted and concluded by our aforesaid Commissioner, Procurator & Plenipotentiary, and that we will never suffer any Person to violate the same, in the whole or in Part, or to act contrary thereto. IN TESTIMONY & Confirmation of all which, We have caused our Great Seal of Great Britain to be affixed to these Presents signed with our Royal Hand.

GIVEN at our Palace at St. James's the fourteenth Day of May in the Year of our Lord, one Thousand seven hundred & eighty three and in the Twenty Third Year of our Reign.

I David Hartley the Minister above named certify the foregoing to be a true Copy from my original Commission, delivered to the American Ministers this 19th day of May 1783.

(Signed)

D. HARTLEY.



THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED.

To all to whom these Presents shall come send Greeting.

WHEREAS these United States from a sincere desire of putting an End to the Hostilities, between his most Christian Majesty and these United States on the one part, and his Britannic Majesty on the other, and of terminating the same by a Peace founded on such solid & equitable Principles as reasonably to promise a Permanency of the Blessings of Tranquillity, did heretofore appoint the hon.ble John Adams, late a Commissioner of the United States of America at the Court of Versailles, late Delegate in Congress from the State of Massachusetts, and Chief Justice of the said State, their Minister Plenipotentiary, with full Powers general and special to act in that quality to confer, treat, agree and conclude with the Ambassadors or Plenipotentiaries of his most Christian Majesty and of his Britannic Majesty and those of any other Princes or States whom it might concern, relating to the Re-establishment of Peace and Friendship; and WHEREAS the flames of War have since that time been extended and other Nations and States are involved therein: NOW KNOW YE; that we still continuing earnestly desirous as far as depends upon us, to put a Stop to the Effusion of Blood, and to convince the Powers of Europe, that we wish for nothing more ardently than to terminate the War by a Safe and honorable Peace, have thought proper to renew the Powers formerly given to the said John Adams and to join four other Persons in Commission with him, and having full Confidence in the Integrity, Prudence and Ability of the hon.ble Benjamin Franklin our Minister Plenipotentiary at the Court of Versailles, and the hon.ble John Jay late President of Congress & Chief Justice of the State of New York and our Minister Plenipotentiary at the Court of Madrid, and the honorable Henry Laurens formerly president of Congress and commissioned and sent as out agent to the United Provinces of the low Countries, and the honorable Thomas Jefferson Governor of the common Wealth of Virginia have nominated, constituted and appointed, and by these Presents do nominate, constitute and appoint the said Benjamin Franklin, John Jay, Henry Laurens, and Thomas Jefferson in Addition to the said John Adams, giving and granting to them the said John Adams, Benjamin Franklin, John Jay, Henry Laurens and Thomas Jefferson or the Majority of them or of such of them as may assemble, or in Case of the Death, absence, Indisposition or other Impediment of the others to any one of them, full Power and Authority general and special conjunctly, and separately, and General and Special Command to repair to such Place as may be fixed upon for opening Negotiations for Peace, and there for us, and in our Name to confer, treat, agree and conclude with the ambassadors, Commissioners and Plenipotentiaries of the Princes and States whom it may concern, vested with equal Powers, relating to the Establishment of Peace, and whatsoever shall be agreed and concluded, for us and in our Name to sign and thereupon make a Treaty or Treaties, and to transact everything that may be necessary for Compleating, securing and strengthening the great Work of Pacification in as ample form and with the same Effect as if we were personally present and acted therein, hereby promising in good faith that we will accept, ratify, fulfil and execute whatever shall be agreed concluded and signed by our said Ministers Plenipotentiary or a Majority of them or of such of them as may assemble or in Case of the Death, Absence, Indisposition or other Impediment of the others by any one of them; and that we will *never act nor suffer any Person to act contrary to the same in whole or in any Part.* IN WITNESS whereof We have caused these Presents to be signed by our President and sealed with his Seal.

DONE at Philadelphia the fifteenth Day of June in the Year of our Lord one thousand seven hundred and Eighty one, and in the fifth Year of our Independence, by the United States in Congress assembled.

(L. S.) SAM. HUNTINGTON, *President.*

Attest.

(Signed) CHA THOMSON *Secy.*

We certify the foregoing Copies of the respective full Powers to be authentic

GEORGE HAMMOND  
*Secretary to the British Commission.*

W. T. FRANKLIN  
*Sec'y to the American Commission.*

AN ORDINANCE FOR THE GOVERNMENT OF THE TERRITORY OF THE UNITED STATES, NORTH-WEST OF THE RIVER OHIO.

BE IT ORDAINED by the United States in Congress assembled, That the said Territory, for the purpose of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the Opinion of Congress, make it expedient.

*Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among their Children, and the descendants of a deceased child in equal parts; the descendants of a deceased child or grand-child to take the share of their deceased parent in equal parts among them: And where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals the children of a deceased brother or sister of the intestate, shall have in equal parts among them their deceased parents share; and there shall in no case be a distinction between kindred of the whole, and half blood; saving in all cases to the widow of the intestate her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the Legislature of the district. And until the governor and judges shall adopt laws as herein after mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be, (being of full age) and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed—sealed, and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded, within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery, saving however, to the French and Canadian inhabitants and other settlers of the Kaskaskies, Saint Vincents and the Neighboring Villages who have heretofore professed themselves Citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.*

Be it ordained by the authority aforesaid, That there shall be appointed from time to time, by Congress, a governor, whose Commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his Office.

There shall be appointed from time to time, by Congress, a Secretary whose Commission shall continue in force for four years, unless sooner revoked, he shall reside in the district, and have a freehold estate therein, in five hundred Acres of land, while in the exercise of his Office; it shall be his duty to keep and preserve the acts and laws passed by the Legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings every six-months, to the *Secretary of Congress*: There shall also be appointed a court to consist of three judges, any two of whom to form a Court, *who shall have a common law jurisdiction*, and reside in the district, and have each therein a freehold estate in five hundred acres of land while in the exercise of their Offices; and their Commissions shall continue in force during good behaviour.

The governor and judges or a majority of them shall adopt and publish in the district, such laws or the original states, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time, which laws shall be in force in the district until the organization of the general Assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor for the time being, shall be commander in chief of the militia, appoint and commission all Officers in the same, below the rank of general Officers; all general Officers shall be appointed and Commissioned by Congress.

Previous to the organization of the general assembly the governor shall appoint such Magistrates and other civil Officers, in each County or Township as he shall find necessary for the preservation of the peace and good order in the same: After the general Assembly shall be organized, the powers and duties of Magistrates and other Civil Officers shall be regulated and defined by the said assembly, but all magistrates and other civil Officers, not herein otherwise directed, shall during the continuance of this temporary government be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and Civil, the governor shall make proper divisions thereof—and he shall proceed from time to time as circumstances may require to lay out the parts of the district *in which the Indian titles shall have been extinguished*, into Counties and townships, subject however, to such alterations, as may thereafter be made by the Legislature.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place to elect representatives from their Counties or Townships, to represent them in the general assembly; provided that for every five hundred free male inhabitants there shall be one representative, and so on progressively with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty five, after which the number and proportion of representatives shall be regulated by the legislature; provided that no person be eligible or qualified to act as a representative, unless he shall have been a Citizen of one of the United States three years and be a resident in the district, or unless he shall have resided in the district three years, and in either case shall likewise hold in his own right, in fee simple two hundred acres of land within the same: Provided also, that a freehold of fifty acres of land in the district, having been a Citizen of one of the states, and being resident in the district; or the like freehold and two years residence in the district shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years, and in case of the death

of a representative or removal from Office, the governor shall issue a writ to the County or Township for which he was a member, to elect another in his stead to serve for the residue of the term.

The general assembly, or Legislature, shall consist of the governor, legislative Council, and a house of representatives. The legislative Council, shall consist of five members, to continue in Office five years unless sooner removed by Congress, any three of whom to be a quorum, and the members of the Council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and when met, they shall nominate ten persons residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and Commission to serve as aforesaid; and whenever a vacancy shall happen in the Council, by death, or removal from Office, the house of representatives shall nominate two persons qualified as aforesaid, for each vacancy and return their names to Congress; one of whom Congress shall appoint and Commission for the residue of the term; and every five years, four months at least before the expiration of the time of service of the members of the Council, the said house shall nominate ten persons qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and Commission to serve as members of the Council five years, unless sooner removed. And the governor, legislative Council, and house of representatives shall have authority to make laws in all cases for the good government of the district not repugnant to the principles and articles in this Ordinance established and declared. And all bills having passed by a majority in the house, and by a majority in the Council, shall be referred to the governor for his assent; but no bill or legislative Act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue and dissolve the general assembly, when in his opinion it shall be expedient.

The governor, judges, legislative Council, Secretary and such other Officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of Office, the governor before the President of Congress, and all other Officers before the governor. As soon as a legislature shall be formed in the district, the Council and house assembled in one room, shall have authority by joint ballot to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting during this temporary government.

And for extending the fundamental principles of civil, and religious liberty, which form the basis whereon these republics, their laws, and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide also for the establishment of states and permanent government therein, and for their admission to a share in the federal Councils on an equal footing with the original states, at as early periods as may be consistent with the general enterest.

IT IS HEREBY ORDAINED and declared by the authority aforesaid, That the following articles shall be considered as Articles of compact between the original States and the people and states in the said territory, and forever remain unalterable, unless by common consent, to wit:

ARTICLE the First. No person demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments in the said territory.

ARTICLE the Second. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law; all persons shall be bailable unless for Capital Offences, where the proof shall be evident, or the presumption great; all fines shall be moderate, and no cruel or unusual punishments shall be inflicted; no man shall be deprived of his liberty or property but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary for the common preservation to take any persons property, or to demand his particular services, full compensation shall be made for the same; and in the just preservation of rights and property it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with, or affect private contracts or engagements bona fide and without fraud, previously formed.

ARTICLE the Third. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools, and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians, their lands and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ARTICLE the Fourth. The said territory and the States which may be formed therein shall forever remain apart of this confederacy of the United States of America, subject to the articles of Confederation and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory, shall be subject to pay a part of the federal debts contracted or to be contracted, and a proportional part of the expences of government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other states; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts or new states, as in the original states, within the time agreed upon by the United States in Congress assembled. *The legislatures of those districts or new states shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the Citizens of the United States, and those of any other states that may be admitted into the confederacy, without any tax, impost, or duty therefor.*

ARTICLE the Fifth. There shall be formed in the said territory not less than three, nor more

than five states; and the boundaries of the states, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows to wit; The western state in the said territory shall be bounded by the Mississippi, the Ohio and Wabash rivers; a direct line drawn from the Wabash and Post Vincents due north to the territorial line between the United States and Canada, and by the said territorial line to the lake of the Woods and Mississippi. The middle state shall be bounded by the said direct line, the Wabash from Port Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern state shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line; provided however, and it is further understood and declared that the boundaries of these three states, shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of lake Michigan: and whenever any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted by its delegates into the Congress of the United States on an equal footing with the original states in all respects whatever; and shall be at liberty to form a permanent constitution and state government; provided the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the state than sixty thousand.

ARTICLE the Sixth. There shall be neither slavery nor involuntary servitude in the said territory otherwise than in punishment of crimes whereof the party shall have been duly convicted: provided always that any person escaping into the same from whom labor or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor, or service as aforesaid.

BE IT ORDAINED by the authority aforesaid, That the resolutions of the twenty third day of April, one thousand seven hundred and eighty four, relative to the subject of this Ordinance be, and the same are hereby repealed and declared null and void.

DONE by the United States in Congress assembled, the thirteenth day of July, in the year of our Lord one thousand seven hundred and eighty seven, and of their SOVEREIGNTY and Independence the twelfth.

CHAS. THOMSON Secy

WILL'M GRAYSON, Chairman

## TREATY OF PEACE AND AMITY

Between

HIS BRITANNIC MAJESTY And THE UNITED STATES OF AMERICA

His Britannic Majesty and the United States of America desirous of terminating the War which has unhappily subsisted between the two Countries and of restoring upon principles of perfect reciprocity Peace, Friendship, and good Understanding between them, have for that purpose appointed their respective Plenipotentiaries, that is to say, His Britannic Majesty on his part, has appointed the Right Honourable James Lord Gambier, late Admiral of the White, now Admiral of the Red Squadron of His Majesty's Fleet; Henry Goulburn Esquire, a Member of the Imperial Parliament and Under Secretary of State; and William Adams Esquire, Doctor of Civil Laws: And the President of the United States by and with the advice and consent of the Senate thereof has appointed John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell and Albert Gallatin Citizens of the United States: who after a reciprocal communication of their respective full Powers have agreed upon the following Articles.

### Article the first.

There shall be a firm and universal Peace between His Britannic Majesty and the United States and between their respective Countries, Territories, Cities, Towns, and people of every degree without exception of places or persons. All hostilities both by Sea and land shall cease as soon as this Treaty shall have been ratified by both parties as hereinafter mentioned. All territory, places and possessions whatsoever taken by either party from the other during the War, or which may be taken after the signing of this Treaty excepting only the Islands hereinafter mentioned shall be restored without delay and without causing any destruction or carrying away any of the Artillery or other public property originally captured in the said forts or places and which shall remain therein upon the Exchange of the Ratifications of this Treaty or any Slaves or other private property; And all Archives Records, Deeds and papers either of a public nature or belonging to private persons, which in the course of the War may have fallen into the hands of the Officers of either party, shall be, as far as may be practicable forthwith restored and delivered to the proper authorities and persons to whom they respectively belong. Such of the Islands in the Bay of Passamaquoddy as are claimed by both parties shall remain in the possession of the party in whose occupation they may be at the time of the Exchange of the Ratifications of this Treaty until the decision respecting the title to the said Islands shall have been made in conformity with the fourth Article of this Treaty. No disposition made by this Treaty as to such possession of the Islands and territories claimed by both parties shall in any manner whatever be construed to affect the right of either.

### Article the second.

Immediately after the ratifications of this Treaty by both parties as hereinafter mentioned, orders shall be sent to the Armies, Squadrons, Officers, Subjects, and Citizens of the two Powers, to cease from all hostilities: and to prevent all causes of complaint which might arise on account of the prizes which may be taken at Sea after the said ratifications of this Treaty, it is reciprocally agreed that all vessels and effects which may be taken after the space of twelve days from the said Ratifications upon all parts

of the Coast of North America from the Latitude of Twenty three degrees North to the Latitude of Fifty degrees North and as far eastward in the Atlantic Ocean as the Thirty sixth degree of West Longitude from the Meridian of Greenwich shall be restored on each side:—that the time shall be thirty days in all other parts of the Atlantic Ocean North of the Equinoctial Line or Equator:—and the same time for the British and Irish Channels, for the Gulf of Mexico, and all parts of the West Indies:—forty days for the North Seas for the Baltic, and for all parts of the Mediterranean:—sixty days for the Atlantic Ocean South of the Equator as far as the Latitude of the Cape of Good Hope:—ninety days for every other part of the World South of the Equator and one hundred and twenty days for all other parts of the World without exception.

#### Article the third

All Prisoners of War taken on either side as well by land as by sea shall be restored as soon as practicable after the Ratifications of this Treaty as hereinafter mentioned on their paying the debts which they may have contracted during their captivity. The two Contracting Parties respectively engage to discharge in specie the advances which may have been made by the other for the sustenance and maintenance of such prisoners.

