

In 1805-'06, Dr. Sibley made notes of the country and inhabitants adjacent to the Territory of Orleans and an account of Red River. Mr. Dunbar, of Natchez, in 1804, under authority of the United States, surveyed and explored the Washita. (See President Jefferson's message of February 14, 1806, to Congress.)

HISTORICAL REFERENCES.

Bancroft's History of the United States; Hildreth's History of the United States; History of Louisiana; Spanish, French, and American Domination: Chas. Gayarre.

THE PURCHASE OF THE EAST AND WEST FLORIDAS FROM SPAIN.

PRELIMINARY WORK AND NEGOTIATIONS.

Spain, by the discovery of Florida on Palm Sunday, March 27, 1512, and its occupation dating from the landing of Ponce de Leon near Saint Augustine, April 8, 1512, and the various expeditions following, including that of Fernando de Soto, in 1536, who explored its interior, acquired the right to the possession of the Territory of Florida. Sir Francis Drake's capture of Saint Augustine, in 1586, was temporary. In 1736, Spain ceded Florida to Great Britain, in exchange for the island of Cuba, and the British flag was raised over it. In 1783, after the conclusion of the definitive treaty of peace between Great Britain and the United States, Great Britain ceded to Spain the provinces of East and West Florida, and they again came under the flag of Spain. This cession gave no definition of boundaries, and the province of West Florida became a subject of dispute between the United States and Spain.

THE PERDIDO CLAIM.

Great Britain held that the thirty-first parallel of north latitude was the northern boundary of the province she ceded, extending from the Appalachicola to the Mississippi River, and by another treaty made at the same time stated that the territory to the north of that parallel belonged to the United States (now in Alabama and Mississippi). The United States thereupon insisted upon the boundary at the thirty-first parallel north latitude. Spain claimed that the province of West Florida as ceded by Great Britain to her, remained as it was declared to be by the proclamation of the King of Great Britain, of date October 7, 1763, and extended by the recommendation of the British Board of Trade, June 6, 1764, and so held and governed by the British Government as shown by communications to Governor Elliott, of May 15, 1767. This included the territory between the rivers that bounded the original province and between the thirty-first parallel north latitude (going north) and to that of a line east and west from the mouth of the Yazoo River. Spain at once took possession of this territory and held it for a time, but by the treaty of 1795, October 27, waived claims to the territory north of latitude 31° north. This left the remainder of the province of West Florida still in doubt—that portion between the Iberville and Perdido rivers, and south of latitude 31° north, the national boundary. The United States claimed this country under the following title: October 1, 1800, Spain ceded to France the province of Louisiana. France, by the treaty of Paris, sold the same to the United States, April 30, 1803. Spain claimed after 1803, and up to 1819 (date of her sale of Florida to the United States) that the cession to France was only for the city and island of New Orleans and the province of Louisiana west of the Mississippi River, which she had in 1762 received from France. Part of this Perdido claim was afterwards annexed below 31° north latitude to the States of Alabama and Mississippi, extending thence to the Gulf. The United States by joint resolution of Congress, January 15, 1811, and acts of like date and of March 3, 1811, passed in secret session, made public in 1817, occupied and held this disputed territory for a time. Spain and France protested, but the United States never withdrew its claim to the territory.

The cession of the province of Louisiana by France in 1803 gave the United States a title to the territory west of the Perdido. This was also occupied.

Before and after the purchase of Louisiana, Mr. Jefferson looked toward the purchase of the province of Florida from Spain, and after the decision of Congress he appointed Mr. Armstrong, of New York, and Mr. Bowdoin, of Massachusetts, to negotiate the purchase of Florida from Spain. This negotiation failed. Then Mr. Monroe was called upon to join Mr. Pinckney, minister at Madrid, in the settlement of our difficulties with Spain both as to boundaries and claims for commercial spoliations. Mr. Monroe, in a letter to M. Talleyrand at Paris, November 4, 1804, gives a full statement of this, as well as did Mr. Livingston, in a letter of date November 12, 1804, at Paris, to M. Talleyrand, wherein he states "that Mr. Monroe, minister plenipotentiary from the United States to the court of London, is now here, on his way to Spain, where he is specially charged, in conjunction with Mr. Pinckney, to negotiate for the purchase of Florida." These letters asked the favorable intervention of the Emperor Napoleon with the Spanish King in the matter of the purchase. Talleyrand in his answer intimated that Bonaparte nonconcurred in the American view of the boundary question.

January 28, 1805, Messrs. Monroe and Pinckney addressed a letter to Don Pedro Cevallos, inclosing a project of a convention between the countries. This was answered by Don Cevallos January 31, 1805. A correspondence running until the 15th of May then followed, and ended in a refusal on the part of the King to treat further and in a rejection of the proffer of adjustment or purchase. On May 22, 1805, Mr. Monroe took leave of the King.

