

# Indiana Palladium.

EQUALITY OF RIGHTS IS NATURE'S PLAN—AND FOLLOWING NATURE IS THE MARCH OF MAN.—BARLOW.

Volume IV.]

LAWRENCEBURGH, INDIANA; SATURDAY, JULY 5, 1828.

[Number 26.]

## BY AUTHORITY

By the President of the United States of America.

## A PROCLAMATION.

Whereas a Convention of Friendship, Commerce and Navigation, between the United States of America and the Free Hanseatic Republics of Lubeck, Bremen and Hamburg, was concluded and signed by their Plenipotentiaries, at Washington, on the twentieth day of December in the year of our Lord one thousand eight hundred and twenty-seven; which Convention, being in the English and French languages, is, word for word, as follows:

### CONVENTION

Of Friendship, Commerce, and Navigation, between the United States of America, and the Free Hanseatic Republics of Lubeck, Bremen, and Hamburg.

The United States of America, on the one part, and the Republic and Free Hanseatic City of Lubeck, the Republic and Free Hanseatic City of Bremen, and the Republic and Free Hanseatic City of Hamburg, (each State for itself separately,) on the other part, being desirous to give greater facility to their commercial intercourse, and to place the privileges of their navigation on a basis of the most extended liberality, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall be observed between the one and the other, by means of a Convention of Friendship, Commerce and Navigation.

For the attainment of this most desirable object, the President of the United States of America has conferred full powers on Henry Clay, their Secretary of State; and the Senate of the Republic and free Hanseatic City of Lubeck, the Senate of the Republic and free Hanseatic City of Bremen, and the Senate of the Republic and free Hanseatic City of Hamburg, have conferred full powers on Vincent Rumpff, their Minister Plenipotentiary near the United States of America, who after having exchanged their said full powers, found in due and proper form, have agreed to the following articles:

### ARTICLE I.

The contracting parties agree, that whatever kind of produce, manufacture, or merchandise of any foreign country can be from time to time, lawfully imported into the United States, in their own vessels, may be also imported in vessels of the said free Hanseatic Republics of Lubeck, Bremen and Hamburg, and that no higher or other duties upon the tonnage or cargo of the vessel, shall be levied or collected, whether the importation be made in vessels of the United States, or of either of the said Hanseatic Republics. And, in like manner, that whatever kind of produce, manufacture, or merchandise of any foreign country, can be from time to time, lawfully imported into either of the said Hanseatic Republics, in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage or cargo of the vessel, shall be levied or collected, whether the importation be made in vessels of the one party, or of the other. And they further agree, that whatever may be lawfully exported, or re-exported, by one party in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other party. And the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the one party, or of the other. Nor shall higher, or other charges of any kind, be imposed in the ports of the one party, on vessels of the other, than are, or shall be, payable in the same ports by national vessels.

### ARTICLE II.

No higher or other duties shall be imposed on the importation, into the United States, of any article, the produce or manufacture of the free Hanseatic Republics of Lubeck, Bremen, and Hamburg; and no higher or other duties shall be imposed on the importation, into either of the said Republics, of any article, the produce or manufacture of the United States, than are, or shall be, payable on the like article, being the produce or manufacture of any other foreign country; nor shall any other, or higher duties or charges, be imposed by either party on the exportation of any articles to the United States, or to the free Hanseatic Republics of Lubeck, Bremen or Hamburg, respectively, than such as are, or shall be, payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the importation or exportation of any article, the produce

or manufacture of the United States, or of the free Hanseatic Republics of Lubeck, Bremen or Hamburg, to, or from, the ports of the U. States, or, to, or from, the ports of the other party, which shall not equally extend to all other nations.

### ARTICLE III.

No priority or preference shall be given, directly or indirectly, by any or either of the contracting parties, nor by any company, corporation, or agent acting on their behalf, or under their authority, in the purchase of any article, the growth, produce, or manufacture of their States, respectively imported into the other, on account or in reference to, the character of the vessel, whether it be of the one party or of the other, in which such article was imported; it being the true intent and meaning of the contracting parties, that no distinction of difference whatever shall be made in this respect.

### ARTICLE IV.

In consideration of the limited extent of the territories of the Republics of Lubeck, Bremen, and Hamburg, and of the intimate connexion of trade and navigation subsisting between these Republics, it is hereby stipulated and agreed, that any vessel which shall be owned exclusively by a citizen or citizens of any or either of them, and of which the master shall also be a citizen of any or either of them, and provided that three-fourths of the crew shall be citizens or subjects of any or either of the said Republics, or of any or either of the States of the confederation of Germany, such vessel, so owned and navigated, shall, for all the purposes of this Convention, be taken to be, and considered as, a vessel belonging to Lubeck, Bremen, or Hamburg.

### ARTICLE V.

Any vessel, together with her cargo, belonging to either of the free Hanseatic Republics of Lubeck, Bremen, or Hamburg, and coming from either of the said ports to the United States, shall for all the purposes of this Convention, be deemed to have cleared from the Republic to which such vessel belongs; although, in fact, it may not have been the one from which she departed; and any vessel of the United States, and her cargo, trading to the ports of Lubeck, Bremen or Hamburg, directly, or in succession, shall for the like purposes be on the footing of a Hanseatic vessel, and her cargo, making the same voyage.