#### Article the fourth.

Whereas it was stipulated by the second Article in the Treaty of Peace of One thousand seven hundred and eighty three between His Britannic Majesty and the United States of America *that the Boundary of the United States should comprehend 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 Nova Scotia, and whereas the several Islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan in the said Bay of Fundy, are claimed by the United States as being comprehended within their aforesaid Boundaries, which said Islands are claimed as belonging to His Britannic Majesty as having been at the time of, and previous to, the aforesaid Treaty of one Thousand seven hundred and eighty three within the limits of the Province of Nova Scotia. In order therefore finally to decide upon these claims it is agreed that they shall be referred to two Commissioners to be appointed in the following manner viz: One Commissioner shall be appointed by His Britannic Majesty, and one by the President of the United States by and with the advice and consent of the Senate thereof and the said two Commissioners so appointed shall be sworn impartially to examine and decide upon the said claims according to such evidence as shall be laid before them on the part of His Britannic Majesty and of the United States respectively. The said Commissioners shall meet at St. Andrews in the province of New Brunswick and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall by a declaration or report under their hands and seals decide to which of the two Contracting Parties the several Islands aforesaid do respectively belong in conformity with the true intent of the said Treaty of Peace of one thousand seven hundred and eighty three. And if the said Commissioners shall agree in their decision both parties shall consider such decision as final and conclusive. It is further agreed that in the event of the Two Commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said Commissioners refusing or declining or wilfully omitting to act as such they shall make jointly or separately a report or reports as well to the Government of His Britannic Majesty as to that of the United States stating in detail the points on which they differ, and the grounds upon which their respective opinions have been formed, or the grounds upon which they or either of them have so refused declined or omitted to act. And His Britannic Majesty and the Government of the United States hereby agree to refer the report or reports of the said Commissioners to some friendly Sovereign or State to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said report or reports or upon the report of one Commissioner together with the grounds upon which the other Commissioner shall have refused declined or omitted to act as the case may be. And if the Commissioner so refusing, declining or omitting to act shall also wilfully omit to state the grounds upon which he has so done in such manner that the said statement may be referred to such friendly Sovereign or State together with the report of such other Commissioner then such Sovereign or State shall decide ex parte upon the said report alone. And His Britannic Majesty and the Government of the United States engage to consider the decision of such friendly sovereign or state to be final and conclusive on all the matters so referred.

#### Article the fifth

Whereas neither that point of the Highlands lying due North from the source of the River St. Croix and designated in the former Treaty of Peace between the two Powers as the North West Angle of Nova Scotia, nor the North Westernmost head of Connecticut River has yet been ascertained; and whereas that part of the boundary line between the Dominions of the Two Powers which extends from the source of the River St. Croix directly North to the abovementioned North West Angle of Nova Scotia, thence 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, thence by a line due West on said Latitude until it strikes the River Iroquois or Cataraguy *has not yet been surveyed: it is agreed that for these several purposes two Commissioners shall be appointed, sworn, and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding Article* unless otherwise specified in the present Article. The said Commissioners shall meet at St. Andrews in the Province of New Brunswick and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall have power to ascertain and determine the points abovementioned in conformity with the provisions of the said Treaty of Peace of one thousand seven hundred and eighty three and shall cause the boundary aforesaid from the source of the River St. Croix to



*the River Iroquois or Cataraguy to be surveyed and marked according to the said provisions. The said Commissioners shall make a map of the said boundary and annex to it a declaration under their hands and seals certifying it to be the true Map of the said Boundary, and particularizing the latitude and longitude of the North West Angle of Nova Scotia, of the North Westernmost head of Connecticut River, and of such other points of the said boundary as they may deem proper. And both parties agree to consider such map and declaration as finally and conclusively fixing the said Boundary. And in the event of the said two Commissioners differing, or both, or either of them refusing declining or wilfully omitting to act, such reports declarations or statements shall be made by them or either of them, and such reference to a friendly Sovereign or State shall be made in all respects as in the latter part of the fourth Article is contained and in as full a manner as if the same was herein repeated.*

#### Article the Sixth

Whereas by the former Treaty of Peace that portion of the boundary of the United States from the point where the forty fifth degree of North Latitude strikes the River Iroquois or Cataraguy to the Lake Superior was declared to be "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* into the Lake Huron; thence through the middle of said Lake to the "*water communication* between that Lake and Lake Superior": and whereas doubts have arisen what was the middle of the said River, Lakes and water communications and whether certain Islands lying in the same were within the dominions of His Britannic Majesty or of the United States: In order therefore finally to decide these doubts, they shall be referred to two Commissioners to be appointed, sworn and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding Article unless otherwise specified in this present Article. The said Commissioners shall meet in the first instance at Albany in the State of New York and shall have power to adjourn to such other place or places as they shall think fit. *The said Commissioners shall by a report or declaration under their hands and seals designate the boundary through the said River, Lakes, and water communications and decide to which of the two Contracting Parties the several Islands lying within the said Rivers, Lakes, and water communications do respectively belong in conformity with the true intent of the said Treaty of one thousand seven hundred and eighty three. And both parties agree to consider such designation and decision as final and conclusive. And in the event of the said two Commissioners differing on both or either of them refusing declining or wilfully omitting to act such reports, declarations or statements shall be made by them or either of them, and such reference to a friendly Sovereign or State shall be made in all respects as in the latter part of the Fourth Article is contained and in as full a manner as if the same was herein repeated.*

#### Article the Seventh.

It is further agreed that the said two last mentioned Commissioners after they shall have executed the duties assigned to them in the preceding Article shall be and they are hereby authorized upon their oaths impartially to fix and determine according to the true intent of the said Treaty of Peace of one thousand seven hundred and eighty three, that part of the boundary between the dominions of the two Powers, which extends from the water communication between Lake Huron and Lake Superior to the most North Western point of the Lake of the Woods;—*to decide to which of the two Parties the several Islands lying in the Lakes, water communications, and Rivers forming the said boundary do respectively belong in conformity with the true intent of the said Treaty of Peace of one thousand seven hundred and eighty three and to cause such parts of the said boundary as require it to be surveyed and marked.* The said Commissioners shall by a report or declaration under their hands and seals designate the boundary aforesaid, state their decision on the points thus referred to them, and particularize the Latitude and Longitude of the most North Western point of the Lake of the Woods, and of such other parts of the said boundary as they may deem proper. And both parties agree to consider such designation and decision as final and conclusive. And in the event of the said two Commissioners differing, or both or either of them refusing declining or wilfully omitting to act such reports declarations, or statements shall be made by them or either of them and such reference to a friendly Sovereign or State shall be made in all respects as in the latter part of the fourth Article is contained and in as full a manner as if the same was herein repeated.

#### Article the Eighth.

The several boards of two Commissioners mentioned in the four preceding Articles shall respectively have power to appoint a Secretary, and to employ such surveyors or other persons as they shall judge necessary. Duplicates of all their respective reports, declarations, statements and decisions, and of their accounts, and of the Journal of their proceedings shall be delivered to them by the Agents of His Britannic Majesty and to the Agents of the United States who may be respectively appointed and authorized to manage the business on behalf of their respective governments. The said Commissioners shall be respectively paid in such manner as shall be agreed between the two contracting parties, such agreement being to be settled at the time of the Exchange of the Ratifications of this Treaty. And all other expenses attending the said Commissions shall be defrayed equally by the two parties. And in the case of death, sickness, resignation or necessary absence the place of every such Commissioner respectively shall be supplied in the same manner as such Commissioner was first appointed, and the new Commissioner shall take the same oath or affirmation and do the same duties. It is further agreed between the two Contracting Parties that in case any of the Islands mentioned in any of the preceding Articles, which were in the possession of one of the parties prior to the commencement of the present War between the two Countries should by the decision of any of the boards of Commissioners aforesaid, or of the Sovereign or State so referred to as in the four next preceding Articles contained fall within the dominions of the other party, all grants of Land made previous to the commencement of the War by the party having had such possession shall be as valid as if such Island or Islands had by such decision or decisions been adjudged to be within the dominions of the party having had such possession.



Article the Ninth

*The United States of America engage to put an end immediately after the ratification of the present Treaty to hostilities with all the Tribes or Nations of Indians with whom they may be at war at the time of such ratification and forthwith to restore to such Tribes or Nations respectively all the possessions, rights and privileges which they may have enjoyed or been entitled to in one thousand eight hundred and eleven previous to such hostilities. Provided always that such Tribes or Nations shall agree to desist from all hostilities against the United States of America, their Citizens and Subjects upon the ratification of the present Treaty being notified to such Tribes or Nations, and shall so desist accordingly. And His Britannic Majesty engages on his part to put an end immediately after the ratification of the present Treaty to hostilities with all the Tribes or Nations of Indians with whom He may be at War at the time of such Ratification, and forthwith to restore to such Tribes or Nations respectively all the possessions, rights and privileges which they may have enjoyed or been entitled to in one thousand eight hundred and eleven previous to such hostilities. Provided always that such Tribes or Nations shall agree to desist from all hostilities against His Britannic Majesty and His Subjects upon the ratification of the present Treaty being notified to such Tribes or Nations, and shall so desist accordingly.*

Article the tenth

Whereas the traffic in Slaves is irreconcilable with the principles of humanity and Justice and whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the Contracting parties shall use their best endeavours to accomplish so desirable an object.

Article the Eleventh.

This Treaty when the same shall have been ratified on both sides without alteration by either of the Contracting parties and the Ratifications mutually exchanged, shall be binding on both parties, and the Ratifications shall be exchanged at Washington in the space of four Months from this day or sooner if practicable.

In faith whereof, We the respective Plenipotentiaries have signed this Treaty, and have thereunto fixed our Seals.

Done in triplicate at Ghent the twenty fourth day of December one thousand eight hundred and fourteen.

(SEAL) GAMBIER.

(SEAL) HENRY GOULBURN

(SEAL) WILLIAM ADAMS

(SEAL) JOHN QUINCY ADAMS.

(SEAL) J. A. BAYARD

(SEAL) H. CLAY

(SEAL) JONA RUSSELL

(SEAL) ALBERT GALLATIN

To all and singular to whom these presents shall come, Greeting :

Be it known, That I, James Madison, president of the United States of America, having seen and considered the within treaty, do, by and with the advice and consent of the Senate thereof, accept, ratify, and confirm, the same, and every clause and article thereof.

In testimony whereof I have caused the seal of the said United States to be hereunto affixed, and signed the same with my hand.

[SEAL]

Done at the city of Washington, this seventeenth day of February, in the year of our Lord one thousand eight hundred and fifteen; and of the sovereignty and independence of the United States the thirty-ninth.

JAMES MADISON

WASHINGTON April 28, 1817.

The Undersigned, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honour to acquaint Mr. Rush, that having laid before His Majesty's Government the correspondence which passed last year between the Secretary of the Department of State and the Undersigned upon the subject of a proposal to reduce the Naval Force of the respective Countries upon the American Lakes, he has received the Commands of his Royal Highness The Prince Regent to acquaint the Government of the United States, that His Royal Highness is willing to accede to the proposition made to the Undersigned by the Secretary of the Department of State in his Note of the 2d of August last.

*His Royal Highness, acting in the name and on the behalf of His Majesty, agrees, that the Naval Force to be maintained upon the American Lakes by His Majesty and the Government of the United States shall henceforth be confined to the following Vessels on each side—that is*

*On Lake Ontario to one Vessel not exceeding one hundred Tons burthen and armed with one eighteen pound cannon.*

*On the Upper Lakes to two Vessels not exceeding like burthen each and armed with like force.*

*On the Waters of Lake Champlain to one Vessel not exceeding like burthen and armed with like force.*

*And his Royal Highness agrees, that all other armed Vessels on these Lakes shall be forthwith dismantled, and that no other Vessels of War shall be there built or armed.*

His Royal Highness further agrees, that if either Party should hereafter be desirous of annulling this Stipulation, and should give notice to that effect to the other Party, it shall cease to be binding after the expiration of six months from the date of such notice.

The Undersigned has it in command from His Royal Highness the Prince Regent to acquaint the American Government, that His Royal Highness has issued Orders to His Majesty's Officers on the Lakes directing, that the Naval Force so to be limited shall be restricted to such services as will in no respect interfere with the proper duties of the armed vessels of the other Party.

The Undersigned has the honour to renew to Mr. Rush the assurances of his highest consideration.

CHARLES BAGOT

April 28, 1817.

[INDORSEMENT.] Mr. Bagot Communicates the assent of his Gov't to the proposal of reducing the Naval Force on the Lakes

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

#### A PROCLAMATION.

WHEREAS, a treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, was concluded and signed by their Plenipotentiaries, at Washington, on the ninth day of August, one thousand eight hundred and forty-two, which treaty is, word for word, as follows:

A TREATY to settle and define the Boundaries between the Territories of the United States and the possessions of Her Britannic Majesty, in North America: For the final Suppression of the African Slave Trade: and For the giving up of Criminals fugitive from justice, in certain cases.

WHEREAS certain portions of the line of boundary between the United States of America and the British Dominions in North America, described in the second article of the Treaty of Peace of 1783, have not yet been ascertained and determined, notwithstanding the repeated attempts which have been heretofore made for that purpose, and whereas it is now thought to be for the interest of both Parties, that, avoiding further discussion of their respective rights, arising in this respect under the said Treaty, they should agree on a conventional line in said portions of the said boundary, such as may be convenient to both Parties, with such equivalents and compensations, as are deemed just and reasonable:—And whereas by the Treaty concluded at Ghent, on the 24th day of December, 1814, between the United States and His Britannic Majesty, an article was agreed to and inserted of the following tenor, viz't "Art. 10.—whereas the Traffic in Slaves is irreconcilable with the principles of humanity and justice: And whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting Parties shall use their best endeavors to accomplish so desirable an object: and whereas, notwithstanding the laws which have at various times been passed by the two Governments, and the efforts made to suppress it, that criminal traffic is still prosecuted and carried on: An whereas the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, are determined that, so far as may in their power, it shall be effectually abolished:—And whereas it is found expedient for the better administration of justice and the prevention of crime within the Territories and jurisdiction of the two Parties, respectively, that persons committing the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up: The United States of America and Her Britannic Majesty, having resolved to treat on these several subjects, have for that purpose appointed their respective Plenipotentiaries to negotiate and conclude a Treaty, that is to say: the President of the United States has, on his part, furnished with full powers, Daniel Webster, Secretary of State of the United States; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, has, on her part, appointed the Right honorable Alexander Lord Ashburton, a Peer of the said United Kingdom, a member of Her Majesty's most honorable Privy Council, and Her Majesty's Minister Plenipotentiary on a Special Mission to the United States; who, after a reciprocal communication of their respective full powers, have agreed to and signed the following articles:

#### Article I.

It is hereby agreed and declared that the line of boundary shall be as follows: Beginning at the monument at the source of the river St. Croix, as designated and agreed to by the Commissioners under

the fifth article of the Treaty of 1794, between the Governments of the United States and Great Britain; *thence, north, following the exploring line run and marked by the Surveyors of the two Governments in the years 1817 and 1818, under the fifth Article of the Treaty of Ghent, to its intersection with the river St. John, and to the middle of the channel thereof: thence, up the middle of the main channel of the said river St. John, to the mouth of the river St. Francis; thence up the middle of the channel of the said river St. Francis, and of the lakes through which it flows, to the outlet of the Lake Pohenagamook; thence, southwesterly, in a straight line to a point on the northwest branch of the river St. John, which point shall be ten miles distant from the main branch of the St. John, in a straight line, and in the nearest direction; but if the said point shall be found to be less than seven miles from the nearest point of the summit or crest of the highlands that divide those rivers which empty themselves into the river Saint Lawrence from those which fall into the river Saint John, then the said point shall be made to recede down the said northwest Branch of the river St. John, to a point seven miles in a straight line from the summit or crest; thence, in a straight line, in a course about south eight degrees west, to the point where the parallel of latitude of 46° 25' north, intersects the southwest branch of the St. John's; thence, southerly, by the said branch, to the source thereof in the highlands at the Metjarmette Portage; thence, down along the said highlands which divide the waters which empty themselves into the river Saint Lawrence from those which fall into the Atlantic Ocean, to the head of Hall's Stream; thence, down the middle of said Stream, till the line thus run intersects the old line of boundary surveyed and marked by Valentine and Collins previously to the year 1774, as the 45th. degree of north latitude, and which has been known and understood to be the line of actual division between the States of New York and Vermont on one side, and the British Province of Canada on the other; and, from said point of intersection, west along the said dividing line as heretofore known and understood, to the Iroquois, or St. Lawrence river.*