In 1807 Spain issued a decree similar to the French decree of November 21, 1806. This intensified public feeling aided by the fact that the question of settlement of national boundaries (Louisiana) and spoliation claims had not been settled between the two countries. A new Spanish minister, Don Onis, in 1808, arrived in behalf of the supporters of the royal family who had rebelled against Bonaparte's rule in Spain. President Jefferson declined to receive him.

In 1810, in the province of West Florida, and in that part lying on the Mississippi River, disturbances took place and the authority of Spain was defied. The fort at Baton Rouge was seized. The citizens declared themselves independent, adopted a flag, and made proclamation of the fact.

October 27, 1810, President Madison issued proclamation taking possession of the east bank of the Mississippi under the treaty of 1803, claiming that occupation was necessary to protect both the United States and Spain from violence, and would leave the question of ownership for the future. Governor Claiborne, of Orleans Territory, was dispatched at once from Washington to take possession. An attack upon Mobile by a party from near Fort Stoddart failed. They threatened another attack, whereupon Folek, the Spanish governor, in a letter to the American authorities hinted at a probability of his desiring to treat with them for the transfer of the province, unless he was re-enforced from Havana or Vera Cruz.

This occupation met strong opposition in the United States. An expedition was organized and acted against the Seminole Indians in East Florida. The legislature of Georgia, November 20, 1812, resolved that the occupation of Florida was essential to the safety of the State, and passed an act to raise a State force to act against Saint Augustine and punish the Indians. Early in 1813 a volunteer force entered Florida. Orders were issued July 14, 1814, by the War Department, to Andrew Jackson commanding, to take possession of the town of Pensacola, as Florida at this time had become a place of organization for marauding bands to act against the United States. The orders were six months reaching him. In the mean time a British naval force arrived at Pensacola and landed some troops under Colonel Nichols, who at once began to arm and equip the Creek refugees, enemies of the United States. The orders to General Jackson were countermanded October 21, 1814, but he, in the mean time, had entered Pensacola, driven out the British, and delivered the place to the Spanish authorities. Congressional inquiries were made this year of the executive department as to the position of the United States in relation to Spain. The answer was that it was friendly.

In 1815 Don Onis, the Spanish ambassador, was recognized. In 1816 the Spanish minister at Washington remonstrated against the continued occupation by the United States of West Florida and insisted on non-intercourse between the United States and Mexico, that province being then in revolt against Spain. Mr. Monroe, Secretary of State for President Madison, suggested that as West Florida was now separated from the Spanish possessions of Mexico, it was of but little advantage to Spain to hold it, and an exchange of part of Louisiana bordering on Texas was suggested for Florida, and neutrality as to Mexico was intimated; but nothing definite resulted from this correspondence.

In 1817, Mr. Monroe now being President, it was proposed to receive from Spain in settlement of the claims held by citizens of the United States against her, the cession of the province of Florida. This embraced the offer to accept for a western boundary of Louisiana the river Colorado, of Texas. To this Don Onis, the Spanish minister, objected.

A correspondence now ensued, from July 4, 1817, to March 18, 1818, between John Quincy Adams, Secretary of State, and Don Luis de Onis, which explains fully the differences between the two nations and their respective claims as to boundaries. (See American State Papers, vol. 12, pp. 1 to 195.)

During 1817, the Seminoles residing on Spanish territory harbored a large number of refugee Creeks of the late war. They were a constant source of alarm and war to the Georgia settlers. The Indians, in retaliation for their expulsion from the just ceded Creek territory, north of the line of Florida, attacked and captured a boat on the Apalachicola River. General Jackson was ordered to take command in person of the United States forces in the South, and orders were issued to pursue the Indians into Florida if necessary. In 1818, the statement of President Monroe, in his message to Congress, that expeditions had been authorized against Amelia Island and Galveston, was met with a protest from Don Luis de Onis, the Spanish minister at Washington. March 14, 1818, President Monroe transmitted to Congress the correspondence between John Quincy Adams and Don Luis de Onis, above referred to.

In April, 1818, General Jackson had, in the prosecution of the Indian (Seminole) war, taken possession of the Spanish fort at St. Mark's, Florida, taking it with force but without bloodshed, and thus Florida was occupied by troops of the United States. On May 24, 1818, General Jackson, on a rumor of the encouragement of an Indian invasion of Alabama (having the day before received a protest from the Spanish governor against the invasion, and a promise of resistance), entered the city of Pensacola. The governor held the fort at the Barrancas. An assault was ordered against it, when it capitulated on the 27th of May. On June 17, the Spanish minister protested to the United States against General Jackson's acts while a treaty was under consideration. The unfulfilled treaty agreements of Spain to restrain Indians in her territory from raiding the United States was set up, and the aid and assistance rendered the Indians by the forts at St. Mark's and Pensacola was held to be sufficient ground for their seizure, and that now that the Indian war was over, the two forts would be surrendered to Spain, when Spain would agree to garrison them with a force large enough to control the Indians.

