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(BY AUTHORITY.)

By the PRESIDENT of the UNITED STATES of AMERICA.

A PROCLAMATION.

WHEREAS a treaty between the United States of America, and the Delaware tribe of Indians, was concluded and signed at Vincennes in the Indiana territory, on the eighteenth day of August last, past, and was duly ratified and confirmed by the President of the United States, on the twenty-first day of January, in the year of our Lord, one thousand eight hundred and five, by and with the advice and consent of the Senate, which treaty is in the words following, to wit:

A treaty between the United States of America, and the Delaware tribe of Indians.

The Delaware tribe of Indians finding that the annuity which they receive from the United States is not sufficient to supply them with the articles which are necessary for their comfort and convenience, and afford the means of introducing amongst them the arts of civilized life, and being convinced that the extensiveness of the country they possess, by giving an opportunity to their hunting parties to ramble to a great distance from their towns is the principal means of retarding this desirable event; and the United States being desirous to connect their settlements on the Wabash with the state of Kentucky; therefore the said United States by William Henry Harrison, governor of the Indiana territory, superintendant of Indian affairs, and their commissioner plenipotentiary for treating with the Indian tribes north west of the Ohio river; and the said tribe of Indians by their Sachems, Chiefs and Head Warriors, have agreed to the following articles, which when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding on the said parties.

Article 1st.—The said Delaware tribe for the consideration herein after mentioned, relinquishes to the United States forever all their right and title to the tract of country which lies between the Ohio and Wabash rivers, and below the tract ceded by the treaty of Fort Wayne, and the road leading from Vincennes to the falls of Ohio.

Article 2d.—The said tribe shall receive from the United States for ten years an additional annuity of three hundred dollars which is to be exclusively appropriated to the purpose of ameliorating their condition, and promoting their civilization; suitable persons shall be employed at the expense of the United States to teach them to make fences, cultivate the earth, and such of the domestic arts as are adapted to their situation; and a further sum of three hundred dollars shall be appropriated annually for five years to this object. The United States will cause to be delivered to them in the course of the next spring, horses fit for draft, cattle, hogs and implements of husbandry to the amount of four hundred dollars. The preceding stipulations together with goods to the amount of eight hundred dollars which is now delivered to the said tribe (a part of which is to be appropriated to the satisfying certain individuals of the said tribe, whose horses have been taken by white people) is to be considered as full compensation for the relinquishment made in the first article.

Article 3rd.—As there is great reason to believe that there are now in the possession of the said tribe, several horses which have been stolen from citizens of the United States, the chiefs who represent the said tribes are to use their utmost endeavors to have the said horses forthwith delivered to the superintendant of Indian affairs or such persons as he may appoint to receive them. And as the United States can place the utmost reliance on the honor and integrity of those chiefs who have manifested a punctilious regard to the engagements entered into at the treaty of Greenville, it is agreed that in relation to such of the horses stolen as aforesaid, but which have died or been removed beyond the reach of the chiefs, the United States will compensate the owners for the loss of them without deducting from the annuity of the said tribe the amount of what may be paid in this way. But it is expressly understood that this provision is not to extend to any horses which have been stolen within the course of twelve months preceding the date hereof.

Article 4.—The said tribe having exhibited to the above named commissioner of the United States sufficient proof of their right to all the country which lies between the Ohio and White river, and the Miami tribe who were the original proprietors of the upper part of that country having explicitly acknowledged the title of the Delawares at the general council held at Fort Wayne in the month of June 1803. The said United States will in future consider the Delawares as the rightful owners of all the country which is bounded by the White river on the north, across the Ohio on the south, the general boundary line running from the mouth of the Kentucky river on the east, and the tract ceded by this treaty, and that ceded by the treaty of Fort Wayne on the west and south west.

Article 5.—As the Piankashaw tribe have hitherto obstinately persisted in refusing to recognize the title of the Delawares to the tract of country ceded by this territory, the United States will negociate with them, and will endeavor to settle the matter, in an amicable way, but should they reject the propositions that may be made to them on this subject, and should the United States not think proper to take possession of the said country without their consent, the stipulations and promise herein made on behalf of the United States, shall be null and void.