#### Article II.

It is moreover agreed, that from the place where the joint Commissioners terminated their labors under the sixth article of the Treaty of Ghent, to wit: at a point in the Neebish Channel, near Muddy Lake, the line shall run into and along the ship channel between Saint Joseph and St. Tammany Islands, to the division of the channel at or near the head of St. Joseph's Island; thence, turning eastwardly and northwardly, around the lower end of St. George's or Sugar Island, and following the middle of the channel which divides St. George's from St. Joseph's Island; thence, up the east Neebish channel, nearest to St. George's Island, through the middle of Lake George;—thence, west of Jonas' Island, into St. Mary's river, to a point in the middle of that river, about one mile above St. George's or Sugar Island, *so as to appropriate and assign the said Island to the United States*; thence, adopting the line traced on the maps by the Commissioners, thro' the river St. Mary and Lake Superior, to a point north of Ile Royale in said Lake, one hundred yards to the north and east of Ile Chapeau, which last mentioned Island lies near the northeastern point of Ile Royale, where the line marked by the Commissioners terminates; and from the last mentioned point, southwesterly, through the middle of the Sound between Ile Royale and the northwestern mainland, to the mouth of Pigeon river, and up the said river to, and through, the north and south Fowl Lakes, to the Lakes of the height of land between Lake Superior and the Lake of the Woods; *thence, along the water-communication to Lake Saisaginaga, and through that Lake; thence, to and through Cypress Lake Lac du Bois Blanc, Lac la Croix, Little Vermilion Lake, and Lake Namecan, and through the several smaller lakes, straights, or streams, connecting the lakes here mentioned, to that point in Lac la Pluie, or Rainy Lake, at the Chaudière Falls, from which the Commissioners traced the line to the most northwestern point of the Lake of the Woods;—thence, along the said line to the said most northwestern point, being in latitude 49° 23' 55" north, and in longitude 95° 14' 38" west from the Observatory at Greenwich; thence, according to existing treaties, due south to its intersection with the 49th parallel of north latitude, and along that parallel to the Rocky Mountains.—It being understood that all the water-communications, and all the usual portages along the line from Lake Superior to the Lake of the Woods; and also Grand Portage, from the shore of Lake Superior to the Pigeon river, as now actually used, shall be free and open to the use of the citizens and subjects of both countries.*

#### Article III.

In order to promote the interests and encourage the industry of all the inhabitants of the countries watered by the river St. John and its tributaries, whether living within the State of Maine or the Province of New Brunswick, *it is agreed that, where, by the provisions of the present treaty, the river St. John is declared to be the line of boundary, the navigation of the said river shall be free and open to both Parties, and shall in no way be obstructed by either: That all the produce of the forest, in logs, lumber, timber, boards, staves, or shingles, or of agriculture not being manufactured, grown on any of those parts of the State of Maine watered by the river St. John, or by its tributaries, of which fact reasonable evidence shall, if required, be produced, shall have free access into and through the said river and its said tributaries, having their source within the State of Maine, to and from the seaport at the mouth of the said river St. John's, and to and round the Falls of the said river, either by boats, rafts, or other conveyance: that when within the Province of New Brunswick, the said produce shall be dealt with as if it were the produce of the said province: That, in like manner, the inhabitants of the Territory of the Upper St. John determined by this Treaty to belong to Her Britannic Majesty, shall have free access to and through the river for their produce, in those parts where the said river runs wholly through the State of Maine: Provided always, that this agreement shall give no right to either party to interfere with any regulations not inconsistent with the terms of this treaty which the Governments, respectively, of Maine or of New Brunswick, may make respecting the navigation of the said river, where both banks thereof shall belong to the same Party.*

#### Article IV.

*All grants of land heretofore made by either Party, within the limits of the territory which by this Treaty falls within the dominions of the other Party, shall be held valid, ratified, and confirmed to the persons in possession of such grants, to the same extent as if such territory had by this Treaty fallen within the dominions*

*of the Party by whom such grants were made: And all equitable possessory claims, arising from a possession and improvement of any lot or parcel of land by the person actually in possession, or by those under whom such person claims, for more than six years before the date of this Treaty, shall, in like manner, be deemed valid, and be confirmed and quieted by a release to the person entitled thereto, of the title to such lot or parcel of land, so described as best to include the improvements made thereon; and in all other respects the two contracting Parties agree to deal upon the most liberal principles of equity with the settlers actually dwelling upon the Territory falling to them, respectively, which has heretofore been in dispute between them.*

#### Article V.

Whereas, in the course of the controversy respecting the disputed Territory on the northeastern boundary, some moneys have been received by the authorities of Her Britannic Majesty's Province of New Brunswick, with the intention of preventing depredations on the forests of the said Territory, which moneys were to be carried to a fund called the "Disputed Territory Fund", the proceeds whereof, it was agreed, should be hereafter paid over to the Parties interested, in the proportions to be determined by a final settlement of boundaries: It is hereby agreed, that a correct account of all receipts and payments on the said fund, shall be delivered to the Government of the United States, within six months after the ratification of this Treaty; and the proportion of the amount due thereon to the States of Maine and Massachusetts, and any bonds or securities appertaining thereto, shall be paid and delivered over to the Government of the United States; and the Government of the United States agrees to receive for the use of, and pay over to the States of Maine and Massachusetts, their respective portions of said Fund: And further to pay and satisfy said States, respectively, for all claims for expenses incurred by them in protecting the said heretofore disputed Territory, and making a survey thereof, in 1838; the Government of the United States agreeing with the States of Maine and Massachusetts to pay them the further sum of three hundred thousand dollars, in equal moieties, on account of their assent to the line of boundary described in this Treaty, and in consideration of the conditions and equivalents received therefor, from the Government of Her Britannic Majesty.

#### Article VI.

It is furthermore understood and agreed, that for the purpose of running and tracing those parts of the line between the source of the St. Croix and the St. Lawrence river, which will require to be run and ascertained, and for marking the residue of said line by proper monuments on the land, two Commissioners shall be appointed, one by the President of the United States, by and with the advice and consent of the Senate thereof, and one by Her Britannic Majesty: and the said Commissioners shall meet at Bangor, in the State of Maine, on the first day of May next, or as soon thereafter as may be, and shall proceed to mark the line above described, from the source of the St. Croix to the river St. John; and shall trace on proper maps the dividing line along said river, and along the river St. Francis, to the outlet of the Lake Pohenagamook; and from the outlet of the said Lake, they shall ascertain, fix, and mark by proper and durable monuments on the land, the line described in the first article of this Treaty; and the said Commissioners shall make to each of their respective Governments a joint report or declaration, under their hands and seals, designating such line of boundary, and shall accompany such report or declaration with maps certified by them to be true maps of the new boundary.

#### Article VII.

*It is further agreed, that the channels in the river St. Lawrence, on both sides of the Long Sault Islands and of Barnhart Island; the channels in the river Detroit, on both sides of the Island Bois Blanc, and between that Island and both the American and Canadian shores; and all the several channels and passages between the various Islands lying near the junction of the river St. Clair with the lake of that name, shall be equally free and open to the ships, vessels, and boats of both Parties.*

#### Article VIII.

The Parties mutually stipulate that each shall prepare, equip, and maintain in service, on the coast of Africa, a sufficient and adequate squadron, or naval force of vessels, of suitable numbers and descriptions, to carry in all not less than eighty guns, to enforce, separately and respectively, the laws rights and obligations of each of the two countries, for the suppression of the Slave Trade, the said squadrons to be independent of each other, but the two Governments stipulating, nevertheless, to give such orders to the officers commanding their respective forces, as shall enable them most effectually to act in concert and coöperation, upon mutual consultation, as exigencies may arise, for the attainment of the true object of this article; copies of all such orders to be communicated by each Government to the other respectively.

#### Article IX.

Whereas, notwithstanding all efforts which may be made on the coast of Africa for suppressing the Slave Trade, the facilities for carrying on that traffic and avoiding the vigilance of cruisers by the fraudulent use of flags, and other means, are so great, and the temptations for pursuing it, while a market can be found for Slaves, so strong, as that the desired result may be long delayed, unless all markets be shut against the purchase of African negroes, the Parties to this Treaty agree that they will unite in all becoming representations and remonstrances, with any and all Powers within whose dominions such markets are allowed to exist; and that they will urge upon all such Powers the propriety and duty of closing such markets effectually at once and forever.

#### Article X.

It is agreed that the United States and Her Britannic Majesty shall, upon mutual requisitions by them, or their Ministers, Officers, or authorities, respectively made, deliver up to justice, all persons who, being charged with the crime of Murder, or assault with intent to commit Murder, or Piracy, or Arson, or robbery, or forgery, or the utterance of forged paper, committed within the jurisdiction of either,

shall seek an asylum, or shall be found, within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged, shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed: And the respective Judges and other Magistrates of the two Governments, shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such Judges or other Magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge it shall be the duty of the examining Judge or Magistrate, to certify the same to the proper Executive Authority, that a warrant may issue for the surrender of such fugitive.—The expense of such apprehension and delivery shall be borne and defrayed by the Party who makes the requisition, and receives the fugitive.

#### Article XI.

The eighth article of this Treaty shall be in force for five years from the date of the exchange of the ratifications, and afterwards until one or the other Party shall signify a wish to terminate it. The tenth article shall continue in force until one or the other of the Parties shall signify its wish to terminate it, and no longer.

#### Article XII.

The present Treaty shall be duly ratified, and the mutual exchange of ratifications shall take place in London, within six months from the date hereof, or earlier if possible.

In Faith whereof, We, the respective Plenipotentiaries, have signed this Treaty, and have hereunto affixed our Seals.

DONE, in duplicate, at Washington, the ninth day of August, Anno Domini one thousand eight hundred and forty two.

DANL WEBSTER  
(SEAL)

ASHBURTON  
(SEAL)

And whereas, the said treaty has been duly ratified on both parts, and the respective ratifications of the same having been exchanged, to wit: at London, on the thirteenth day of October, one thousand eight hundred and forty-two, by Edward Everett, Envoy Extraordinary and Minister Plenipotentiary of the United States, and the Right Honorable the Earl of Aberdeen, Her Britannic Majesty's principal Secretary of State for Foreign Affairs, on the part of their respective governments:

Now, therefore, be it known that I, JOHN TYLER, President of the United States of America, have caused the said treaty to be made public, to the end that the same and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the City of Washington, this tenth day of November, in the year of our Lord one thousand eight hundred and forty-two, and of the Independence of the United States, the sixty-seventh.

JOHN TYLER

By the President:

DANL WEBSTER,  
*Secretary of State.*

#### BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION

Whereas a Treaty between the United States of America, and her Majesty the Queen of the United Kingdom of Great Britain and Ireland concerning the settlement of all causes of difference between the two countries was concluded and signed at Washington by the High Commissioners and Plenipotentiaries of the respective Governments on the eighth day of May last, which treaty is word for word as follows:

The United States of America and Her Britannic Majesty, being desirous to provide for an amicable settlement of all causes of difference between the two countries, have for that purpose appointed their respective Plenipotentiaries, that is to say: the President of the United States, has appointed on the part of the United States as Commissioners in a Joint High Commission and Plenipotentiaries, Hamilton Fish, Secretary of State; Robert Cumming Schenck, Envoy Extraordinary and Minister Plenipotentiary to Great Britain; Samuel Nelson, an Associate Justice of the Supreme Court of the United States; Ebenezer Rockwood Hoar, of Massachusetts; and George Henry Williams, of Oregon; and Her Britannic Majesty on her part has appointed as her High Commissioners and Plenipotentiaries the Right Honourable George Frederick Samuel, Earl de Grey and Earl of Ripon, Viscount Goderich, Baron Grantham, a Baronet, a Peer of the United Kingdom, Lord President of her Majesty's Most Honourable Privy Council, Knight of the Most Noble Order of the Garter, etc. etc; the Right Honourable Sir Stafford Henry Northcote, Baronet, one of Her Majesty's Most Honourable Privy Council, a Member of Parliament, a Companion of the Most Honourable Order of the Bath, etc etc; Sir Edward Thornton, Knight Commander of the Most Honourable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America; Sir John Alexander Macdonald, Knight Commander of the Most Honourable Order of the Bath, a Member of Her Majesty's Privy Council for Canada, and Minister of Justice and Attorney General of Her Majesty's Dominion of



Canada; and Montague Bernard, Esquire, Chichele Professor of International Law in the University of Oxford.

And the said Plenipotentiaries, after having exchanged their full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles :

#### ARTICLE I.

Whereas differences have arisen between the Government of the United States and the Government of Her Britannic Majesty, and still exist, growing out of the Acts committed by the several vessels which have given rise to the claims generically known as the "Alabama Claims" :

And whereas Her Britannic Majesty has authorized Her High Commissioners and Plenipotentiaries to express, in a friendly spirit, the regret felt by Her Majesty's Government for the escape, under whatever circumstances, of the Alabama and other vessels from British ports, and for the depredations committed by those vessels :

Now, in order to remove and adjust all complaints and claims on the part of the United States, and to provide for the speedy settlement of such claims, which are not admitted by Her Britannic Majesty's Government, the High Contracting Parties agree that all the said claims, growing out of Acts committed by the aforesaid vessels and generically known as the "Alabama Claims", shall be referred to a Tribunal of Arbitration to be composed of five Arbitrators, to be appointed in the following manner, that is to say : one shall be named by the President of the United States ; one shall be named by Her Britannic Majesty ; His Majesty the King of Italy shall be requested to name one ; the President of the Swiss Confederation shall be requested to name one ; and His Majesty the Emperor of Brazil shall be requested to name one.

In case of the death, absence or incapacity to serve of any or either of the said Arbitrators, or, in the event of either of the said Arbitrators omitting or declining or ceasing to act as such, the President of the United States, or Her Britannic Majesty, or His Majesty the King of Italy, or the President of the Swiss Confederation, or His Majesty the Emperor of Brazil, as the case may be, may forthwith name another person to act as Arbitrator in the place and stead of the Arbitrator originally named by such Head of a State.

And in the event of the refusal or omission for two months after receipt of the request from either of the High Contracting Parties of His Majesty the King of Italy, or the President of the Swiss Confederation, or His Majesty the Emperor of Brazil, to name an Arbitrator either to fill the original appointment or in the place of one who may have died, be absent, or incapacitated, or who may omit, decline, or from any cause cease to act as such Arbitrator, His Majesty the King of Sweden and Norway shall be requested to name one or more persons, as the case may be, to act as such Arbitrator or Arbitrators.

#### ARTICLE II.

The Arbitrators shall meet at Geneva, in Switzerland, at the earliest convenient day after they shall have been named, and shall proceed impartially and carefully to examine and decide all questions that shall be laid before them on the part of the Governments of the United States and her Britannic Majesty respectively. All questions considered by the Tribunal, including the final award, shall be decided by a Majority of all the Arbitrators.

Each of the High Contracting Parties shall also name one person to attend the Tribunal as its agent to represent it generally in all matters connected with the Arbitration.

#### ARTICLE III.

The written or printed case of each of the two Parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall be delivered in duplicate to each of the Arbitrators and to the agent of the other Party as soon as may be after the organization of the Tribunal, but within a period not exceeding six months from the date of the exchange of the ratifications of this Treaty.

#### ARTICLE IV.

Within four months after the delivery on both sides of the Written or printed case, either Party may, in like manner, deliver in duplicate to each of the said Arbitrators, and to the agent of the other Party, a counter case and additional documents, correspondence, and evidence, in reply to the case, documents, correspondence, and evidence so presented by the other Party.

The Arbitrators may, however, extend the time for delivering such counter case, documents, correspondence, and evidence, when, in their judgment, it becomes necessary, in consequence of the distance of the place from which the evidence to be presented is to be procured.

If in the case submitted to the Arbitrators either Party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such Party shall be bound, if the other Party thinks proper to apply for it, to furnish that Party with a copy thereof ; and either Party may call upon the other, through the Arbitrators, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Arbitrators may require.

#### ARTICLE V.

It shall be the duty of the Agent of each Party, within two months after the expiration of the time limited for the delivery of the counter case on both sides, to deliver in duplicate to each of the said Arbitrators and to the agent of the other Party a Written or printed argument showing the points and referring to the evidence upon which his Government relies ; and the Arbitrators may, if they desire further elucidation with regard to any point, require a Written or printed statement or argument, or oral argument by counsel upon it ; but in such case the other Party shall be entitled to reply either orally or in writing as the case may be.



## ARTICLE VI.

In deciding the matters submitted to the Arbitrators they shall be governed by the following three rules, which are agreed upon by the High Contracting Parties as rules to be taken as applicable to the case, and by such principles of international law not inconsistent therewith as the Arbitrators shall determine to have been applicable to the case:

### RULES.

A neutral Government is bound—

First, to use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or to carry on War against a Power With Which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

Secondly, not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of Military supplies or arms, or the recruitment of men.