The ratification of the convention of 1802, (now October, 1818,) arrived from Spain.

NEGOTIATIONS OPENED FOR CESSION, 1818.

De Onis opened negotiations under the instructions he had received with the ratification of the convention of 1802. He asked conditions, and that the boundary of the territory of Spain west of the Mississippi should be due north of a line commencing on the Gulf of Mexico east of the river Sabine, and extending to the Missouri, and thence to its source. Secretary Adams offered in reply, October 31, 1818, as his ultimatum, to accept as a boundary for the Spanish possessions west of the Mississippi (which would be the western and the southern boundary of the Louisiana province purchased from France in 1803) the river Sabine to the thirty-third degree north lati-

tude, thence to the Red River due north, that river to its source, the crest of the Rocky Mountains to the forty-first degree north latitude, and a line thence due west to the Pacific Ocean, about the present boundary of the Louisiana purchase. This claim Don Onis (November 16) pronounced unheard of, and proffered in lieu an agreement to the line of the Sabine River, with a line due north to the Missouri, and from and along that river to its head. Here the negotiations rested for a time, pending instructions from Spain. In the Congress of 1819, in January, a fierce debate came on as to the right of invasion of Spanish soil in Florida. February 22, 1819, John Quincy Adams, on behalf of the United States, and Don Luis de Onis, on behalf of Spain, at Washington, signed the treaty of the cession of Florida to the United States, as follows :

Treaty of amity, settlement, and limits between the United States of America and his catholic majesty. Concluded February 22, 1819; ratifications exchanged February 22, 1821; proclaimed February 22, 1821. Also ratification of the same by the King of Spain, October 24, 1820.

The United States of America and his catholic majesty, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevails between the two parties, have determined to settle and terminate all their differences and pretensions, by a treaty, which shall designate, with precision, the limits of their respective bordering territories in North America.

With this intention the President of the United States has furnished with their full powers John Quincy Adams, Secretary of State of the said United States; and his catholic majesty has appointed the Most Excellent Lord Don Luis De Onis, Gonzales, Lopez y Vara, Lord of the town of Rayaces, Perpetual Regidor of the Corporation of the city of Salamanca, Knight Grand Cross of the Royal American Order of Isabella the Catholic, decorated with the Lys of La Vendée, Knight Pensioner of the Royal and Distinguished Spanish Order of Charles the Third, Member of the Supreme Assembly of the said Royal Order; of the Council of his catholic majesty; his secretary, with exercise of decrees, and his envoy extraordinary and minister plenipotentiary near the United States of America;

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

ART. I. There shall be a firm and inviolable peace and sincere friendship between the United States and their citizens and his catholic majesty, his successors and subjects, without exception of persons or places.

ART. II. His catholic majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida. The adjacent islands dependent on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property, archives and documents, which relate directly to the property and sovereignty of said provinces, are included in this article. The said archives and documents shall be left in possession of the commissaries or officers of the United States, duly authorized to receive them.

ART. III. The boundary line between the two countries, west of the Mississippi, shall begin on the Gulph of Mexico, at the mouth of the river Sabine, in the sea, continuing north, along the western bank of that river, to the 32d degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then following the course of the Rio Roxo westward, to the degree of longitude 100 west from London and 23 from Washington; then, crossing the said Red River, and running thence, by a line due north, to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude 42 north; and thence, by that parallel of latitude, to the South Sea. The whole as being laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818. But if the source of the Arkansas River shall be found to fall north or south of latitude 42, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence, along the said parallel, to the South Sea: All the islands in the Sabine, and the said Red and Arkansas rivers, throughout the course thus described, to belong to the United States; but the use of the waters, and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions, to the territories described by the said line, that is to say: The United States hereby cede to his catholic majesty, and renounce forever, all their rights, claims, and pretensions, to the territories lying west and south of the above-described line; and, in like manner, his catholic majesty cedes to the said United

States all his rights, claims, and pretensions to any territories east and north of the said line, and for himself, his heirs, and successors, renounces all claim to the said territories forever.

ART. IV. To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a commissioner and a surveyor, who shall meet before the termination of one year from the date of the ratification of this treaty at Natchitoches, on the Red River, and proceed to run and mark the said line, from the mouth of the Sabine to the Red River, and from the Red River to the river Arkansas, and to ascertain the latitude of the source of the said river Arkansas, in conformity to what is above agreed upon and stipulated, and the line of latitude 42, to the South Sea: they shall make out plans, and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

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

ART. VI. The inhabitants of the territories which his catholic majesty cedes to the United States, by this treaty, shall be incorporated in the Union of the United States, as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

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

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

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

The renunciation of the United States will extend to all the injuries mentioned in the convention of the 11th of August, 1802.