Article 6th.—As the road from Vincennes to Clark's grant will form a very inconvenient boundary, and as it is the intention of the parties to these presents that the whole of the said road shall be within the tract ceded to the United States, it is agreed that the boundary in that quarter shall be a straight line to be drawn parallel to the course of the said road from the eastern boundary of the tracts ceded by the treaty of Fort Wayne to Clark's grant, but the said line is not to pass at a greater distance than half a mile from the most northerly bend of said road.

In witness whereof the commissioner plenipotentiary of the United States, and the chiefs and head men of the said tribe have hereunto set their hands, and affixed their seals. Done at Vincennes the eighteenth day of August, in the year of our Lord one thousand eight hundred and four; and of the Independence of the United States, the twenty-ninth.

[Signed,]
WM. HENRY HARRISON, (L. S.)
Teta Buxika, his ⋈ mark, (L. S.)
Bokongehelas, his ⋈ mark, (L. S.)
Alimee, or Geo. White-Eyes, his ⋈ mark, (L. S.)
Hocking Pomskann, his ⋈ mark, (L. S.)
Tomaguee, or the Beaver, his ⋈ mark, (L. S.)

Signed, sealed, and delivered in the presence of
JOHN GIBSON, Secretary to the Commissioner.
HENRY VANDERBURGH, one of the Judges of the I. T.
VIGO, Colonel of Knox county I. T. militia.
B. PARKE, Attorney General of the I. T.
JOHN RICE JONES, of the I. T.
ROBERT BUNTIN, Prothonotary of Knox county, I. T.
G. WALLACE Jun. of the I. T.
ANTONIE MARCHAL of the I. T.
JOSEPH BARRON, Interpreter.
EDWARD HEMPSTEAD, Attorney at law

I do certify that each and every article of the foregoing treaty was carefully explained and precisely interpreted by me to the Delaware chiefs who have signed the same.

(Signed,)
JOHN GIBSON.

NOW therefore to the end that the said treaty may be observed and performed with good faith on the part of the United States, I have caused the premises to be made public, and I do hereby enjoin and require all persons bearing office civil, or military, within the United States, and all others, citizens or inhabitants thereof, or being within the same, faithfully to observe and fulfil the said treaty, and every clause and article thereof. In testimony whereof I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand.

(SEAL.) DONE at the city of Washington, this fourteenth day of February, A. D. 1805, and of the independence of the said states, the twenty-ninth.

TH: JEFFERSON.
By the President.
JAMES MADISON,
Secretary of State.

By the PRESIDEERT of the UNITED STATES of AMERICA.

A PROCLAMATION.

WHEREAS a treaty between the United States of America, and the Piankeshaw Tribe of Indians was concluded and signed at Vincennes in the Indiana territory, on the twenty-seventh day of August last past, and was duly ratified and confirmed by the President of the United States, on the twenty first day of January in the year of our Lord, one thousand eight hundred and five, by and with the advice and consent of the Senate, which treaty is in the words following, to wit:—

A Treaty between the United States of America, and the Piankashaw tribe of Indians.

The President of the United States, by William Henry Harrison, Governor of the Indiana territory, superintendant of Indian affairs, and Commissioner Plenipotentiary of the United States, for concluding any treaty or treaties which may be found necessary with any of the Indian tribes North West of the river Ohio; and the chiefs and head men of the Piankashaw tribe, have agreed to the following articles, which when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding upon the said parties.

Article 1st. The Piankashaw tribe relinquishes, and cedes to the United States for ever, all that tract of country which lies between the Ohio and Wabash rivers, and below Clark's grant, and the tract called the Vincennes tract, which was ceded by the treaty of Fort-Wayne, and a line connecting the said tract and grant, to be drawn parallel to the general course of the road leading from Vincennes to the falls of the Ohio, so as not to pass more than half a mile to the Northward of the most northerly bend of said road.

Article 2d. The Piankashaw tribe acknowledges explicitly the right of the Kaskaskia tribe to sell the country which they have lately ceded to the United States, and which is separated from the lands of the Piankeshaws by the ridge or high lands which divides the waters of the Wabash, from the waters of the Saline creek; and by that which divides the waters of the said Wabash from those which flow into the Auvase and other branches of the Mississippi.