Thirdly, to exercise due diligence in its own ports and waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.

Her Britannic Majesty has commanded her High Commissioners and Plenipotentiaries to declare that Her Majesty's Government cannot assent to the foregoing rules as a statement of principles of International Law which were in force at the time when the Claims mentioned in Article I arose, but that Her Majesty's Government, in order to evince its desire of strengthening the friendly relations between the two countries and of making satisfactory provision for the future, agrees that in deciding the questions between the two countries arising out of those claims, the Arbitrators should assume that Her Majesty's Government had undertaken to act upon the principles set forth in these rules.

And the High Contracting Parties agree to observe these rules as between themselves in future, and to bring them to the knowledge of other Maritime Powers, and to invite them to accede to them.

## ARTICLE VII.

The decision of the Tribunal shall, if possible, be made within three months from the close of the argument on both sides.

It shall be made in Writing and dated, and shall be signed by the Arbitrators who may assent to it.

The said Tribunal shall first determine as to each vessel separately Whether Great Britain has, by any act or omission, failed to fulfil any of the duties set forth in the foregoing three rules, or recognized by the principles of international law not inconsistent with such rules, and shall certify such fact as to each of the said vessels. In case the Tribunal find that Great Britain has failed to fulfil any duty of duties as aforesaid, it may, if it think proper, proceed to award a sum in gross to be paid by Great Britain to the United States for all the claims referred to it; and in such case the gross sum so awarded shall be paid in coin by the Government of Great Britain to the Government of the United States, at Washington, within twelve Months after the date of the award.

The award shall be in duplicate, one copy whereof shall be delivered to the agent of the United States for his Government, and the other copy shall be delivered to the agent of Great Britain for his Government.

## ARTICLE VIII.

Each Government shall pay its own Agent and provide for the proper remuneration of the Counsel employed by it and of the Arbitrator appointed by it, and for the expense of preparing and submitting its case to the Tribunal. All other expenses connected with the Arbitration shall be defrayed by the two Governments in equal Moieties.

## ARTICLE IX.

The Arbitrators shall keep an accurate record of their proceedings, and may appoint and employ the necessary officers to assist them.

## ARTICLE X.

In case the Tribunal finds that Great Britain has failed to fulfil any duty or duties as aforesaid, and does not award a sum in gross, the High Contracting Parties agree that a Board of Assessors shall be appointed to ascertain and determine what claims are valid, and what amount or amounts shall be paid by Great Britain to the United States on account of the liability arising from such failure, as to each vessel, according to the extent of such liability as decided by the Arbitrators.

The Board of Assessors shall be constituted as follows: One member thereof shall be named by the President of the United States, one member thereof shall be named by Her Britannic Majesty; and one member thereof shall be named by the Representative at Washington of His Majesty the King of Italy; and in case of a Vacancy happening from any cause it shall be filled in the same manner in which the original appointment was made.

As soon as possible after such nominations the Board of Assessors shall be organized in Washington, with power to hold their sittings there, or in New York or in Boston. The Members thereof shall severally subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment and according to justice and equity, all matters submitted to them, and shall forthwith proceed, under such rules and regulations as they may prescribe, to the investigation of the Claims which shall be presented to them by the Government of the United States, and shall examine and decide upon them in such order and manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of the Governments of the United States and of Great Britain respectively. They shall be bound to hear on each separate claim, if re-

quired, one person on behalf of each Government, as counsel or agent. A Majority of the Assessors in each case shall be sufficient for a decision.

The decision of the Assessors shall be given upon each claim in writing, and shall be signed by them respectively and dated.

Every claim shall be presented to the Assessors within six months from the day of their first meeting, but they may, for good cause shown, extend the time for the presentation of any claim to a further period not exceeding three months.

The Assessors shall report to each Government at or before the expiration of one year from the date of their first meeting the amount of claims decided by them up to the date of such report; if further claims then remain undecided, they shall make a further report at or before the expiration of two years from the date of such first meeting; and in case any claims remain undetermined at that time, they shall make a final report within a further period of six months.

The report or reports shall be made in duplicate, and one copy thereof shall be delivered to the Secretary of State of the United States, and one copy thereof to the Representative of Her Britannic Majesty at Washington.

All sums of money which may be awarded under this Article shall be payable at Washington, in coin, within twelve months after the delivery of each report.

The Board of Assessors may employ such Clerks as they shall think necessary.

The expenses of the Board of Assessors shall be borne equally by the two Governments, and paid from time to time, as may be found expedient, on the production of accounts certified by the Board. The remuneration of the Assessors shall also be paid by the two Governments in equal Moieties in a similar manner.

#### ARTICLE XI.

The High Contracting Parties engage to consider the result of the proceedings of the Tribunal of Arbitration and of the Board of Assessors, should such Board be appointed, as a full, perfect, and final settlement of all the claims hereinbefore referred to; and further engage that every such claim, whether the same may or may not have been presented to the notice of, made, preferred, or laid before the Tribunal or Board, shall, from and after the conclusion of the proceedings of the Tribunal or Board, be considered and treated as finally settled, barred, and thenceforth inadmissible.

#### ARTICLE XII.

The High Contracting Parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the Government of Her Britannic Majesty, arising out of Acts committed against the persons or property of citizens of the United States during the period between the thirteenth of April, Eighteen hundred and sixty one, and the ninth of April, Eighteen hundred and sixty-five, inclusive, not being claims growing out of the acts of the vessels referred to in Article I of this Treaty, and all claims, with the like exception, on the part of corporations, companies, or private individuals, subjects of Her Britannic Majesty, upon the Government of the United States, arising out of acts committed against the persons or property of subjects of Her Britannic Majesty during the same period, which may have been presented to either Government for its interposition with the other, and which yet remain unsettled, as well as any other such claims which may be presented within the time specified in Article XIV of this Treaty, shall be referred to three Commissioners, to be appointed in the following manner—that is to say: One Commissioner shall be named by the President of the United States, one by Her Britannic Majesty, and a third by the President of the United States and Her Britannic Majesty conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date of the exchange of the ratifications of this Treaty, then the third Commissioner shall be named by the Representative at Washington of His Majesty the King of Spain. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the Vacancy shall be filled in the manner hereinbefore provided for making the original appointment; the period of three months in case of such substitution being calculated from the date of the happening of the Vacancy.

The Commissioners so named shall meet at Washington at the earliest convenient period after they have been respectively named; and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, all such claims as shall be laid before them on the part of the Governments of the United States and of Her Britannic Majesty, respectively; and such declaration shall be entered on the record of their proceedings.

#### ARTICLE XIII.

The Commissioners shall then forthwith proceed to the investigation of the claims which shall be presented to them. They shall investigate and decide such claims in such order and such manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of the respective Governments. They shall be bound to receive and consider all written documents or statements which may be presented to them by or on behalf of the respective Governments in support of, or in answer to, any claim, and to hear, if required, one person on each side, on behalf of each Government, as counsel or agent for such Government, on each and every separate claim. A Majority of the Commissioners shall be sufficient for an award in each case. The award shall be given upon each claim in Writing, and shall be signed by the Commissioners assenting to it. It shall be competent for each Government to name one person to attend the Commissioners as its agent to present and support claims on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

The High Contracting Parties hereby engage to consider the decision of the Commissioners as absolutely final and conclusive upon each claim decided upon by them, and to give full effect to such decisions without any objection, evasion, or delay whatsoever.

#### ARTICLE XIV.

Every claim shall be presented to the Commissioners Within six Months from the day of their first Meeting, unless in any case where reasons for delay shall be established to the satisfaction of the Commissioners, and then, and in any such case, the period for presenting the claim may be extended by them to any time not exceeding three months longer.

The Commissioners shall be bound to examine and decide upon every claim within two years from the day of their first meeting. It shall be competent for the Commissioners to decide in each case Whether any claim has or has not been duly made, preferred and laid before them, either Wholly or to any and what extent, according to the true intent and meaning of this Treaty.

#### ARTICLE XV.

All sums of Money which may be awarded by the Commissioners on account of any claim shall be paid by the one Government to the other, as the case may be, within twelve months after the date of the final award, without interest, and without any deduction save as specified in Article XVI of this Treaty.

#### ARTICLE XVI.

The Commissioners shall keep an accurate record, and correct Minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a secretary, and any other necessary officer or officers, to assist them in the transaction of the business which may come before them.

Each Government shall pay its own Commissioner and agent or counsel. All other expenses shall be defrayed by the two Governments in equal Moieties.

The whole expenses of the Commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by the Commissioners, provided always that such deduction shall not exceed the rate of five per cent. on the sums so awarded.

#### ARTICLE XVII.

The High Contracting Parties engage to consider the result of the proceedings of this Commission as a full, perfect, and final settlement of all such claims as are mentioned in Article XII of this Treaty upon either Government; and further engage that every such claim, whether or not the same may have been presented to the notice of, Made, preferred, or laid before the said Commission, shall, from and after the conclusion of the proceedings of the said Commission, be considered and treated as finally settled, barred, and thenceforth inadmissible.

H. F.
R. C. S.
S. N.
E. R. H.
G. H. W.
de G.
S. H. N.
E. T. J. A. McD.
M. B.

#### ARTICLE XVIII.

It is agreed by the High Contracting Parties that, in addition to the liberty secured to the United States fishermen by the Convention between the United States and Great Britain, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have in common with the subjects of Her Britannic Majesty, the liberty for the term of years mentioned in Article XXXIII of this Treaty, to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbours, and creeks, of the Provinces of Quebec, Nova Scotia, and New Brunswick, and the Colony of Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen.

#### ARTICLE XIX.

It is agreed by the High Contracting Parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years Mentioned in Article XXXIII of this Treaty, to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto Adjacent, and in the bays, harbours, and creeks of the said sea-coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea-fishery, and that salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

#### ARTICLE XX.

It is agreed that the places designated by the Commissioners appointed under the first Article of the Treaty between the United States and Great Britain, concluded at Washington on the 5th of June,

1854, upon the coasts of Her Britannic Majesty's Dominions and the United States, as places reserved from the common right of fishing under that Treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding Articles. In case any question should arise between the Governments of the United States and of Her Britannic Majesty as to the common right of fishing in places not thus designated as reserved, it is agreed that a Commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties and authority as the Commission appointed under the said first Article of the Treaty of the 5th of June, 1854.

#### ARTICLE XXI

It is agreed that, for the term of years mentioned in Article XXXIII of this Treaty, fish oil and fish of all kinds, (except fish of the inland lakes, and of the rivers falling into them, and except fish preserved in oil,) being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward's Island, shall be admitted into each country, respectively, free of duty.

#### ARTICLE XXII.

Inasmuch as it is asserted by the Government of Her Britannic Majesty that the privileges accorded to the citizens of the United States under Article XVIII of this Treaty, are of greater value than those accorded by Articles XIX and XXI of this Treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States, it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this Treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this Treaty; and that any sum of money which the said Commissioners may so award shall be paid by the United States Government, in a gross sum, within twelve months after such award shall have been given.

#### ARTICLE XXIII.

The Commissioners referred to in the preceding Article shall be appointed in the following manner, that is to say: One Commissioner shall be named by the President of the United States, one by Her Britannic Majesty, and a third by the President of the United States and Her Britannic Majesty conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date when this Article shall take effect, then the third Commissioner shall be named by the Representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the Vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

The Commissioners so named shall meet in the city of Halifax, in the Province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

Each of the High Contracting Parties shall also name one person to attend the Commission as its agent, to represent it generally in all matters connected with the Commission.

#### ARTICLE XXIV.

The proceedings shall be conducted in such order as the Commissioners appointed under Articles XXII and XXIII of this Treaty shall determine. They shall be bound to receive such oral or written testimony as either Government may present. If either Party shall offer oral testimony, the other Party shall have the right of cross-examination, under such rules as the Commissioners shall prescribe.

If in the case submitted to the Commissioners either Party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such Party shall be bound, if the other Party thinks proper to apply for it, to furnish that Party with a copy thereof; and either Party may call upon the other, through the Commissioners, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Commissioners may require.

The case on either side shall be closed within a period of six months from the date of the organization of the Commission, and the Commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months in case of a Vacancy occurring among the Commissioners under the circumstances contemplated in Article XXIII of this Treaty.

#### ARTICLE XXV.

The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a secretary and any other necessary officer or officers to assist them in the transaction of the business which may come before them.

Each of the High Contracting Parties shall pay its own Commissioner and agent or counsel; all other expenses shall be defrayed by the two Governments in equal moieties.

#### ARTICLE XXVI.

The navigation of the river St. Lawrence, ascending and descending, from the forty-fifth parallel of North latitude, where it ceases to form the boundary between the two countries, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the citizens of the United

States, subject to any laws and regulations of Great Britain, or of the Dominion of Canada, not inconsistent with such privilege of free navigation.

The navigation of the rivers Yukon, Porcupine, and Stikine, ascending and descending, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the subjects of Her Britannic Majesty, and to the citizens of the United States, subject to any laws and regulations of either country within its own territory, not inconsistent with such privilege of free navigation.

#### ARTICLE XXVII.

The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State Governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the High Contracting Parties, on terms of equality with the inhabitants of the United States.

#### ARTICLE XXVIII.

The navigation of Lake Michigan shall also, for the term of years mentioned in Article XXXIII of this Treaty, be free and open for the purposes of commerce to the subjects of Her Britannic Majesty, subject to any laws and regulations of the United States or of the States bordering thereon not inconsistent with such privilege of free navigation.

#### ARTICLE XXIX.

It is agreed that for the term of years mentioned in Article XXXIII of this Treaty, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may from time to time be specially designated by the President of the United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and, under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such Possessions through the territory of the United States for export from the said ports of the United States.

It is further agreed that for the like period goods, wares, or merchandise arriving at any of the ports of Her British Majesty's Possessions in North America and destined for the United States may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the said Possessions, under such rules and regulations, and conditions for the protection of the revenue, as the Government of the said Possessions may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares or merchandise may be conveyed in transit, without payment of duties, from the United States through the said Possessions to other places in the United States, or for export from ports in the said Possessions.

#### ARTICLE XXX.

It is agreed that, for the term of years mentioned in Article XXXIII of this Treaty, subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States upon the St. Lawrence, the Great Lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid: Provided: That a portion of such transportation is made through the Dominion of Canada by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States.

Citizens of the United States may for the like period carry in United States vessels, without payment of duty, goods, wares, or merchandise from one port or place within the Possessions of Her Britannic Majesty in North America, to another port or place within the said Possessions: Provided, That a portion of such transportation is made through the territory of the United States by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of the United States and the Government of Her Britannic Majesty.

The Government of the United States further engages not to impose any export duties on goods, wares, or merchandise carried under this Article through the territory of the United States; and Her Majesty's Government engages to urge the Parliament of the Dominion of Canada and the Legislatures of the other Colonies not to impose any export duties on goods, wares, or merchandise carried under this Article; and the Government of the United States may in case such export duties are imposed by the Dominion of Canada, suspend, during the period that such duties are imposed, the right of carrying granted under this Article in favor of the subjects of Her Britannic Majesty.

The Government of the United States may suspend the right of carrying granted in favor of the subjects of Her Britannic Majesty under this Article in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII.

#### ARTICLE XXXI.

The Government of Her Britannic Majesty further engages to urge upon the Parliament of the Dominion of Canada and the Legislatures of New Brunswick, that no export duty, or other duty, shall be levied on lumber or timber of any kind cut on that portion of the American territory in the State of Maine watered by the river St. John and its tributaries, and floated down that



river to the sea, when the same is shipped to the United States from the province of New Brunswick. And, in case any such export or other duty continues to be levied after the expiration of one year from the date of the exchange of the ratifications of this Treaty, it is agreed that the Government of the United States may suspend the right of carrying hereinbefore granted under Article XXX of this Treaty for such period as such export or other duty may be levied.

#### ARTICLE XXXII.

It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this Treaty, inclusive, shall extend to the Colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the Colony of Newfoundland in their laws enacted for carrying the foregoing Articles into effect, then this Article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other Articles of this Treaty.