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

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

4. To all claims of citizens of the United States upon the government of Spain, arising from the unlawful seizures at sea, and in the ports and territories of Spain, or the Spanish colonies.

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

The renunciation of his catholic majesty extends—

1. To all the injuries mentioned in the convention of the 11th of August, 1802.

2. To the sums which his catholic majesty advanced for the return of Captain Pike from the Provincias Internas.

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

4. To all claims of Spanish subjects upon the Government of the United States

arising from unlawful seizures at sea, or within the ports and territorial jurisdiction of the United States.

Finally, to all the claims of subjects of his catholic majesty upon the Government of the United States in which the interposition of his catholic majesty's government has been solicited, before the date of this treaty and since the date of the convention of 1802, or which may have been made to the department of foreign affairs of His Majesty, or to his minister in the United States.

And the high contracting parties, respectively, renounce all claim to indemnities for any of the recent events or transactions of their respective commanders and officers in the Floridas.

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

ART. X. The convention entered into between the two governments, on the 11th of August, 1802, the ratifications of which were exchanged the 21st of December, 1818, is annulled.

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

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

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

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

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

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

are claimed shall appear in the one or the other, they shall be arrested, held in custody, and delivered to the vessel to which they shall belong.

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

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

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

In witness whereof we, the underwritten plenipotentiaries of the United States of America and of his catholic majesty, have signed, by virtue of our powers, the present treaty of amity, settlement, and limits, and have thereunto affixed our seals, respectively.

Done at Washington this twenty-second day of February, one thousand eight hundred and nineteen.

JOHN QUINCY ADAMS. [L. S.]
LUIS DE ONIS. [L. S.]

POLITICAL ACTION ON THE TREATY.

This treaty was unanimously ratified by the Senate of the United States. Spain did not ratify at once, but let the time fixed for ratification expire. Congress, in expectation of an immediate ratification by Spain, passed an act authorizing the President to take possession of the Floridas.

The hesitation of Spain to ratify was the cause of vigorous and urgent diplomatic action. De Onis was recalled as Spanish ambassador, and Don Vives sent out. He came by the way of Paris and London. On his arrival at Washington he opened a correspondence with Mr. Adams, who demanded action upon the treaty already entered into between the United States and Spain, upon full powers and in conformity to instructions. A stormy political discussion took place in Congress pending ratification by Spain. Much was made of the proposed western boundary of Louisiana.

RATIFICATION BY THE KING OF SPAIN.

October 29, 1820, the treaty was ratified by the King of Spain.

Ratification by His Catholic Majesty, on the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and twenty.*

Ferdinand the Seventh, by the Grace of God and by the constitution of the Spanish monarchy, King of the Spains.

Whereas on the twenty-second day of February, of the year one thousand eight hundred and nineteen last past, a treaty was concluded and signed in the city of Washington, between Don Luis de Onis, my envoy extraordinary and minister plenipotentiary, and John Quincy Adams, Esq., Secretary of State of the United States of America, competently authorized by both parties, consisting of sixteen articles, which had for their object the arrangement of differences and of limits between both governments and their respective territories, which are of the following form and literal tenor:

[Here follows the above treaty, word for word.]

Therefore, having seen and examined the sixteen articles aforesaid, and having first obtained the consent and authority of the General Cortes of the nation with respect to the cession mentioned and stipulated in the 2d and 3d articles, I approve and ratify all and every one of the articles referred to, and the clauses which are con-

* Translation.

tained in them; and, in virtue of these presents, I approve and ratify them; promising, on the faith and word of a King, to execute and observe them, and to cause them to be executed and observed entirely as if I myself had signed them; and that the circumstance of having exceeded the term of six months, fixed for the exchange of the ratifications in the 16th article, may afford no obstacle in any manner, it is my deliberate will that the present ratification be as valid and firm, and produce the same effects, as if it had been done within the determined period. Desirous at the same time of avoiding any doubt or ambiguity concerning the meaning of the 8th article of the said treaty, in respect to the date which is pointed out in it as the period for the confirmation of the grants of lands in the Floridas, made by me, or by the competent authorities in my royal name, which point of date was fixed in the positive understanding of the three grants of land made in favor of the Duke of Alagon, the Count of Punonrostro, and Don Pedro de Vargas, being annulled by its tenor, I think proper to declare that the said three grants have remained and do remain entirely annulled and invalid; and that neither the three individuals mentioned, nor those who may have title or interest through them, can avail themselves of the said grants at any time, or in any manner; under which explicit declaration the said 8th article is to be understood as ratified. In the faith of all which I have commanded to despatch these presents. Signed by my hand, sealed with my secret seal, and countersigned by the underwritten my Secretary of Despatch of State.

Given at Madrid, the twenty-fourth of October, one thousand eight hundred and twenty.

FERNANDO.

EVARISTO PEREZ DE CASTRO.