### ARTICLE VI.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both parties, to manage, themselves, their own business, in all the ports and places subject to the jurisdiction of each other as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; submitting themselves to the laws decrees, and usages there established, to which native citizens are subjected; they being, in all these cases to be treated as citizens of the Republic in which they reside, or at least to be placed on a footing with the citizens or subjects of the most favored nation.

### ARTICLE VII.

The citizens of each of the contracting parties shall have power to dispose of their personal goods, within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such duties only as the inhabitants of the country wherein said goods are, shall be subject to pay in like cases; and if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of government of the respective States.

### ARTICLE VIII.

Both the contracting parties promise, and engage formally, to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient, or dwelling therein, leaving open and free to them, the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or

citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have as free opportunity as native citizens to be present at the decisions and sentences of the tribunals, in all cases which may concern them; and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

### ARTICLE IX.

The contracting parties, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy, frank, and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concessions was freely made, or on allowing the same compensation, if the concession was conditional.

### ARTICLE X.

The present convention shall be in force for the term of twelve years, from the date hereof; and further, until the end of twelve months after the Government of the United States, on the one part, or the free Hanseatic Republics of Lubeck, Bremen, or Hamburg, by either of them, on the other part, shall have given notice of their intention to terminate the same; each of the said contracting parties reserving to itself the right of giving such notice to the other at the end of the said term of twelve years; and it is hereby agreed between them, that, at the expiration of twelve months after such notice shall have been received by either of the parties from the other, this Convention, and all the provisions thereof, shall altogether cease and determine, as far as regards the States giving and receiving such notice; it being always understood and agreed, that, if one or more of the Hanseatic Republics aforesaid, shall, at the expiration of twelve years from the date hereof, give or receive notice of the proposed termination of this Convention, it shall nevertheless, remain in full force and operation, as far as regards the remaining Hanseatic Republics or Republic, which may not have given or received such notice.

### ARTICLE XI.

The present convention being approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof; and by the Senates of the Hanseatic Republics of Lubeck, Bremen and Hamburg, the ratifications shall be exchanged at Washington within nine months from the date hereof, or sooner, if possible.

In faith whereof, we, the Plenipotentiaries of the contracting parties, have signed the present Convention; and have, thereto, affixed our seals.

Done, in quadruplicate, at the City of Washington, on the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, in the fifty-second year of the Independence of the United States of America. [Signed]

[L.S.] H. CLAY.

[L.S.] V. RUMPF.

And whereas, the said Convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the second day of June, one thousand eight hundred and twenty-eight, by Henry Clay, Secretary of State of the United States, and Vincent Rumpff, Minister Plenipotentiary of the free Hanseatic Republics of Lubeck, Bremen and Hamburg, near the said United States, on the part of their respective Governments.

Now, therefore, be it known that I, John Quincy Adams, President of the United States of America, have caused the said Convention 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 second day of June, in the year of our Lord one thousand eight hundred and twenty-eight, and of the Independence of the United States the fifty-second.

JOHN QUINCY ADAMS.

By the President:

H. CLAY, Secretary of State.

The only aramantine flower on earth is virtue—the only lasting treasure, truth.

## LAWS OF THE UNITED STATES PASSED AT THE FIRST SESSION OF THE TWENTIETH CONGRESS.

[PUBLIC—No. 40.]

AN ACT supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That the three claims to land in the district of West Florida, contained in the reports of the Commissioners, and numbered four [4.] eight [8.] and ten [10.] excluding from the latter the land contained in certificate, and in the plats A and C, and the claims contained in the reports of the Commissioners of East Florida, and in the reports of the Receiver and Register, acting as such, made in pursuance of the several acts of Congress providing for the settlement of private land claims in Florida, and recommended for confirmation by said Commissioners; and by the Register and Receiver, be, and the same are hereby confirmed, to the extent of the quantity contained in one league square, to be located by the claimants, or their agents, within the limits of such claims or surveys filed, as aforesaid, before the said Commissioners, or Receiver and Register, which location shall be made within the bounds of the original grant in quantities of not less than one section, and to be bounded by sectional lines.

SEC. 2. And be it further enacted, That no more than the quantity of acres contained in a league square, shall be confirmed within the bounds of any one grant; and no confirmation shall be effectual until all the parties in interest, under the original grant, shall file with the Register and Receiver of the district where the grant may be situated, a full and final release of all claim to the residue contained in the grant; and where there shall be any minors incapable of acting within said Territory of Florida, a relinquishment by the legal guardian shall be sufficient; and thereafter the excess in said grants, respectively, shall be liable to be sold as other public lands of the United States.