#### ARTICLE XXXIII.

The foregoing Articles XVIII to XXV, inclusive, and Article XXX of this Treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one hand, and by the Congress of the United States on the other. Such Assent having been given, the said Articles shall remain in force for the period of ten years from the date at which they may come into operation; and further until the expiration of two years after either of the High Contracting Parties shall have given notice to the other of its wish to terminate the same; each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterward.

#### ARTICLE XXXIV.

Whereas it was stipulated by Article I of the Treaty concluded at Washington on the 15th of June, 1846, between the United States and Her Britannic Majesty that the line of boundary between the territories of the United States and those of Her Britannic Majesty, from the point on the Forty ninth parallel of north latitude up to which it had already been ascertained, should be continued westward along the said parallel of north latitude "to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly, through the middle of the said channel and of Fuca Straits to the Pacific Ocean"; and whereas the Commissioners appointed by the two High Contracting Parties to determine that portion of the boundary which runs southerly through the middle of the channel aforesaid, were unable to agree upon the same; and whereas the Government of Her Britannic Majesty claims that such boundary line should, under the terms of the Treaty above recited, be run through the Rosario Straits, and the Government of the United States claims that it should be run through the Canal de Haro, it is agreed that the respective claims of the Government of the United States and of the Government of Her Britannic Majesty shall be submitted to the arbitration and award of His Majesty the Emperor of Germany, Who, having regard to the above-mentioned Article of the said Treaty, shall decide thereupon, finally and without appeal, which of those claims is most in accordance with the true interpretation of the Treaty of June 15, 1846.

#### ARTICLE XXXV.

The award of His Majesty the Emperor of Germany shall be considered as absolutely final and conclusive; and full effect shall be given to such award without any objection, evasion, or delay whatsoever. Such decision shall be given in writing and dated; it shall be in whatsoever form His Majesty may choose to adopt; it shall be delivered to the Representatives or other public agents of the United States and of Great Britain, respectively, who may be actually at Berlin, and shall be considered as operative from the day of the date of the delivery thereof.

#### ARTICLE XXXVI.

The written or printed case of each of the two Parties, accompanied by the evidence offered in support of the same, shall be laid before His Majesty the Emperor of Germany within six months from the date of the exchange of the ratifications of this Treaty, and a copy of such case and evidence shall be communicated by each Party to the other, through their respective Representatives at Berlin.

The High Contracting Parties may include in the evidence to be considered by the Arbitrators such documents, official correspondence, and other official or public statements bearing on the subject of the reference as they may consider necessary to the support of their respective cases.

After the written or printed case shall have been communicated by each Party to the other, each Party shall have the power of drawing up and laying before the Arbitrator a second and definitive statement, if it think fit to do so, in reply to the case of the other party so communicated, which definitive statement shall be so laid before the Arbitrator, and also be mutually communicated in the same manner as aforesaid, by each Party to the other, within six months from the date of laying the first statement of the case before the Arbitrator.

#### ARTICLE XXXVII.

If, in the case submitted to the Arbitrator, either Party shall specify or allude to any report or document in its own exclusive possession without annexing a copy, such Party shall be bound, if the other Party thinks proper to apply for it, to furnish that Party with a copy thereof, and either Party may call upon the other, through the Arbitrator, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Arbitrator may require. And if the Arbitrator should desire further elucidation or evidence with regard to any point contained in the statements laid before him, he shall be at liberty to require it from either Party, and he shall be



at liberty to hear one counsel or agent for each Party, in relation to any matter, and at such time, and in such manner, as he may think fit.

#### ARTICLE XXXVIII.

The Representatives or other public Agents of the United States and of Great Britain at Berlin respectively shall be considered as the agents of their respective Governments to conduct their cases before the Arbitrator, who shall be requested to address all his communications, and give all his notices to such Representatives or other public agents, who shall represent their respective Governments, generally, in all matters connected with the Arbitration.

#### ARTICLE XXXIX.

It shall be competent to the Arbitrator to proceed in the said arbitration, and all matters relating thereto, as and when he shall see fit, either in person, or by a person or persons named by him for that purpose, either in the presence or absence of either or both agents and either orally, or by written discussion or otherwise.

#### ARTICLE XL.

The Arbitrator may, if he think fit, appoint a Secretary or Clerk, for the purposes of the proposed arbitration, at such rate of remuneration as he shall think proper. This, and all other expenses of and connected with the said arbitration, shall be provided for as hereinafter stipulated.

#### ARTICLE XLI.

The Arbitrator shall be requested to deliver, together with his award, an account of all the costs and expenses which he may have been put to, in relation to this matter, which shall forthwith be repaid by the two Governments in equal moieties.

#### ARTICLE XLII.

The Arbitrator shall be requested to give his award in writing as early as convenient after the whole case on each side shall have been laid before him, and to deliver one copy thereof to each of the said agents.

#### ARTICLE XLIII.

The present treaty shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty, and the ratifications shall be exchanged either at Washington or at London within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty and have hereunto affixed our seals.

Done in duplicate at Washington the Eighth day of May, in the year of our Lord one thousand eight hundred and seventy one.

(SEAL)	HAMILTON FISH
(SEAL)	ROBT. C. SCHENCK
(SEAL)	SAMUEL NELSON
(SEAL)	EBENEZER ROCKWOOD HOAR.
(SEAL)	GEO. H. WILLIAMS
(SEAL)	de GREY RIPON
(SEAL)	STAFFORD H. NORTHCOTE
(SEAL)	EDW'D THORNTON
(SEAL)	JOHN MacDONALD
(SEAL)	MONTAGUE BERNARD.

And Whereas the said Treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged in the City of London on the seventeenth day of June, 1871, by Robert C. Schenck Envoy Extraordinary and Minister Plenipotentiary of the United States, and Earl Granville, Her Majesty's Principal Secretary of State for Foreign Affairs on the part of their respective Governments.

Now therefore be it known that I, ULYSSES S. GRANT, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every clause and Article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

(SEAL) Done at the City of Washington this Fourth day of July in the year of our Lord, one thousand eight hundred and seventy one, and of the Independence of the United States the ninety sixth.

U. S. GRANT

By the President  
HAMILTON FISH  
*Secretary of State*

*To all people to whom these presents shall come.*

Canasateego, Tachanoontia, Joneehat, Caxhayion, Torachdadon, Neecokanyhak, and Rociniwuchto, Sachems, or Chiefs of the nation of the Onondagas, Saquesonyunt Gachiaddodon, Hucdsalyakon, Rowanhohiso, osochquah, and Seayenties, Sachems or Chiefs of the nation Cahugas, Swadany, alias Stuckelimy Onechuaagua, Onoch-Kally dawy, alias Watsathua, Tobashwaniarorow, Amyhoctkhaw, and Tear-Haasuy, Sachems or Chiefs of the nations of the Tus-caroras, Tanasanegoes, & Tanichuyntees, Sachems or Chiefs of the Nation of the Senikers Send Greeting.

Whereas the six United nations of Indians laying claim to some lands in the Colony of Virginia, signify their Willingness to enter into a treaty concerning the same, Whereupon Thomas Lee Esq., a member in ordinary of His Majesty's honorable Council of State and one of the Judges of the Supreme Court of Judicature in that Colony, and William Beverly Esq., Colonel and County Lieutenant of the County of Orange, and one of the representatives of the people in the House of Burgesses of that Colony, were deputed by the Governor of said Colony as Commissioners to Treat with the said Six nations or their Deputies, Sachems or Chiefs as well of, and concerning the said claims to renew their covenant chain between the said Colony and the said Six nations, and the said Commissioners, having met at Lancaster in Lancaster County, and Province of Pennsylvania, and as a foundation for a stricter amity & Peace at their Juncture, agree with the said Sachems or Chiefs of the said Six Nations, for a Disclaimer and Renunciation of all their Claim or Pretense of right whatsoever of the said Six Nations and an Acknowledgement of the Right of our Sovereign the King of Great Britain, to all the Land in the Colony of Virginia. Now know ye that for and in consideration of the Sum of four hundred pounds current Money of Pennsylvania paid and deliv through the above named Sachems or Chiefs partly in Goods and partl in Gold Money by the said Commissioners, they the said Sachems or Chiefs on behalf of the said Six Nations do hereby renounce and disclaim not only all the Right of the said Six Nations, but also recognize and acknowledge the right and title of our Sovereign, the King of Great Britain, to all the Lands within the said Colony as it is now or hereafter may be peopled and owned by his said Majesty, our Sovereign Lord, the King, his heirs and possessors. In Witness whereof the said Sachems or Chiefs for themselves and on behalf of the people of the Six Nations aforesaid, have hereinto put their hand and Seal, the Second Day of July, in the Eighteenth Year of the reign of our Sovereign Lord George the Second of Great Britain etc., on and in the year of our Lord One thousand seven hundred and forty four Signed Sealed and Delivered

In the Presence of

EDW. JENNINGS, CONRAD WEISOR, Interpreter

P. THOMAS—EDWD. SMOUT

P. KING—WILLIAM MARSHE

No. 808.

UNITED STATES OF AMERICA,  
DEPARTMENT OF STATE.

[10-cent Documentary Revenue Stamp.]

To all to whom these presents shall come, Greeting:

I certify that the paper hereto attached is a true copy of the Original on file in this Department. In testimony whereof I, John Hay Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the City of Washington this 26th day January, A. D., 1899, and of the Independence of the United States of America the one hundred and twenty-third.

JOHN HAY.

[SEAL]

[Photograph of Map attached.]

A Treaty of peace, friendship and limits made and concluded between Ninian Edwards, William Clark and Auguste Chouteau commissioners—plenipotentiary of the United States of America on the part and behalf of said States of the one part. And the chiefs and warriors of the united tribes of Ottawas, Chipawas and Pottowotomees residing on the Illinois and Melwakee rivers and their waters and on the south western parts of Lake Michagan of the other part.

Whereas a serious dispute has for some time past existed between the contracting parties relative to the right to a part of the lands ceded to the United States by the Tribes of Sacs and Foxes on the third day of November One thousand eight hundred and four and both parties being desirous of preserving a harmonious and friendly intercourse and of establishing permanent peace and friendship; have for the purpose of removing all difficulties agreed to the following terms

Article First. The said chiefs and warriors for themselves and the Tribes they represent agree to relinquish and hereby do relinquish to the United States all their right, claim and title to all the land contained in the before mentioned cession of the Sacs and Foxes which lies South of a due west line from the Southern extremity of Lake Michagan to the Mississippi river. And. They moreover cede to the United States all the land contained within the following bounds, to wit. Beginning on the left bank of the Fox river of Illinois, Ten miles above the mouth of said Fox River, Thence running so as to cross Sandy creek ten miles above its mouth, Thence in a direct line to a point ten miles north of the west end of the portage, between Chicago creek which empties into Lake Michagan and the river Depleines—a fork of the Illinois, Thence in a direct line to a point on Lake Michagan ten miles northward of the mouth of Chicago creek. Thence along the Lake to a point ten miles southward of the mouth of the said Chicago creek, Thence in a direct line to a point on the Kankakee ten miles above its mouth, Thence with the said Kankakee and the Illinois river to the mouth of Fox river and thence to the beginning. Provided nevertheless that the said Tribes shall be permitted to hunt and to fish

within the limits of the land hereby relinquished and ceded so long as it may continue to be the property of the United States.

Article Second: In consideration of the aforesaid relinquishment and cession, The United States have this day delivered to said Tribes a considerable quantity of merchandise and do agree to pay them annually for the term of Twelve years goods to the value of One Thousand dollars, reckoning that value at the first cost of the goods in the city or place in which they shall be purchased, without any charge for transportation: Which said goods shall be delivered to the said Tribes at some place on the Illinois River not lower down than Peoria. And the said United States do moreover agree to relinquish to the said Tribes all the land contained in the aforesaid cession of the Sacs and Foxes which lies north of a due west line from the Southern extremity of lake Michigan to the Mississippi river, Except Three Leagues Square at the mouth of the Ouisconsin river, including both banks, and such other tracts on or near to the Ouisconsin and Mississippi rivers as the President of the United States may think proper to reserve. Provided that such other tracts shall not in the whole exceed the quantity that would be contained in Five Leagues Square.

Article Third. The contracting parties, that peace and friendship may be permanent, promise that in all things whatever they will act with justice and correctness towards each other and that they will with perfect good faith fulfill all the obligations imposed upon them by former treaties.

In Witness Whereof The said Ninian Edwards, William Clark and Auguste Chouteau commissioners aforesaid and the chiefs and warriors of the aforesaid Tribes have hereunto subscribed their names and affixed their seals this twenty fourth day of Auguste One Thousand eight hundred and sixteen and of the Independance of the United States the forty first

Done at St. Louis in the presence of ——— }  
B. Wash Sec to the Commission }  
R. GRAHAM *Indian Agent*  
for the Territory of Illinois.  
THOMAS FORSYTH, *I. Agt.*

NINIAN EDWARDS (SEAL)  
WM. CLARK (SEAL)  
AUG. CHOUTEAU (SEAL)

DEED—STATUTORY FORM.—Form No. 1—Chas O. Chapin, Stationery Specialties.

THIS INDENTURE WITNESSETH, That the Grantor, Simon Pokagan for himself and as Chief of Pottawattomie tribe of Indians, of the township of Lee in the County of Allegan and State of Michigan for and in consideration of the sum of One Dollar and other valuable considerations in hand paid, CONVEYS and quit claims forever to William H. Cox of the City of Chicago County of Cook and State of Illinois all of his and their right title and interest in and to the following described Real Estate to-wit: beginning at the South east corner of the north part of fractional section ten, Town thirty-nine, N. Range fourteen east of the 3d P. M. where the U. S. Gov't surveyed meander line of 1821 was fixed at the point where the north bank of the Chicago river meets the said U. S. Gov't meandered line on the west shore of lake Michigan, thence from the point of beginning on the said meandered line on said lake Michigan 10° east 14.05 chains thence north 4° east, 19 chains, thence north 14° west 43.01 chains to the north east corner of said frac. Sec. 10, thence north along the east line of frac. Sec. 3. T. 39. N. R. 14. E. the 3d. P. M. on said meandered line 11° west, 17.11 chains, thence north 20° w. 22.50 chains, thence north 10° west 56.91 chains, thence N. 10° W. 40 chains, thence east to the waters of lake Michigan, thence South along the said water's edge to the northeast corner of the mouth of the Chicago river harbor, thence west along the north side of said Chicago river to the place of beginning, meaning to convey by quit claim all of that parcel or strip of land lying east of and adjoining the east line of frac. Sec. 3, and the north half of frac. Sec. 10, east and adjoining Township 39, N. Range 14, E. of the 3d. P. M. Cook County State of Illinois.

DATED, This Fifth day of April A. D. 1897.

Attest:

A. D. HURLBUT  
H. E. PORTER.

SIMON POKAGAN [SEAL]  
SIMON POKAGAN [SEAL]  
SIMON POKAGAN [SEAL]  
SIMON POKAGAN [SEAL]

*Chief of the Pottawatomies.*

Clerk's Certificate—Notary—Affidavit.

STATE OF MICHIGAN, }  
County of Van Buren. } ss.

[SEAL] I, J. S. BUCK, Clerk of the County of Van Buren and of the Circuit Court therein, being a Court of Record having a Seal, DO HEREBY CERTIFY That Albert D. Hurlbut, whose name is subscribed to the annexed affidavit, and therein written, was at the time of taking such affidavit, a Notary Public in and for said County, duly commissioned and qualified and duly authorized by law to take the same; and further, that I am well acquainted with the handwriting of such Notary Public and verily believe that the signature to the said affidavit is genuine and, as such, entitled to full faith and credit, and that his term of office will expire on the 27th day of November, A. D., 1900.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Circuit Court, at my office in the Village of Paw Paw, in said county, this 7 day of April, A. D., 1897.

My fee 25c J. S. B.

J. S. BUCK, *Clerk.*

STATE OF MICHIGAN, }  
County of Van Buren } ss.

I, Albert D. Hurlbut a Notary Public in and for the said County, in the State aforesaid, do hereby certify that Simon Pokagan himself and as the Chief of the Indian tribe of Pottawattomies, personally known to me to be same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and Notarial seal, this Fifth day of April, A. D. 1897.

ALBERT D. HURLBUT *Notary Public.*

I certify that the interlations made in the within deed were made before signature of Simon Pokggan was made.