[Copies of the grants annulled by the foregoing treaty will be found in 8 Statutes at Large, page 267, *et seq.*]

The treaty was again sent to the Senate of the United States for ratification, and ratified February 19, 1821, there being but four dissenting votes.

PROCLAMATION OF TREATY.

February 22d, 1821, two years after the signing by the agents of the respective governments, President Monroe issued the following proclamation:

By the President of the United States: a Proclamation.

Whereas, a treaty of amity, settlement, and limits between the United States of America and His Catholic Majesty was concluded and signed between their plenipotentiaries in this city, on the twenty-second day of February, in the year of our Lord one thousand eight hundred and nineteen, which treaty, word for word, is as follows:

[Here follows the treaty in full.]

And whereas, his said Catholic Majesty did, on the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and twenty, ratify and confirm the said treaty, which ratification is in the words and of the tenor following:

[Here follows the ratification by the King of Spain in full.]

And whereas, the Senate of the United States did, on the nineteenth day of the present month, advise and consent to the ratification, on the part of these United States, of the said treaty, in the following words:

“IN SENATE OF THE UNITED STATES, *February 19, 1821.*

“*Resolved, two-thirds of the Senators present concurring therein,* That the Senate, having examined the treaty of amity, settlement, and limits between the United States of America and His Catholic Majesty, made and concluded on the twenty-second of February, one thousand eight hundred and nineteen, and seen and considered the ratification thereof made by his said Catholic Majesty on the twenty-fourth day of October, one thousand eight hundred and twenty, do consent to and advise the President of the United States to ratify the same.”

And whereas, in pursuance of the said advice and consent of the Senate of the United States, I have ratified and confirmed the said treaty, in the words following, *viz.:*

“Now, therefore, I, James Monroe, President of the United States of America, having seen and considered the treaty above recited, together with the ratification of His Catholic Majesty thereof, do, in pursuance of the aforesaid advice and consent of the Senate of the United States, by these presents, accept, ratify, and confirm, the said treaty, and every clause and article thereof, as the same are herein before set forth.

“In faith whereof I have caused the seal of the United States of America to be hereto affixed.

“Given under my hand, at the city of Washington, this twenty-second day of Feb-

ruary, in the year of our Lord one thousand eight hundred and twenty-one, and of the Independence of the said States the forty-fifth.

“By the President:

“JAMES MONROE.

“JOHN QUINCY ADAMS,
“*Secretary of State.*”

And whereas the said ratifications, on the part of the United States, and of His Catholic Majesty, have been this day duly exchanged, at Washington, by John Quincy Adams, Secretary of State of the United States, and by General Dn. Francisco Dionisio Vives, envoy extraordinary and minister plenipotentiary of His Catholic Majesty: 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 twenty-second day of February, in the year of our Lord one thousand eight hundred and twenty-one, and of the sovereignty and Independence of the United States the forty-fifth.

[L. s.]

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

THE SEVERAL ACTS AND DEEDS ACQUIRING POSSESSION OF THE FLORIDAS.

Col. Robert Butler was appointed commissioner under the treaty on the part of the United States, and Don José Coppinger on the part of Spain, for East Florida.

March 3, 1821, Congress authorized, by law, the President to organize a temporary government for Florida pending legislation.

President Monroe, March 10, 1821, appointed Major-General Andrew Jackson governor, his commission vesting in him all the powers and duties heretofore held and exercised by the captain-general, intendant, and governor under Spain.

SURRENDER OF THE FLORIDAS BY SPAIN.

July 10, 1821, Don José Coppinger, appointed a commissioner by the captain-general of Cuba, and Col. Robert Butler, appointed a commissioner on the part of the United States, met at Saint Augustine and, after inventory, proceeded to turn over for Spain and receive for the United States the province of East Florida.

Copy of the paper in the English language, signed by the commissioner on the part of the United States, and the commissioner on the part of His Catholic Majesty, upon the delivery of possession of the province of East Florida to the United States.

In the place of St. Augustine, and on the 10th day of July, eighteen hundred and twenty-one, Don José Coppinger, colonel of the national armies, and commissioner, appointed by his excellency the captain-general of the island of Cuba, to make a formal delivery of this said place and province of East Florida to the Government of the United States of America, by virtue of the treaty of cession concluded at Washington on the 22d of February, 1819, and the royal schedule of delivery of the 24th of October, of the last year, annexed to the documents mentioned in the certificate that form a heading to these instruments in testimony thereof, and the adjutant-general of the southern division of said States, Colonel Don Robert Butler, duly authorized by the aforesaid Government to receive the same; we having had several conferences in order to carry into effect our respective commissions, as will appear by our official communications, and having received by the latter, the documents, inventories, and plans, appertaining to the property and sovereignty of the Spanish nation held in this province and its adjacent islands depending thereon, with the sites, public squares, vacant lands, public edifices, fortifications, and other works, not being private property, and the same having been preceded by the arrangements and formalities that, for the greater solemnity of this important act, they have judged proper, there has been verified, at four o'clock of the evening of this day, the complete and personal delivery of the fortifications, and all else of this aforesaid province to the commissioner, officers, and troops of the United States; and, in consequence thereof, having embarked for the Havana the military and civil officers and Spanish troops, in the American transports provided for this purpose, the Spanish authorities having this moment ceased the exercise of their functions, and those appointed by the American Government having began theirs; duly noting that