Article 3rd. An additional annuity of two hundred dollars shall be paid by the U. States, to the said tribe for ten years, in money, merchandize, provisions or domestic animals, and implements of husbandry at the option of the said tribe, and this annuity together with goods to the amount of seven hundred Dollars which are now delivered to them by the commissioner of the United States, is considered as a full compensation for the above mentioned relinquishment.

Article 4th. The United States reserve to themselves, the right of dividing the whole annuity which they pay to the said tribe, amongst the families which compose the same; allowing always a due proportion for the Chiefs. And the said chiefs whenever the President of the United States may require it, shall upon proper notice being given, assemble their tribe, for the purpose of effecting this arrangement.

IN witness whereof, the commissioner plenipotentiary of the United States, and the chiefs and head-men of the said tribe, have hereunto set their hands, and affixed their Seals. Done at Vincennes in the Indiana territory, the twenty seventh day of August in the year of our Lord, one thousand eight hundred and four; and of the Independence of the United States—the twenty-ninth.

(Signed)
WILLIAM HENRY HARRISON, (Seal.)
Waborquiskelagroble or Big Corn, his ⋈ mark, (Seal)
Swekamia, Troisfesse or three thighs, his ⋈ mark, (Seal)
Makatewelama, Chiene Noir or Black Dog, his ⋈ mark, (Seal)
Alemoin Le Chien, or the Dog, his ⋈ mark, (Seal)
Kehelanquagot, or Lightning, his ⋈ mark, (Seal)

Signed Sealed and delivered, in presence of
John Gibson, secretary to the commissioner.
John Griffin, one of the Judges of the Indiana territory.
Henry Vanderburgh, one of the Judges of the Indiana territory.
B. Parke, Attorney general of the Indiana territory.
William Prince, Sheriff of Knox county, Indiana territory.
George Wallace, jun. of the Indiana territory.
Peter Jones, of Knox county Indiana territory.
Edward Hempstead, attorney at law, Indiana territory.
Abraham F. Snapp,
Joseph Barron—Interpreter.

I do certify that each and every article of the foregoing treaty, was carefully explained and precisely interpreted by me to the Piankashaw chiefs who have signed the same.

(Signed)
JOSEPH BARRON,
Interpreter.

Now therefore to the end that the said treaty may be observed and performed with good faith on the part of the United States, I have caused the premises to be made public, and I do hereby enjoin and require all persons bearing office, civil or military, within the United States, and all others, citizens or inhabitants thereof, or being within the same, faithfully to observe and fulfil the said treaty, and every clause and article thereof. In testimony whereof I have caused the Seal of the United States to be affixed to these presents, and Signed the same with my hand.

Done at the City of Washington, the sixth day of February A. D. one L. S. *thousand eight hundred and five, and of the Independence of the said states, the twenty ninth.*

TH: JEFFERSON.
By the President,
JAMES MADDISON, Secretary of State.

CONGRESS.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, JANUARY 30.

DEBATE ON THE GEORGIA CLAIMS.

MR. ELLIOT.—It cannot but be considered as a very fortunate circumstance, and one which cannot fail to have a favorable influence upon the final decision of this important question, that, since the delivery of the animated observations which yesterday so powerfully attracted the attention of the House, we have been afforded a few hours of tranquil retirement from the tempest of the forum, for the purpose, useful at all times and peculiarly so at the present time, of calm reflection. To transfer ourselves in a moment from the flowery fields of fancy, to the rugged road of argument, to descend instantaneously from the elevated scenes of eloquence to the humble walks of common sense, requires an effort transcending ordinary powers. In claiming your attention, Mr. Speaker, for a greater portion of the day than I commonly occupy in debate upon this floor, I shall not address you in the style of compliment or ceremony. It is time to banish from these walls that idle frippery of ceremonious conversation, which is suited only to a new year's compliment, or a birth day salutation, and to try to catch a little of the sturdy spirit of antiquity. A bold, a loud, an impressive appeal, is made to the American People. In that appeal I fearlessly and most cordially unite. I regret, however, the existence of a precedent which at once justifies and demands these addresses to the people. Much as I wish to disseminate correct information, particularly on a subject which I believe is but imperfectly understood without these walls, except by interested persons, and convinced as I am that the subject is understood, and an opinion formed upon it, by every member of this House, I shall not so completely follow the example before us as to speak to the people in the first instance, but shall as usual direct my observations to the House.