ALBERT D. HURLBUT *Notary Public.*

STATE OF ILLINOIS, }  
County of Cook } ss.

I, ROBERT M. SIMON, Recorder of Deeds and Keeper of the Records, in and for said County in the state aforesaid, do hereby certify, that the annexed is a true and correct copy of the record of a certain instrument filed in my office the Eighth day of April A. D., 1897, as Document No. 2520164, and recorded in Book 5961, of Records at Page 472.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at Chicago, this Eighth day of April A. D., 1897.

ROBERT M. SIMON *Recorder.*

STATE OF MICHIGAN }  
County of Allegan. } ss.

Simon Pokagan, Chief of the Pottawattamis, being duly sworn deposes and says that he is now nearly sixty-seven years of age, having been born the 15<sup>th</sup> day of October 1830. That when a little child five and six years of age he was acquainted with the physical outlines and structure of the shore of Lake Michigan, which was north of and adjoining the river Chicago, thence extending to the north as far as and above what is now known as Lincoln Park, or more particularly, that part of the lake shore and land which joined the lands patented to Robert Kinzie in the year 1837, which lie in north part fractional section ten (10) Town thirty-nine (39) N. range fourteen (14) east of the 3d P. M. adjacent Cook County, Ill. on the east.

That along the east side of Kinzie east line at this place was an open slough or open marsh over and through which the waves of lake Michigan ran up against a sand beach lying east of Kinzie's east line.

That in this slough or march were growing grasses, weeds and willow trees some of them higher than a man's head. That this slough varied in width from the river to North Avenue from fifty to five hundred feet with here and there small sand knolls covered with water when the lake was rough and showing up a little above the water when the lake was calm. That at the south or river end of this marsh the sands drove up against the piling and formed a sand beach making a sort of pocket to the slough, afterwards these sands built up to the north and formed a beach on the east side of the slough so as to inclose it almost up to Lincoln Park and up against this bank in 1837 the waves of the lake at this point washed and deposited the sands. Deponent further says that he is particularly familiar with the land transactions had by his father with the United States Government and that neither his father for himself, or as Chief of the Pottawattamies, or deponent for himself, or as successor of his father as chief of the tribe of Pottawattamies ever sold any of the submerged lands of Lake Michigan which were submerged at the time of the sale by his father to the Government of the lands now of Cook County, Ill, and that the Indians to whom these submerged lands belonged have never parted title to the same, or any part thereof until this day, and further deponent saith not.

(signed) SIMON POKAGAN.

Sworn to and

Subscribed to before me a Notary Public in and for Van Buren Co., Mich. this 5<sup>th</sup> day of April 1897, and I further certify that I read the foregoing affidavit to the affiant and fully acquainted him with its contents before he signed the same.

(signed) ALBERT D. HURLBUT, *Notary Public.*

I certify that the interlineations in the foregoing affidavit were made before affiant's signature was attached.

(Signed) ALBERT D. HURLBUT, *Notary Public.*

MARTIN M. COONEY and  
MARGRATE, his wife,  
to  
WILLIAM H. COX.  
Doc. 2,236,634.

Warranty Deed, dated February 27, 1895; recorded in Records of Cook County, in Book 5167, Page 639.

Conveys the following lands, to-wit:

Beginning at the South East corner of the North part of fractional Section ten, (10), Township thirty-nine, (39), North Range fourteen, (14), East of the third (3rd) Principal Meridian, where the United States' Government surveyed meandered line of 1821 was fixed, at the point where the North bank of the Chicago River meets the said United States' Government surveyed meandered line, on the West shore of Lake Michigan; thence East along the North line of the said Government survey meandered line to Lake Michigan; thence North from the point of beginning, on the said meandered line of Lake Michigan, 10 degrees, East fourteen (14<sup>00</sup>) chains; thence North (40) degrees, East nineteen (19) chains; thence

North fourteen (14) degrees, West ten ( $10\frac{42}{100}$ ) chains, to the North East corner of said fractional Section ten (10); thence along the East line of fractional Section three, (3), Township 39, North Range fourteen, (14), East of the 3rd Principal Meridian, on the said meandered line eleven (11) degrees, West seventeen and  $\frac{18}{100}$  ( $17\frac{18}{100}$ ) chains; thence North twenty degrees, West twenty-two and  $\frac{50}{100}$  ( $22\frac{50}{100}$ ) chains; thence North ten (10) degrees, West sixteen and  $\frac{91}{100}$  ( $16\frac{91}{100}$ ) chains, being one hundred chains from place of beginning; thence East to the waters of Lake Michigan; thence South, following the waters of Lake Michigan on its West line to the North bank of said Chicago River.

MARTIN M. COONEY, ON OATH.

Q. Where do you live?

A. 402 E. Indiana St.

Q. Where is that?

A. Right down at Indiana and the lake.

Q. How close is that to the lake?

A. A quarter of a mile or less.

Q. How far is that from the river?

A. About the same distance.

Q. North of the river?

A. Yes, sir.

Q. Do you own any property there?

A. I claim 186 acres of property belonging to me.

Q. How bounded?

A. By the river and the lake. North of the river and east of St. Clair street to the water's edge.

Q. This is in Cook County, Illinois?

A. Yes, sir.

Q. How long have you lived there?

A. 43 years.

ON CROSS-EXAMINATION.

Q. How old are you?

A. Seventy-two.

Q. Where were you born?

A. Ireland.

Q. How long did you live there?

A. I lived in this country in 1846 and the balance of the time in Ireland.

Q. And you are now seventy-three?

A. Seventy-two.

Q. Look at the deed dated the 27th day of February, 1895, purporting to be signed by Martin M. Cooney and Margaret Cooney and purporting to be acknowledged before Joseph E. Applegate. Look at the signatures and then answer if that is your name written by yourself to that deed.

The COURT: Q. Is that your signature to both of those paper. That is my writing on them. That is my handwriting.

PETER C. SHARKEY, and ANNIE SHARKEY, his wife, to WM. H. COX. Doc. 2,238,734.	}	Quit-claim Deed, dated May 27, 1895; recorded June 24, 1895, in book 5271 of Records, page 364. Conveys same land described above.
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Peter C. Sharkey being first duly Sworn upon oath states that he is the party named as grantor in the annexed deed and who executed and acknowledged the same and that he has been a continuous resident upon a portion of the land in said deed described from the year A. D., 1868 being in the open, visible possession and actual occupancy of a portion of said premises undisturbed in the same by any one whomsoever, and farther saith not.

Witnesses: JOHN C. CONLON,  
 ALEX. PROSCH.

P. C. SHARKEY.

Subscribed and sworn to before me this 20th day of August, A. D., 1895.

J. W. LESUER,  
 Notary Public.

BERNARD J. CONLIN to WM. H. COX. Doc. 2,238,731.	}	Quit-claim Deed, dated May 27, 1895; recorded June 24, 1895, in Book 5271 of Records, page 360. Conveys same lands as above described.
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STATE OF ILLINOIS, }  
 Cook County. } ss.

Bernard J. Conlon being first duly sworn upon oath states that he is the party named as grantor in the annexed deed and who executed and acknowledged the same and that he has been a continuous resident upon a portion of the land in said deed described from the year A. D., 1873, being in the

open, visible possession and actual occupancy of a portion of said premises undisturbed in the same by any one whomsoever, and farther saith not.

Witnesses: P. C. SHARKEY,  
J. W. LESUER.

BERNARD J. CONLON.

Subscribed and sworn to before me this 21st day of August, A. D., 1895.

J. W. LESUER,  
*Notary Public.*

STATE OF ILLINOIS }  
Cook County } ss

James Arnold being duly sworn deposes and says that he is Fifty Six (56) years of age. That ever since the year 1865 he has known the physical structure and situation of the land and adjacent waters lying and being on that part of the lake front in the City of Chicago, Ill., which were and are north of the Chicago River and extending from the river north between old Sand Street and the waters of Lake Michigan to Lincoln Park. Being part of the same land now sought to be located by Benner and La Follett with "McKee" Scrip. That in the year 1865 along the east side of the lands granted to Robert Kinzie by United States Government patent, there was an open slough or marsh over and through which the waves of the lake washed to the sandy beach, limiting this Kinzie's east line. That in this slough were growing willows and a rank growth of weeds and grasses on and among the little sand knolls of the slough. That when the lake was rough, the slough would be full of water, but when it was calm the knolls and vegetation were plainly in view. That sometime after the mouth of the Chicago river was straightened the sands were deposited with the rubbish dumped against the piling on the north bank of the river so that the south end of the slough was closed while the sands continuously washing against this south formation grew out and north forming a bar, or "island" as it was called, almost enclosing this slough as far north as North Avenue. That on this bar, or "island" fishermen and laborers had settled and built their homes in which they lived and reared their families, fishing and unloading boats, or securing such other employment as they could.

Deponent further says that after some of these settlers had occupied this bar for a number of years, the slough, which was then only fed by a channel at about North Avenue., began to dry up and parties by the name of Sheldon and Ogden began to fill it with all kinds of refuse matter from the City of Chicago, such as offal from butchers' shops, cleanings from the stables, streets and alleys, garbage of all descriptions, excavations from cellars and foundations, debris from fires, etc. etc. until the slough was filled from the river up to its northern end at Lincoln Park, or what was then the old German burying ground. That during this time the sands washed up by the waters of the lake were increasing the width of the bar, or "island," and gradually connecting it with a submerged sand bar lying east of the bar, or "island," from 10 to 50 yards and submerged to a depth of from 3 to 5 feet in calm weather, but that before the intervening space between the bar, or "island," and the submerged bar could be filled by the natural deposits of the sands of the lake, Sheldon, Ogden, and others arranged to have it artificially filled as was the slough with probably less of the noxious matter referred to.

Deponent further says that in the year 1868 the land along Kinzie's east line from Illinois Street to Chicago Avenue was from five to eleven feet higher than the level of the waters of the slough, the west side of which at this point washed up against the bank forming Kinzie's east line.

Deponent further says that the only possible way to have connected this Kinzie bank with the bar, or "island" was to have done so by the means employed to that end, that is, by artificial filling, pile driving and dumping as stated, and that the shore line proper of Lake Michigan as defined by a sandy beach from the river north to and beyond Chicago Avenue north as early as the year 1865 was this bar, or "island," upon which the settlers located.

Deponent says that he was informed and believes that the persons who were called "squatters" were a gang of tough men and women, who were run out of Chicago by Mayor Wentworth, as late as the year 1856, and who took up temporary quarters along the north bank of the river near the lake, and that these squatters, who were again routed, were in no way related to or held anything in common, or in any manner associated with those who had settled on the bar, or "island," and further deponent saith not.

JAMES ARNOLD.

Subscribed and sworn to before me, this Fifteenth (15th) day of April A. D. 1897.

(SEAL)

J. W. LESUER,  
*Notary Public in and for Cook County, Ills.*

STATE OF ILLINOIS }  
Cook County. } ss.

George W. Wilson being duly sworn deposes and says that he first became acquainted with that part of the lake front on which Messrs Benner & LaFollett are attempting to locate "McKee" scrip forty years ago. That at that time there was an expanse of sand extending from Chicago ave. South to the Chicago river which abutted the "Kinzie" Grant and that east of and adjoining this was a slue or bog with here and there sandy knolls thrown up above the level of the slue. That east of this slue and adjoining it was another expanse of sand commonly known as the "island" That these sand wastes and the slue included about thirty acres of land all of which was east of Kinzie's land. Deponent says that as far back as he first saw this territory the sands which gradually increased the dimensions of the shore were added to the expanse east of the slue, except in rare occasions when the sea was very heavy then small amounts of the sand would be carried over and deposited in different parts of the slue. Deponent further says that from the growth of bushes and hard wood saplings and the old and settled condition of the slue and the sand bank west of it and from the stretch of sand bar east of the slue it was evident to the most casual observer that the sand bank and slue east of it must have been in existence for thirty or forty years before deponent first saw it. Deponent further says that as early as



the year 1858 he saw the huts of fishermen along the outside strip or "island" portion and that later or about the year 1859 there were some tough characters squatted at the south end of the west bank and were finally routed by Mayor Wentworth. Deponent further says that from the east bar there were hundreds of thousands of loads of sand taken after the Chicago fire but prior to that time the slue had been filled in with debris and refuse matter from the city. Further deponent saith not.

GEORGE W. WILSON.

Subscribed and sworn to before me this 31st day of March 1897.

[SEAL]

JAMES R. WILSON,  
*Notary Public, Cook Co., Ill.*

STATE OF ILLINOIS, } ss.  
County of Cook.

I James R. Wilson a Notary Public in and for said County of Cook Hereby Certify that the above affiant—George W. Wilson is personally known to me and, that he is the same person who was City Surveyor in and for the City of Chicago during the years 1858, and 1859.

[SEAL]

JAMES R. WILSON,  
*Notary Public.*

BEFORE THE HONORABLE, THE COMMISSIONER OF THE GENERAL LAND OFFICE  
AND EX-OFFICIO REGISTER AND RECEIVER, THIS NINTH DAY OF OCTOBER, 1893.

I, William H. Cox, a citizen of the United States, and a resident of Cook County, State of Illinois, do hereby make application to you, acting as such ex-officio register and receiver, to purchase the hereinafter described piece or parcel of land, to-wit:—

Beginning at a point on the North side of the Chicago river in Cook County, State of Illinois, at its junction with the last government survey of the Lake Shore Line of Lake Michigan; thence running North along the surveyed Lake Shore Line to the junction of the North Line of Cedar Street; thence running East by South East 150-feet, more or less; thence South East along an uneven line to the East end of the North side of the Chicago river and East end of the Government Harbor piling; thence West along the edge of the said river to the place of beginning, being all that piece or parcel of made land which has been made by individuals using as a dump for earth and refuse, and which, portion of the lake has been used for dumping purposes by citizens of Chicago, all lying East of Sections (10), ten, and three, (3), of Township thirty-nine, (39), North of Range fourteen, (14), East of the third (3d) Prin. Mer., and adjoining the twenty-fourth (24) ward, City of Chicago, in said Cook County, and State of Illinois, said described piece or parcel containing one hundred and thirty (130) acres, more or less, for which I hereby agree and do hereby tender the sum of one hundred and sixty-two dollars and fifty cents, (\$162.50), being at the rate of \$1.25 per acre.

My Post Office Address si 188 Wells street, Chicago, Ills.

WM. H. COX.

M. L. 102607.

4—207 a.

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,

WASHINGTON, D. C., February 27, 1899.

I, Binger Hermann, Commissioner of the General Land Office, do hereby certify that the annexed copy of letter from William H. Cox, dated October 9, 1893, to the Commissioner of the General Land Office and copy of the accompanying application of said William H. Cox, dated October 9, 1893, to make cash purchase of certain lands lying on the Lake front north of Chicago River at the City of Chicago in the State of Illinois, and copy of letter dated October 28, 1893, from the Commissioner of the General Land Office to said William H. Cox, in reply to said application, are true and literal exemplifications of the original letter and application of said William H. Cox bearing said dates and of the official record of said Commissioner's letter of October 28, 1893 on file in this office.

In testimony whereof I have hereunto subscribed my name, and caused the Seal of this Office to be affixed, at the City of Washington, on the day and year above written.

[SEAL.]

BINGER HERMANN,  
*Commissioner of General Land Office.*

[10 Cent. Documentary Revenue Stamp.]

WASHINGTON, D. C., October 9, 1893.

HON. COMMISSIONER OF THE GENERAL LAND OFFICE.

SIR: I herewith enclose an application to make cash purchase of one hundred and thirty acres (130) more or less of land lying on the Lake front north of Chicago river at the City of Chicago, State of Illinois, a full description of which land is set forth in the within application, wherein the metes and bounds are given and its location in reference to sections 10 and 3, Tp. 39 N., R. 14 E.

An accurate map thereof has been made by the County Surveyor of Cook County, Illinois, a copy of which will be forwarded at once.

This fractional piece or parcel of ground being vacant and not yet having been surveyed by the Government, I hereby respectfully request that you direct an official survey thereof to be made.

As stated in my application, I hereby enclose and tender \$162.50, the same being the government price for said 130 acres.

Please advise me at my address, 188 Wells Street, Chicago, Illinois, of any and all action that may be taken.