we have transmitted to our governments the doubts occurring whether the artillery ought to be comprehended in the fortifications, and if the public archives, relating to private property, ought to remain and be delivered to the American Government by virtue of the cession, and that there remains in the fortifications, until the aforesaid resolution is made, the artillery, munitions, and implements, specified in a particular inventory, awaiting on these points, and the others appearing in question in our correspondence, the superior decision of our respective governments, and which is to have, whatever may be the result, the most religious compliance at any time that it may arrive, and in which the possession that at present appears given shall not serve as an obstacle.

In testimony of which, and that this may at all times serve as an expressive and formal receipt in this act, we, the subscribing commissioners, sign four instruments of this same tenor, in the English and Spanish languages, at the above-mentioned place, and said day, month, and year.

ROBERT BUTLER.
JOSÉ COPPINGER.

[To the original act there is a certificate in the Spanish language, of which the following is a translation :]

In faith whereof I certify that the preceding act was executed in the presence of the illustrious Ayuntamiento, and various private persons assembled, and also of various military and naval officers of the Government of the United States of America.

JUAN DE ENTRALGO,
Notary of the Government and Secretary of the Cabildo.

ST. AUGUSTINE, 10th July, 1821.

TRANSFER OF THE PROVINCE OF WEST FLORIDA.

The Province of West Florida was transferred to the United States July 17, 1821. It was received by General Jackson, commissioner on behalf of the United States, from José Callava, commissioner on behalf of Spain, at Pensacola.

Copy of the paper in the English language signed by the commissioner on the part of the United States, and the commissioner on the part of his catholic majesty, upon the delivery of possession of the province of West Florida to the United States.

The undersigned, Major General Andrew Jackson, of the State of Tennessee, commissioner of the United States, in pursuance of the full powers received by him from James Monroe, President of the United States of America, of the date of the 10th of March, 1821, and of the 45th of the Independence of the United States of America, attested by John Quincy Adams, Secretary of State, and Don José Callava, commandant of the province of West Florida, and commissioner for the delivery, in the name of his catholic majesty, of the country, territories, and dependencies, of West Florida, to the commissioner of the United States, in conformity with the powers, commission, and special mandate, received by him from the captain-general of the Island of Cuba, of the date of the 5th of May, 1821, imparting to him therein the royal order of the 24th of October, 1820, issued and signed by his catholic majesty, Ferdinand the Seventh, and attested by the secretary of state, Don Evaristo Perez de Castro.

Do certify by these presents, that, on the seventeenth day of July, one thousand eight hundred and twenty-one of the Christian æra, and forty-sixth of the Independence of the United States, having met in the court-room of the government house in the town of Pensacola, accompanied on either part by the chiefs and officers of the army and navy, and by a number of the citizens of the respective nations, the said Andrew Jackson, major-general and commissioner, has delivered to the said Colonel Commandant Don José Callava, his before-mentioned powers; whereby he recognizes him to have received full power and authority to take possession of, and to occupy, the territories ceded by Spain to the United States by the treaty concluded at Washington on the 22d day of February, 1819, and for that purpose to repair to said territories, and there to execute and to perform all such acts and things touching the premises, as may be necessary for fulfilling his appointment conformably to the said treaty and the laws of the United States, with authority likewise to appoint any person or persons in his stead, to receive possession of any part of the said ceded territories, according to the stipulations of the said treaty: Wherefore, the Colonel Commandant Don José Callava immediately declared, that, in virtue and in performance of the power, commission, and special mandate, dated at Havana on the 5th of May, 1821, he thenceforth, and from that moment, placed the said commissioner of the United States in possession of the country, territories, and dependencies, of West Florida, including the fortress of St. Marks, with the adjacent islands dependent upon said province, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other build-

ings which are not private property, according to, and in the manner set forth by, the inventories and schedules which he has signed and delivered with the archives and documents directly relating to the property and sovereignty of the said territory of West Florida, including the fortress of St. Marks, and situated to the east of the Mississippi River, the whole in conformity with the second article of the treaty of cession concluded at Washington the 22d of February, 1819, between Spain and the United States, by Don Luis de Onís, minister plenipotentiary of his catholic majesty, and John Quincy Adams, Secretary of State of the United States, both provided with full powers, which treaty has been ratified on the one part by his catholic majesty, Ferdinand the Seventh, and the President of the United States, with the advice and consent of the Senate of the United States, on the other part; which ratifications have been duly exchanged at Washington the 22d of February, 1821, and the forty-fifth of the Independence of the United States of America, by General Don Dyonisius Vives, minister plenipotentiary of his catholic majesty, and John Quincy Adams, Secretary of State of the United States, according to the instrument signed on the same day: And the present delivery of the country is made in order that, in execution of the said treaty, the sovereignty and the property of that province of West Florida, including the fortress of St. Marks, shall pass to the United States, under the stipulations therein expressed.