I propose to examine, in a concise, and if it be in my power, in an argumentative manner, the following questions, which have a direct application to the amendment proposed by the gentleman from Virginia (Mr. Clark) to the resolution under consideration, and which at the same time open to view the whole extent of the subject.

Did the state of Georgia, in the year 1795, possess a title to the territory in question?

Were the legislature of Georgia, in 1795, invested, with the constitutional power of making a sale of the territory, & did they make such sale to those from whom the present claimants derive their title or pretended title? And if such sale was made, what title or colour of title did it convey?

Were the members of the legislature of Georgia, in 1796, invested with the constitutional power of rescinding the acts of their predecessors in relation to such sale, and did they rescind them?

Were the claims or pretended claims of the present claimants in any manner recognised by the act of cession of the territory in question from Georgia to the United States? And,

Do justice and policy, or either justice or policy, require that the whole or any part of the five millions of acres, reserved by the act of cession from Georgia to the United States, for the purpose of satisfying claims of a certain description against Georgia, in reference to the said territory, should be appropriated for the purpose of satisfying the claims of the present claimants?

However extensive the outline which I have sketched of the subject, the survey will be a rapid one.

It is necessary that I should make one or two preliminary observations. I have uniformly been opposed to the doctrine which has been so powerfully advocated, that Congress is competent to make a legislative decision upon the validity or invalidity of the conflicting acts of Georgia. We possess no such powers. But as individuals we may express our opinions. Nor am I disposed to do any thing which shall have a tendency to impugn the title of the United States to this territory. Without deciding the question of title, my principal object is to shew that the claimants are in possession of so strong a *color of title*, that it will be good policy to authorise a negociation with them for the abandonment of their claim, especially as we have a prospect of obtaining that abandonment on their part, without going beyond the reservation in the act of cession, and of course without the actual expence of a single dollar to the United States.

Did the state of Georgia, in the year 1795, possess a title to the territory in question?

To answer this enquiry, it is only necessary to make one or two quotations from the articles of agreement and cession, entered into on the 24th of April 1802, between the commissioners of the United States and those of Georgia. In the first article, "the state of Georgia cedes to the United States all the right, title and claim, which the said state has to the jurisdiction and soil of the lands situated within the boundaries of the United States south of the state of Tennessee," &c. By the second article, "The United States accept the cession abovementioned, and on the conditions therein expressed; and they cede to the the state of Georgia whatever claim, right, or title, they may have to the jurisdiction or soil of any lands lying within the United States, and out of the proper boundaries of any other state, and situated south of the southern boundaries of the states of Tennessee, North Carolina and South Carolina, and east of the boundary line herein above described, as the eastern boundary of the territory ceded by Georgia to the United States." Whatever claim or title the United States might previously have had to the territory, they thought proper, in 1802, to combine with it, and to fortify it, by that of Georgia; and surely we shall not do any act, or adopt any principle, tending to impair the title under which we now exercise jurisdiction over the territory.

Were the legislature of Georgia, in 1795, invested with the constitutional power of making a sale of the territory, and did they make such sale to those from whom the present claimants derive their title or pretended title? And if such sale was made, what title or color of title did it convey?

In this age of political revolution and reformation, for I consider it as an age of reformation as well as revolution, there are still certain principles and maxims, not merely venerable for their antiquity, but consecrated by their conformity to the common sense and reason of mankind, which are considered as universal in their application, and irresistible in their influence. Among these may be numbered the principles which attach to the government of every regularly organised community, the power of pledging the public faith, and that of alienating the right of soil of the vacant territory of the nation. In every free government, there must exist the power of legislation or of making laws, a distinct power charged with the execution of the laws, and a judicial power; the union of these different powers in the same man or body of men is the very essence of despotism. Thus in France, prior to the revolution, it was a fundamental maxim of state that the king was the legislator of the French monarchy; and the power exercised in some instances by certain parliaments, of refusing to register the edicts of the mo-