Very respectfully,

WILLIAM H. COX.

Before the Honorable, the Commissioner of the General Land Office and ex-officio Register and Receiver, this ninth day of October, 1893.

I, William H. Cox, a citizen of the United States and a resident of Cook County, State of Illinois, do hereby make application to you, acting as such ex-officio register and receiver, to purchase the hereinafter described piece or parcel of land, to wit:—

Beginning at a point on the north side of the Chicago river in Cook County, State of Illinois, at its junction with the last Government survey of the Lake Shore line of Lake Michigan, thence running north along the surveyed Lake Shore Line to the North Line of Cedar Street, thence running east by south east 150 feet more or less thence south east along an uneven line to the east end of the north side of Chicago river and east end of the Government Harbor Piling, thence west along the edge of said river to the place of beginning, being all that piece or parcel of made land which has been made by individuals using as a dump for earth and refuse and which portion of the lake has been used for dumping purposes by citizens of Chicago, all lying east of sections (10) ten and three (3) of Township thirty nine (39) North of Range fourteen (14) East of the third (3d) Prin. Mer. and adjoining the twenty-fourth (24) ward, City of Chicago, in said Cook County and State of Illinois, said described piece or parcel containing one hundred and thirty (130) acres more or less for which I hereby agree and do hereby tender the sum of one hundred and sixty-two dollars and fifty cents (\$162.50) being at the rate of \$1.25 per acre.

My Post Office address is 188 Wells Street, Chicago, Ills.

WILLIAM H. COX.

DISTRICT OF COLUMBIA, ss.

I, William H. Cox, of Chicago, Illinois, who have made the above application to purchase from the United States the above mentioned land, do solemnly swear that since August 30th, 1890 I have not entered under the laws of the United States or filed upon a quantity of land which with the tracts now applied for, would make more than 320 acres. I do also swear that I am a citizen of the United States and a resident of the city of Chicago.

WILLIAM H. COX.

Sworn to before me this 9th day of October 1893.

[NOTARIAL SEAL.]

BENJAMAN WALL,  
Notary Public.

M. L. 69746  
105766-1893

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,

WASHINGTON, D. C., October 28, 1893.

Address only the Commissioner of the General Land Office.

Mr. Wm. H. Cox,

No. 188 Wells Street, Chicago, Illinois.

SIR: I am in receipt of your letter dated October 9, 1893, making application to purchase 130 acres of land more or less, described as "lying on the lake front, north of Chicago river at the City of Chicago, State of Illinois", in front of the Government meander line of fractional sections 3 and 10, of township 39 north, range 14 east, Illinois.

You also state that:

"This fractional piece or parcel of ground being vacant and not yet having been surveyed, I hereby respectfully request that you direct an official survey thereof, and inclose \$162.50, as the price for said 130 acres of land".

In your application accompanying your letter, the land is more particularly described as follows:

"Beginning at a point on the north side of the Chicago river in Cook County, State of Illinois, at its junction with the last Government survey of the Lake shore line of Lake Michigan, thence running north along the surveyed lake shore line to the junction of the north line of Cedar street; thence running east by south east 150 feet more or less; thence south east along an uneven line to the east end of the north side of the Chicago river and east end of the Government Harbor Piling; thence west along the edge of the said river to the place of beginning, being all that piece or parcel of made land which has been made by individuals using as a dump for earth and refuse and which portion of the lake has been used for dumping purposes by citizens of Chicago, all lying east of sections (10) ten and three (3) of township thirty-nine (39) North of Range fourteen (14) east of the third (3d) Prin. Mer., and adjoining the twenty-fourth (24) ward, city of Chicago, said Cook County and State of Illinois, said described piece or parcel containing one hundred and thirty (130) acres more or less, for which I hereby agree and do hereby tender, the sum of one hundred and sixty-two dollars and fifty cents (\$162.50) being at the rate of \$1.25 per acre."

With your letter of October 12, 1893, was received a diagram (blue print) illustrating the position of the land with reference to the public surveys and the "Government meander line of 1821" of sections 3 and that part of section 10, north of the Chicago River.

In reply, I have to state that the official plat of the survey of said township on file in this office approved March 16, 1831 shows no unsurveyed land in sections 3 and 10 bordering on Lake Michigan, but that the lake was duly meandered, and the surveys closed upon the margin thereof, and any land which may exist, formed in the manner stated by you, in front of the meander line, since the survey and disposition of the fractional tracts bordering upon the lake, does not belong to the U. S., therefore, this Department has no jurisdiction over it and no authority to order its survey.

The Supreme Court of the U. S. in the cases of the Illinois Central Railroad Company v. Illinois, 146, U. S., 371, the object of the suit being to obtain a judicial determination of the title of certain

lands on the east or lake front of the city of Chicago, situated between Chicago River and sixteenth street which have been reclaimed from the waters of the lake, and are occupied by the tracks, depots, warehouses, piers and other structures, used by the railroad company in its business, &c., held as follows, according to the syllabus of said decision :

"The ownership of and dominion and sovereignty over lands covered by tide waters, within the limits of the several States, belong to the respective States within which they are found, with the consequent right to use or dispose of any portion thereof, when that can be done without substantial impairment of the interest of the public in the waters, and subject always to the paramount right of Congress to control their navigation so far as may be necessary for the regulation of commerce with foreign nations and among the States.

The same doctrine as to dominion and sovereignty over and ownership of lands under the navigable waters of the Great Lakes applies, which obtains at the common law as to the dominion and sovereignty over and ownership of lands under tide waters on the borders of the sea, and the lands are held by the same right in the one case as in the other, and subject to the same trusts and limitations.

\* \* \* \* \*  
The fee of the made or reclaimed ground between Randolph street and Park Row, embracing the ground upon which rest the tracks and the breakwater of the railroad company south of Randolph street, is in the city, and subject to the right of the railroad company to its use of the tracks on ground reclaimed by it, and the continuance of the breakwater, the city possesses the right of riparian ownership, and is at full liberty to exercise it.

The city of Chicago, as riparian owner of the grounds on its east or lake front of the city, between the north line of Randolph street, and the north line of block twenty-three, each of the lines being produced to Lake Michigan, and in virtue of authority conferred by its charter, has the power to construct and keep in repair on the lake front, east of said premises, within the lines mentioned, public landing places, wharves, docks and levees, subject however, in the execution of that power, to the authority of the State to prescribe the lines beyond which piers, docks, wharves, and other structures, other than those erected by the general government, may not be extended into the navigable waters of the harbor, and to such supervision and control as the United States may rightfully exercise".

The money transmitted by you, \$162.50, is returned herewith.

Very respectfully,

S. W. LAMOREUX,  
Commissioner.

The description of this land is East and adjoining and abutting Township 39, N. R. 14, E. of 3d P. M.

Where officially all charts and maps of all nations who have made treaties with the United States, as well as the charts and maps of our own Government territory shows this described land to be navigable water where there has never been any pretense ever made to any right whatever, to land by any power according to the contracts made between the United States and all the other powers. If land is discovered which does not show on the charts and maps of any the contracting powers, any of the subjects of either of the contracting powers, who may discover the fact, has all the rights in and to such land. If it is found to have been previously occupied, by actual inhabitants who made such land their home, then, in that event, the discoverer, in order to get title to the land, must obtain the interest of the first inhabitants. The one to whom such inhabitants deed to, becomes, then by deed, possessed of the fee and is by and through their consolidated and combined interest in such land, sovereign, in fact as far as ownership of the land is concerned, wherefore no written law can divest him of title. The title is beyond question or doubt, a pure *bona fide* title, for the government's closed lines to territory is what the Government's Field Notes and Plats denote. The boundary to the government's rights and the government's rights, is also confined to the territory within the said closed lines opened up for settlement. All who buy or receive land from the government are confined within the limits of the Government's surveyed lands opened up for settlement as shown on the Tract book in the General Land Office at Washington, D. C. No alteration or changes can be made in the Field Notes and Plats after the lines have been ordered closed; it is final, never to be altered or changed.

This described land was not claimed by the United States, or by any of the contracting Nations, who formerly claimed to have had equal rights to any navigable water, according to the treaties of peace. By examination of the field notes, surveys and plats of all the territory opened up by the government for settlement, to the citizens of the United States, and the examination of the charts of Lake Michigan in this location, the discovery was made, as to the fact, that no territory was, at any time, ever opened up for settlement East of where the official maps show field notes and surveys, on record in the Tract Books at the General Land Office at Washington, D. C. Neither was there any Act of Congress ever passed, opening up territory East of what the government maps and plats show the measurements, of Fractional Township 39, North Range 14, East of the 3d Principal Meridian.

In the year 1856, the Government of the United States ordered a survey of the waters, from the shore of the lake out into its depths, for maritime purposes. Soundings were taken of the several depths of water, as official chart made at that date shows, which is hereto attached and made a part of this abstract. This chart of Chicago harbor, and the approaches, show where this land is situated, to be a part of Lake Michigan, and, officially, with the Government it is Lake Michigan at this present date, which, according to the contracts between the several contracting Nations with the United States, is open water, which is free and common to the subjects of the several contracting Powers, with equal privileges to the use thereof. By the discovery of the above stated facts, and the discovery of the first settlers who previously had made the described land their home, and the fact of the government's denying any rights to the described land, the first inhabitants could make title out of their claims by consolidating their undivided interests in one person, by simply a quit-claim of all their rights and interests

in and to the described land. In order to make an undisputed title to the described land, October 9th, 1893, Mr. William H. Cox, a citizen of the United States, and of the city of Chicago, Illinois, made application to the government to enter the described land, for cash, which application is hereto attached.

## SESSION LAWS OF THE STATE OF ILLINOIS.

An Act to create and organize the Counties therein named. In force January 15, 1831.

SECTION 1. Be it enacted by the people of the State of Illinois, represented in the General Assembly: That all that tract of country, to wit: Commencing at the boundary line between the States of Indiana and Illinois at the dividing line, between towns thirty-three and thirty-four, North; thence West to the South West corner of town thirty-four, North of range nine, East; thence due North to the northern boundary line of the State; thence East with said line to the North East corner of the State; thence Southwardly with the line to the place of beginning, shall constitute a County to be called Cook, and the County Seat thereof is hereby declared to be permanently established at the Town of Chicago, as the same has been laid out and defined by the Canal Commissioners.

An Act to Incorporate and fix the boundary of the Town of Chicago, approved February 11, 1835.

Boundary Sec. 2. That all the district of Country contained in Sections nine and sixteen, North and South fractional Sections ten, and fractional Section fifteen, in Township thirty-nine, North of Range fourteen, East of the third Principal Meridian, is hereby declared to be within the boundaries of the Town of Chicago. *Provided*, that the authority of the Board of Trustees of the said Town of Chicago shall not extend over the South  $\frac{1}{2}$  of fractional Section ten until the same shall cease to be occupied by the United States.

An Act to Incorporate the City of Chicago.

SEC. 1. Be it enacted by the people of the State of Illinois, represented in the General Assembly: That the district of country in the County of Cook, in the State, aforesaid, known as the East half of the South East quarter of Section thirty-three, in Township forty, and fractional Section thirty-four, in the same township; the East fourth part of Section six, seven, eighteen and nineteen, in the same Township; also fractional Sections three, Section four, Section five, Section eight, Section nine and fractional Section ten, excepting the South West fractional quarter of Section ten, occupied as a military post, until the same shall become private property; fractional Section fifteen, Section sixteen, Section seventeen, Section twenty, Section twenty-one, and fractional Section twenty-two, in Township thirty-nine, North Range number fourteen, East of the third Principal Meridian, in the State, aforesaid, shall hereafter be known by the name of the City of Chicago.

## RELATING TO TREATIES WITH FOREIGN POWERS.

All settlers and traders within the precincts or jurisdiction of said posts shall continue to enjoy, unmolested, all their property of every kind, and shall be protected therein; and it shall also be free to them to sell their lands, houses or effects, or to retain the property thereof at their discretion.

ARTICLE 9. It is agreed that British subjects who now hold lands in the territories of the United States, and American citizens who now hold lands in the Dominions of his Majesty, shall continue to hold them according to the nature and tenure of their respective estates and titles; and may grant, sell, or devise the same to whom they please in like manner as if they were natives, and that neither they nor their heirs or assigns shall, so far as may respect the said land and the legal remedies incident thereto, be regarded as aliens. Neither the debts due from individuals of the one nation to individuals of the other shall ever, in any event of national differences, be sequestered or confiscated; it being unjust and impolitic that debts and engagements contracted and made by individuals, having confidence in each other and in their respective governments, should ever be destroyed or impaired by national authority on account of national differences and discontents.

### TREATY OF GHENT, DEC. 24, 1814.

ARTICLE 9. The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war, at the time of such ratification; and forthwith to restore to such tribes or nations, respectively, all the possessions, rights and privileges which they may have enjoyed or been entitled to in one thousand eight hundred and eleven, previous to such hostilities.

### TREATY OF AUG. 9, 1842.

#### GREAT BRITAIN AND THE UNITED STATES.

ARTICLE 4. The two contracting parties agree to deal upon the most liberal principles of equity with the settlers actually dwelling upon the territory falling to them, respectfully which has heretofore been in dispute among them.

ARTICLE 4. It is further agreed, that British subjects shall have the right freely to navigate Lake Michigan with their vessels, boats and crafts, so long as the privilege of navigating the river St. Lawrence is secured to American citizens.

### TREATY OF MAY 8, 1871.

ARTICLE 28. The navigation of Lake Michigan shall, also, for the term of years mentioned in Article 33 of this treaty, be free and open for the purposes of commerce to the subjects of Her Britannic Majesty, subject to any laws and regulations of the United States, or of the States bordering thereon; not inconsistent with such privilege of free navigation.



Congress will, no doubt, at an early date, pass the following bill or one of like character, as this appears to be the proper remedy to quiet the title and possession of owners and holders of lands on the Lake Front at Chicago, Ill:

#### AN ACT

Creating a Commission to settle and quiet title to land.

SEC. 1, *Be it enacted by the Senate and House of Representatives*, of the United States of America in Congress assembled, That a commission be appointed by the President Consisting of three citizens of the United States not residents of the State of Illinois; to hear the evidence and determine all questions in regard to the right, title and possessions of settlers and owners of lands on Lake Michigan, East of the Government Meander line and report the evidence and their judgment to the Supreme Court of the United States. They shall appoint a clerk who shall have power to subpoena witnesses, and issue process to compel the attendance of witnesses and the production of papers necessary to determine the rights of the parties to any real estate in question. The said commission shall report its doings within one year after the passage of this act, and when said report is filed among the records of the said Court the judgments of said Commission shall be final and established forever the fee simple title in the persons designated in said report to the real estate described and placed opposite their names. The expense of said commission to be taxed against the settlers and owners of the land *pro rata*.

The Jno-Mitchell Map. Feby. 13th 1755 was undertaken with the approbation and at the request of the Lords Commissioners for Trade and Plantation, and is chiefly composed from draughts, charts and actual surveys of different parts of his majestys colonies and Plantations in America great part of which have been lately take by his Lordship's orders and transmitted to this office by the Governors of the Said Colonies and others

JOHN POWNALL

*Secretary.*

Plantation office

Feby 13 1755.

The Western Bounds of the 6 Nations of Lands sold and surrendered to Great Britain 1701. Confirmed 1726, and Ratified 1744 are marked on the section of the Map hereto attached Marked "A" and made a part of this abstract of title This Jno Mitchel Map and Map A are the only official Map that can be used as Evidence to fix Bounds of lands and Water Courses, as fixed by the Treaty of 1827. Jno Mitchel Map is for surface of lands and Map A is the Bounds of Water Courses the Virginia Colony Charter May 23, 1609 was for Land only from sea to sea. The Virginia Colony and Great Britain recognized the 6 Nations as the organized Indian force and, The French recognized the 6 Nation and United States have admitted the extent of their territory to the Illinois River ever since the year 1672 when they Subdued and were incorporated with the Antient Chaonanos the native proprietors of these Countries, beside which the 6 Nations claimed a right by Conquest over the Illinois and all the Mississippi as far as they extend and this is Confirmed by their own claim and possession in 1742, which included all the Bounds laid down on the said Mitchel Map, and none have ever thought fit to dispute them.