And the said Colonel Commandant Don José Callava has, in consequence, at this present time, made to the commissioner of the United States, Major-General Andrew Jackson, in this public cession, a delivery of the keys of the town of Pensacola, of the archives, documents, and other articles, in the inventories before mentioned; declaring that he releases from their oath of allegiance to Spain the citizens and inhabitants of West Florida who may choose to remain under the dominion of the United States.

And that this important and solemn act may be in perpetual memory, the within named have signed the same, and have sealed with their respective seals, and caused to be attested by their secretaries of commission, the day and year aforesaid.

ANDREW JACKSON.

By order of the Commissioner on the part
of the United States.

R. K. CALL,
Sec'y of the Commission.

JOSÉ CALLAVA.

Por mandato de su senoria el Coronel Com-
isario del Gobierno de España.

JOSÉ Y. CRUZAT,
El Secretario de la Comision.

July 17, 1821, the date of the transfer of West Florida, General Jackson at Pensacola issued the following:

Proclamation by Major-General Andrew Jackson, governor of the provinces of the Floridas, exercising the powers of the captain-general and of the intendant of the island of Cuba, over the said provinces, and of the governors of said provinces, respectively.

Whereas, by the treaty concluded between the United States and Spain, on the 22d day of February, 1819, and duly ratified, the provinces of the Floridas were ceded by Spain to the United States, and the possession of the said provinces is now in the United States:

And whereas the Congress of the United States, on the 3d day of March, in the present year, did enact that, until the end of the first session of the Seventeenth Congress, unless provision for the temporary government of said provinces be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the said provinces, shall be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for the maintaining the inhabitants of said territories in the free enjoyment of their liberty, property, and religion; and the President of the United States has, by his commission, bearing date the tenth day of said March, invested me with all the powers, and charged me with the several duties, heretofore held and exercised by the captain-general, intendant, and governors, aforesaid:

I have, therefore, thought fit to issue this my proclamation, making known the premises, and to declare that the government heretofore exercised over the said provinces, under the authority of Spain, has ceased, and that that of the United States of America is established over the same; that the inhabitants thereof will be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States; that, in the mean time, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion they profess; that all laws and municipal regulations which were in existence at the cessation of the late government, remain in full force; and all civil officers charged with their execution, except those whose powers have been especially vested in me, and except, also, such officers as have been intrusted with the collection of the revenue, are continued in their functions, during the pleasure of the governor for the time being, or until provision shall otherwise be made.

And I do hereby exhort and enjoin all the inhabitants and other persons within the said provinces, to be faithful and true in their allegiance to the United States, and obedient to the laws and authorities of the same, under full assurance that their just rights will be under the guardianship of the United States, and will be maintained from all force and violence from without or within.

Given at Pensacola this [*tenth* day of July for East Florida, and *seventeenth* day of July for West Florida,] one thousand eight hundred and twenty-one.

ANDREW JACKSON.

By the governor :

R. K. CALL, *Acting Secretary of the Floridas.*

ST. AUGUSTINE, EAST FLORIDA, July 10, 1821.

By the governor :

ROBERT BUTLER, *United States Commissioner.*

And thus the banner of Spain, which was first raised in Florida April 8, 1512, giving place temporarily to the English from 1736 to 1783, was on the 10th and 17th of July, 1821, after a period of about three hundred and eight years, replaced by the flag of the United States.

BOUNDARIES OF THE FLORIDAS.

General Jackson had serious difficulties thereafter with the Spanish officials in obtaining documents and papers relating to the transfer.

March 30, 1822, Congress passed an organic act for the Territory of Florida, providing a civil government, and thus superseding the laws of Spain, which continued in force until this action by Congress. William P. Duval was appointed governor. The treaty stipulation in regard to the western and southern boundary of the Louisiana purchase, or eastern and western boundary of the Spanish possessions (Mexico) west of the Mississippi, were not carried out with Spain because of the war between Mexico and Spain.