SEC. 3. And be it further enacted, That all the decisions made by the Register and Receiver of the district of East Florida, acting *ex officio*, as commissioners, in pursuance of an act of Congress, approved the eighth of February, one thousand eight hundred and twenty-seven, authorizing them to ascertain and decide claims and titles to lands in the district aforesaid, and those recommended for confirmation under the quantity of three thousand five hundred acres, contained in the reports, abstracts and opinions, of the said Register and Receiver, transmitted to the Secretary of the Treasury, according to law, and referred by him to Congress, on the twenty-ninth January, one thousand eight hundred and twenty-eight, be, and the same are hereby confirmed. The confirmations authorized by this act shall operate only as a release of any claim had by the United States, and not to affect the interest of third persons.

SEC. 4. And be it further enacted, That the said Register and Receiver shall continue to examine and decide the remaining claims in East Florida, subject to the same limitations and in conformity with the provisions of the several acts of Congress, for the adjustment of private land claims in Florida, until the first Monday in December next, when they shall make a final report of all the claims aforesaid, in said district, to the Secretary of the Treasury; and it shall never be lawful, after that time, for any of the claimants to exhibit any further evidence in support of said claims. And the said Register and Receiver, and Clerk, shall receive the compensation provided in the act aforesaid, to be paid out of any money in the Treasury not otherwise appropriated: Provided, that the extra compensation of one thousand dollars, each, which is hereby allowed to the Register and Receiver, for services under and by the provisions of this act, shall not be paid until a report of all the claims be made to the Secretary of the Treasury.

SEC. 5. And be it further enacted, That the proper accounting Officers of the Treasury be, and they are hereby, authorized to adjust and pay the accounts of the Register and Receiver, acting as Commissioners, their contingent expenses, and the Receiver the compensation heretofore allowed for bringing their reports to Washington, out of any money in the Treasury not otherwise appropriated.

SEC. 6. And be it further enacted, That all claims to land within the Territory of

Florida, embraced by the treaty between Spain and the United States of the twenty second of February, one thousand eight hundred and nineteen, which shall not be decided and finally settled under the foregoing provisions of this act, containing a greater quantity of land than the commissioners were authorized to decide, and above the amount confirmed by this act; and which have not been reported, as antedated or forged by said commissioners, or Register and Receiver acting as such, shall be received and adjudicated, by the Judge of the Superior Court of the district within which the land lies, upon the petition of the claimant, according to the forms, rules, regulations, conditions, restrictions, and limitations prescribed by the district Judge, and claimants in the State of Missouri, by act of Congress, approved May twenty-sixth, eighteen hundred and twenty-four, entitled, "an act enabling the claimants to land within the limits of the State of Missouri, and Territory of Arkansas, to institute proceedings to try the validity of their claims;" Provided that nothing in this section shall be construed to authorize said Judges to take cognisance of any claim annulled by the said treaty, or the decree ratifying the same by the King of Spain, nor any claim not presented to the commissioners or Register and Receiver, in conformity to the several acts of Congress providing for the settlement of private land claims in Florida.

SEC. 7. And be it further enacted, That it shall be lawful for the claimants to lands, as aforesaid, to take an appeal, as directed in the act aforesaid, from the decision of the Judge of the District, to the Supreme Court of the United States within four months after the decision shall be pronounced; and the said Judges shall each be entitled to receive the extra compensation given to the District Judge of Missouri, for the performance of the duties required by this act, out of any money in the Treasury not otherwise appropriated.

SEC. 8. And be it further enacted, That so much of the said act, the provisions of which so far as they are applicable, and are not altered by this act, are hereby extended to the territory of Florida, as subjects the claimants to the payment of costs in any case where the decision may be in favor of their claims, be, and the same is hereby repealed; and the costs shall abide the decision of the cause as in ordinary causes before the said Court. And so much of the said act as requires the claimants to make adverse claimants parties to their suits, or to show the Court what adverse claimants there may be to the land claimed of the United States, be also hereby repealed.

SEC. 9. And be it further enacted, That it shall be the duty of the Attorney of the United States for the district in which the suits authorized by this act shall be instituted, in every case where the decision is against the United States to make out and transmit to the Attorney General of the United States a statement containing the facts of the case, and the points of law on which the same was decided; and it shall be the duty of the Attorney General, in all cases where the claim exceeds one league square, and in all other cases, if he shall in such latter case think the decision of the District Judge is erroneous, to direct an appeal to be made to the Supreme Court of the United States, and to appear for the United States, and prosecute such appeal; which appeal in behalf of the United States may be granted at any time within six months after the rendition of the judgment appealed from, or at any time before the expiration of the term thereof, which may commence next after the expiration of said six months; and it shall be the further duty of the District Attorney to observe the instruction given to him by the Attorney General in that respect.

SEC. 10. And be it further enacted, That it shall be lawful for the President of the United States to appoint a law agent, whose special duty it shall be to superintend the interests of the United States, in the premises, to continue him in place as long as the public interest requires his continuance; and to allow such pay to the agent as the President may think reasonable. It shall also be the duty of such agent to collect testimony in behalf of the United States, and to attend, on all occasions, when said claimants may take depositions; and no deposition so taken by them shall be read as evidence unless said agent or district attorney shall have been notified, in writing, of the time and place of taking them, so long previous to said time as to afford to him an opportunity of being present.