It will be observed that the Bounds of the 6 Nations sold to the Crown of Great Britain is only for a small fraction of Lake Michigan on its Eastern Shore—This Records discloses the fact that the Indian title to the Waters and Lands of Lake Michigan has not been extinguished beyond the Bounds laid down on the Mitchel Map.

The official Map of James Thompson 1829 approved by Geo. Edwards and President Jackson is the only Map fixing the boundary of the Lands of Township 39, N. R. 14, E in the state of Illinois—and the State of Illinois cannot be a Trustee for any lands east of the Walls Meander line of 1821, and the survey established by the official acts of Gov Edwards and President Jackson.

WASHINGTON, D. C., August 2nd, 1898.

*To the Secretary of the American Commission.*

You will pardon me for submitting the following reference touching the questions relating to the Chicago River, the Chicago Harbor and the Lake Front Lands.

The British Ambassabor informs me that no questions of private claims will be considered by them; the Solicitor for the Secretary of State also informs me that no private claims will be considered by your Commission or the Joint-Commissions.

I represent other interests than those which I have submitted for your consideration and outside of the questions that I have submitted for your consideration, British subjects have more rights in the Chicago River and in Chicago Harbor and Lake Michigan than they are entitled to under existing circumstances.

The question of navigation and fishery on Lake Michigan, Chicago River certainly cannot be of more importance to the United States situated on the borders of Lake Michigan River.

I am informed that it has been determined that under your consideration.

The disputed lands in the Chicago Harbor and a political question. Since the decision of the Supreme in the case of The Illinois Central Railway Company v State vs. Revell in which they state that lands covered

boundaries are held in trust for the people, for the purposes of navigation and fishery by State of Illinois which has no power to barter and sell the same, which proposition we deny and say that Congress has never, by any act, and Congress could not, by any act, create any trust until the Indian title has been extinguished, and not then until the treaty between Great Britain and the United States has been modified as to land that the Mitchell Map shows is covered by water as set forth in Article Four (4) of the Treaty of September 29th, 1827, which treaty refers to the Fifth Article of the Treaty of Ghent and is as follows:—

#### MAPS.

The Map called "Mitchell's Map", by which the framers of the Treaty of 1783 are acknowledged to have regulated their joint and official proceedings and the Map "A" which has been agreed upon by the contracting parties as a delineation of the water-courses and of the boundary lines in reference to said water-courses as contended for by each party respectively, etc. shall be the only maps that shall be considered as evidence, the water-courses and boundary lines are to be established by said Map. This treaty goes back and covers all the treaties from 1783 to the present time pertaining to water-courses and boundary lines, and in the Chicago Harbor and the Chicago River there is a question of dispute as to where the true boundary line is, and that question is a political one, and in support of this position I lay down this proposition that where the title to property depends on whether the land is within a cession by treaty to the United States after our Government legislative and executive exercised jurisdiction over it, the Courts must consider that question a political one, and I cite you to 2nd Peters page 309; 6th Peters, 611; 12th Peters, 520; 13th Peters, 441 and also page 920, and 7th Howard page 56.

Also the question of Indians in their possession is a political question as appears by 5th Peters, page 20; so as to State Boundaries, unless agreed to be settled as a judicial question; 12th Peters, page 726;

In the matter under consideration, we have the question of treaty stipulations as aforesaid covering these disputed lands as well as the question of Indian Title, which is regulated by treaty; also the question of the boundary line of the State and its jurisdiction over said disputed lands covered by the surveys set forth in said Mitchell Map.

Yours respectfully,

D. W. WOOD.

M. L. 102808

4—207.

[10-cent documentary revenue stamp.]

#### DEPARTMENT OF THE INTERIOR,

GENERAL LAND OFFICE,

WASHINGTON, D. C., February 27, 1899.

I, Binger Hermann, Commissioner of the General Land Office, do hereby certify that the annexed copy of the affidavit of William H. Cox, dated November 21, 1896, *in re* the application of Mathias Benner and Harvey M. LaFollette to locate McKee scrip on lands alleged to be opposite Sec. 10, T. 39 N., R. 14 E., 3d P. M., Illinois, is a true and literal exemplification of the original affidavit on file in this office.

In testimony whereof I have hereunto subscribed my name and caused the seal of this Office to be affixed, at the City of Washington, on the day and year above written.

[SEAL.

BINGER HERMANN,  
*Commissioner of the General Land Office.*

#### AFFIDAVIT OF WILLIAM H. COX.

DISTRICT OF COLUMBIA, }  
City of Washington. } ss.

William H. Cox being first duly sworn deposes and says that he is a resident of the City of Chicago, and State of Illinois, and is the same William H. Cox who is a party to the proceedings now pending before the Commissioner of the General Land Office upon the application of Matthias Benner and Harvey M. La Follette to locate with McKee scrip certain lands claimed to be in fractional section 10, Tp. 39 N. R. 14 E., State of Illinois.

Deponent further says that in the year 1861, he became, by personal observation, acquainted and familiar with the situation and condition of lands at and around the mouth of the Chicago River in the said State of Illinois and particularly the situation and condition of such lands lying upon the north side of said river at the mouth thereof in fractional section 10, Tp. 39 N. R. 14 E. and the relation of the waters of the lake to such lands, and that he is familiar with the changes that have occurred from said date until the present time.

Deponent further says that he is acquainted with the lands now sought to be located by said Benner and La Follette under the application hereinbefore mentioned.

Deponent further says that in the year 1861, there existed in Lake Michigan outside of the original meander line of the official survey of the northwest fractional sections 10 and 3, as said line is designated upon the plat of said township approved in 1831, a certain sand bar or spit of land then commonly called, known and designated as "The Island" which extended parallel with the shore in a southerly direction along the easterly line of the main land as it then existed from the point of its commencement opposite said section 3 to and beyond the mouth of the Chicago River as said river is shown upon said plat of 1831; that this sand bar, spit of land, or island, was, for the entire distance above mentioned, entirely separated from the main shore by a considerable width of submerged land; that said spit sand bar or island was distant from said main shore from forty to one hundred feet and that its average distance from the main shore of the land lying in section 10 was about forty feet which said



bar and submerged land had theretofore and since the year 1821, been covered by the waters of Lake Michigan and had arisen from the bed of the said lake in the manner hereinafter set forth; that in 1861, at certain times, said submerged lands were covered by the waters of Lake Michigan to the depth of about three feet; that the said sand bar spit of land or island averaged from twenty to several hundred feet in width, the average width being probably not more than fifty feet, and that outside of this sand bar spit of land or island were the navigable waters of Lake Michigan. Deponent further says that this situation and condition of such lands and of the waters of the lake, as he first observed them in 1861, have ever since remained except as changed by the means hereinafter described.

Deponent further says that subsequently to the year 1861, and in a very large part since the year 1892, the bed of Lake Michigan between said spit of land or island and said main shore line has been entirely filled in by artificial means, to-wit by the dumping therein of refuse matter, and, as deponent is informed and believes, in large part, if not wholly, by persons claiming to own lands facing upon the said main shore line; that the said sand bar spit or island heretofore described has also been artificially, to-wit by dumping as aforesaid, raised in height, and that in addition to such operations upon said submerged lands and said sand bar spit or island a very large area of the navigable water of Lake Michigan lying outside of said sand bar spit or island and opposite said northwest fractional section 10 have been also filled in and artificial land thus created.

Deponent further says that he has carefully examined the survey of lands applied to be entered by the said Benner and La Follette, with McKee Scrip and hereinbefore described, and that that survey embraces, lands artificially made as aforesaid contiguous to and adjoining said original shore line extending over said original submerged lands, and over said original sand bar spit or island and thence a considerable distance over the navigable waters of Lake Michigan; that of the entire 160 acres claimed by said Benner and La Follette, under said application, at least nine-tenths thereof is land artificially made as aforesaid and lying entirely east of the main shore line as such shore line existed when deponent first observed it in 1861. And deponent files herewith and makes part hereof a plat marked Exhibit "A" showing the original meander line of the said northwest fractional section 10, Tp. 39 N. R. 14 E. together with the land now applied for by the said Benner and La Follette, said plat showing also by a red line protracted thereon substantially such portion of the lands applied for by Benner and La Follette as lie outside of the main shore line as the same existed when first observed by deponent in 1861. And deponent further deposes and says that all of said land lying east of said red line upon said plat and beyond the extension of said line east of the original meander line of the survey of 1831, is entirely made land, created by the dumping as aforesaid and that a very large quantity of said land has been so created since the year 1892.

Deponent further files herewith and makes part hereof a copy of an official plat marked Exhibit "B" of the lake front of Chicago made by Captain W. L. Marshall, Corps of Engineers, U. S. A., in 1892, upon which deponent has protracted, approximately, the boundaries of the land now sought to be entered by the said Benner and La Follette under their said application which map shows officially the depth of the water in the bed of Lake Michigan as it existed in 1892, over a large portion of the premises now sought to be entered by the said Benner and La Follette and showing that at least one-half of the said land so attempted to be entered by said Benner and La Follette was in 1892, a part of the bed of Lake Michigan and which said lands have been created, as hereinbefore set forth, entirely by artificial means. Deponent further deposes and says that all of said lands now applied for by said Benner and La Follette and lying outside of the easterly line of said sand bar spit or island were in 1861, under the navigable waters of Lake Michigan.

Deponent further deposes and says that when he first saw said premises in the year 1861, there was a line of piling constructed by the government of the United States extending into the lake upon the north side of the Chicago River for about a distance of one thousand feet (from the original meander line); that subsequently said piling was extended by the government of the United States for a farther distance into said lake of about two thousand feet and said two thousand feet a considerable distance in a northerly direction; that the premises now sought to be entered by Benner and La Follette are composed of lands created by artificial means, to-wit by the use of refuse matter into said lake and along said piling and to the north thereof to the extent of said two thousand feet.

Deponent further deposes and says that prior to the year 1892, for the purposes of navigation and commerce, there had been constructed, where these lands now sought to be entered by Benner and La Follette, docks, piers, landings, etc. which said docks, piers and landings were formed by driving piling into the bottom of the lake, at which said piling were discharged cargoes and passengers and which said portion of the lake by the artificial means heretofore set forth. And deponent further deposes and says that the portion originally forming said docks, piers and landings can be now sought to be entered by Benner and La Follette by digging up the ground.

Deponent further says that the process of artificial filling of the lake has not been confined to that portion of the land front opposite said sand bar spit or island north thereof for a considerable distance, to-wit; as far as the lake front of Chicago.

Deponent further deposes and says that he has for some time past been making a survey and investigation with a view to ascertaining the condition of the lake front of Chicago so obtained alleges the fact to be, that every portion of the lake front now sought to be entered by said Benner and La Follette has been artificially created over and above the bed of Lake Michigan by the dumping of debris and refuse material thus forming other lands outside of the original submerged strip already mentioned and the bed of the navigable waters

that the places occupied by the submerged land and sand bar or island mentioned were at that time and continued in 1837, to be the bed of Lake Michigan and under its navigable waters. And further deponent saith not.

WILLIAM H. COX.

Subscribed and sworn to before me this 21st day of November A. D. 1896.

(SEAL)

FRANK D. BLACKISTONE,  
*Notary Public, D. C.*

WASHINGTON, D. C. February 23, 1899.

L. M. CHAPMAN & OTHERS,

The most reasonable course for the settlers and owners of lands on the Chicago Lake front is to ask Congress to authorize the President to appoint a commission consisting of three able attorneys to hear evidence and determine all questions in regard to the right, title and possessions of all settlers and owners of land East of the Meander line of Lake Michigan. Their report and judgment to be made to the Supreme Court of the United States, and when placed on file to vest the fee simple title to the lands in dispute in the owners or possessor as the same shall appear opposite of the name of said owner or settler.

The expenses of the said commission to be taxed against the settlers and owners of the lands pro rata.

Respectfully,

D. W. WOOD,  
*For owners.*



# Act of Cite

TO

Lands Situated and Lying East of the U. S.  
Government Meander Line of Fractional  
Sections 3 & 19, and Fractional Town-  
ship 39 N., R. 14 E. of the 3d P. M.





SEPTEMBER 20, 1828

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,  
**A Proclamation.**

WHEREAS a Treaty between the United States of America and the Potawatamie Indians was concluded, on the 20th day of September, 1828, at the Missionary Establishment upon the St. Joseph of Lake Michigan, between Lewis Cass and Pierre Menard, Commissioners on the part of the United States, and certain Chiefs and Warriors, on the part of the said Potawatamie Indians, which treaty is in the words following, to wit:

**TREATY WITH THE POTAWATAMIE INDIANS.**

*Articles of a Treaty made and concluded at the Missionary Establishment upon the St. Joseph of Lake Michigan, in the Territory of Michigan, this 20th day of September, in the year of our Lord one thousand eight hundred and twenty-eight, between Lewis Cass and Pierre Menard, Commissioners on the part of the United States, and the Potawatamie tribe of Indians.*

ARTICLE 1st. The Potawatamie tribe of Indians cede to the United States the tract of land included within the following boundaries:

1st. Beginning at the mouth of the St. Joseph of Lake Michigan, and thence, running up the said river to a point on the same river, half-way between La-vache-quipisse and Macousin villages; thence, in a direct line, to the 15th mile tree, on the shore of the said lake; thence, with the shore of the said lake, to the place of beginning.

2d. Beginning at a point on the line run in 1817, due east from the southern extremity of Lake Michigan, which point is due south from the head of the most easterly branch of the Kankakee river, and from that point running south ten miles; thence, in a direct line, to the northeast corner of Flatbelly's reservation; thence, to the northwest corner of the reservation at Seck's village; thence, with the lines of the said reservation, and of former cessions, to the line between the States of Indiana and Ohio; thence, with the same, to the former described line, running due east from the southern extreme of Lake Michigan; and thence, with the said line, to the place of beginning.

ARTICLE 2d. In consideration of the cessions aforesaid, there shall be paid to the said tribe an additional permanent annuity of two thousand dollars; and also an additional annuity of one thousand dollars, for the term of twenty years; goods, to the value of thirty thousand dollars, shall be given to the said tribe, either immediately after signing this treaty, or as soon thereafter as they can be procured; an additional sum of ten thousand dollars, in goods, and another of five thousand dollars, in specie, shall be paid to them in the year 1829.

The sum of seven thousand five hundred dollars shall be expended for the said tribe, under the direction of the President of the United States, in clearing and fencing domestic animals

Three laborers shall be provided during four months of the year, for ten years, to work for the band living upon the reservation south of the St. Joseph.

ARTICLE 3d. There shall be granted to the following persons, all of whom are Indians by descent, the tracts of land hereafter mentioned, which shall be located upon the second cession above described, where the President of the United States may direct, after the country may be surveyed, and to correspond with the surveys, provided that no location shall be made upon the Elkheart Prairie, nor within five miles of the same; nor shall the tracts there granted be conveyed by the grantees without the consent of the President of the United States.

To Sah-ne-mo-quay, wife of Jean P. Dutrist, one half section of land.

To Way-pe-nah-te-mo-quay, a wife of Thomas Robb, one half section of land.

To Ah-ne-mo-quay, wife of James Wyman, one half section of land.

To Ship-pe-shick-quay, wife of James Wyman, one half section of land.

To Assapo, wife of Antoine Gamlin, one half section of land.

To Moahquay, wife of Richard Chabert, one half section of land.

To Me-shaw-ke-to-quay, wife of George Cicot, two sections of land.

To Mary Prejean, wife of Louis St. Combe, one section of land.

To To-pe-naw-koung, wife of Peter Langlois, one section of land.

To Au-be-nan-bee, a Potawatamie chief, two sections of land.

To Me-che-hee, a wife of Charles Minie, a half section of land.

To Louison, a Potawatamie, a reservation of one section, to include his house and corn field.

To Ke-she-wa-quay, wife of Pierre F. Navarre, one section of land.

To Benac, a Potawatamie, one section of land.

To Pe-pe-ne-way, a chief, one section of land.

To Pierre Le Clair, one section of land.

To Joseph Barron, a white man, who has long lived with the Indians, and to whom they are much attached, two sections of land: but the rejection of this grant is not to affect any other parts of the treaty.

To Betsy Ducharme, one section of land. The section of land granted by the Treaty of Chicago to