January 12, 1828, the United States entered into treaty with Mexico, J. R. Poinsett acting on behalf of the United States, and S. Camacho and J. Y. Esteva on the part of Mexico, at the City of Mexico. (Ratifications exchanged April 5, 1832; proclaimed April 5, 1832.) This treaty referred to the Florida treaty of 1819, and to the boundary line which was established by Spain when Mexico constituted part of that monarchy, and confirmed the third and fourth articles of the treaty of Spain with the United States of 1819. It was ratified by the Senate of the United States with only three dissenting votes. This treaty was carried out, and the boundary between the United States and Mexico fixed as follows:

The boundary line between the two countries, west of the Mississippi, shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north along the western bank of that river to the thirty-second degree of latitude; thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then following the course of the Rio Roxo westward to the degree of longitude one hundred west from London and twenty-three from Washington; then crossing the said Red River, and running thence by a line due north to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude forty-two north; and thence, by that parallel of latitude, to the South Sea; the whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, one thousand eight hundred and eighteen. But if the source of the Arkansas River shall be found to fall north or south of latitude forty-two, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude forty-two, and thence along the said parallel to the South Sea, all the islands in the Sabine, and the said Red and Arkansas rivers, throughout the course thus described, to belong to the United States of America; but the use of the waters and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary on their respective banks, shall be common to the respective inhabitants of both nations.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions to the territories described by the said line; that is to say, the United States hereby cede to his catholic majesty, renounce forever, all their rights, claims, and pretensions to the territories lying west and south of the above-described line;

and, in like manner, his catholic majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of the said line; and for himself, his heirs, and successors, renounces all claim to the said territories forever.

COST AND AREA OF THE PURCHASE.

The Florida treaty cost the Government of the United States \$5,000,000 in bonds similar to those issued for the Louisiana purchase, and \$1,489,768 of interest on the same to the time of redemption, delivered to the Spanish Government, a total of \$6,489,768, and added to the national and public domain 59,268 square miles or 37,931,520 acres, or the present State of Florida, including certain grants.

The land laws of the United States were afterward extended, as to surveys and disposition, over Florida, and the lands were disposed of thereunder, excepting certain grants made by English and Spanish authorities.

Decisions of the Supreme Court of the United States under this treaty, in relation to lands and land titles, were in the cases of *Foster et al. v. Neilson* (2 Peters, 306); *Souland et al. v. The United States* (4 Peters, 511); *Delaware v. The United States* (9 Peters, 117); *Mitchel et al. v. The United States* (9 Peters, 711); *The United States v. Kingsley* (12 Peters, 476); *The United States v. Arredondo* (6 Peters, 706); *The United States v. Percheman* (9 Peters, 51).

Authorities cited hereunder: Hildreth, *History of the United States*, vol. 6; Benton, *Thirty Years in the United States Senate*, vol. 1; "Treaties and Conventions," State Department series, July 4, 1776-1871; *American State Papers*, vol. 12, Waite & Sons, 1817; *Charters and Constitutions*, Ben. Perley Poore, vol. 1; *Reports Supreme Court of the United States*, Peters, vols. 2, 4, 6, 7, 9, and 12.

ANNEXATION OF THE REPUBLIC OF TEXAS.

POLITICAL HISTORY.

The area embraced in the Texas annexation of 1845 was originally embraced in the French or Spanish possessions west of the Mississippi. France never ceded her claim to Texas due to discovery by La Salle in 1682, and colonization in 1685, February 18, at Matagorda Bay. In 1676 the Marquis Laguna, Viceroy of Mexico, sent an expedition to capture the country. In 1691 Don Domingo Teran was appointed governor of Cohahuila and Texas, under Spain. The United States purchased the province of Louisiana from France in 1803 and her claims to this territory as well. By the treaty of purchase of Florida in 1819 from Spain, however, the United States agreed to the present eastern boundary of the State of Texas as the eastern boundary of Spanish possessions. The United States of Mexico obtained, under the treaty at Cordova, February 24, 1821, their independence of Spanish rule. By treaty at Mexico, of date January 12, 1823, the boundary between the two countries was confirmed and ratified as described and laid down by the Spanish treaty of 1819. Cohahuila and Texas, the northeast provinces of Mexico, were continued under one government and united as a state by the Mexican Government, with a governor, remaining as they were under Spanish rule. A congress of this State met at Saltillo in 1827 and framed a constitution, which was proclaimed March 11, 1827, in which year Mr. Clay, Secretary of State under Mr. Adams, instructed J. R. Poinsett, minister of the United States to Mexico, to offer \$1,000,000 for the cession to the United States of Mexico's territory east of the Rio Grande, but Mr. Poinsett did not make this tender to the Mexican Government.

In 1829 Mr. Van Buren, Secretary of State under General Jackson, instructed our minister to Mexico to offer four or five millions of dollars for the portion of Texas this side of the Nueces River, but Mexico refused. In 1830 orders were issued to prevent any further emigration from the United States. Another constitution was formed and a declaration of independence made at San Felipe de Austin by a convention which met October 17, 1835. It was signed November 13, 1835. Henry Smith was elected governor of the provisional government which was created thereunder.