also to pay for the depredations committed on stock, and other property by evil disposed persons of the said Choctaw nation, two thousand and five hundred dollars to be paid to John Pitchlynn, to compensate him for certain losses sustained in the Choctaw country and as a grateful testimonial of the nation's esteem. And the said states shall also pay annually to the said Choctaws, for the use of the nation, three thousand dollars in such goods (at neat cost of Philadelphia) as the Mingoes may choose, they giving at least one year's notice of such choice.

Art. 3d. The commissioners of the United States on the part of the said states engage to give to each of the three great Medal Mingoes, Pukshunubbee Mingo Hoomastubbee and Pooshamattaha, five hundred dollars, in consideration of past services in their nation, and also to pay to each of them an annuity of one hundred and fifty dollars during their continuance in office. It is perfectly understood that neither of those great Medal Mingoes is to share any part of the general annuity of the nation.

Art. 4th. The Mingoes, chiefs and warriors of the Choctaws certify that a tract of land not exceeding fifteen hundred acres situated between the Tombigbee river and Jackson's Creek, the front or river line extending down the river from a blazed white oak standing on the left bank of the Tombigbee near the head of the shoal next above Hobukenloopa and claimed by John McGrew, was in fact granted to the said McGrew by Opiomingo Hemitta and others many years ago, and they respectfully request the government of the United States to establish the claim of the said McGrew, to the said fifteen hundred acres.

Art. 5th. The two contracting parties covenant and agree that the boundary as described in the second article, shall be ascertained and plainly marked in such way and manner as the President of the United States may direct in the presence of three persons to be appointed by the said nation, one from each of the great Medal districts, each of whom shall receive for this service two dollars per day during his actual attendance, and the Choctaws shall have due and seasonable notice of the place where and time when the operation shall commence.

Art. 6th. The lease granted for establishments on the roads leading through the Choctaw country is hereby confirmed in all its conditions, and except in the alteration of boundary, nothing in this instrument shall affect or change any of the pre-existing obligations of the contracting parties.

Art. 7th. This treaty shall take effect and become reciprocally obligatory so soon as the same shall have been ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

Done on Mount Dexter, in Pooshapukanuk in the Choctaw country, this sixteenth day of November, in the year of our Lord one thousand eight hundred and five, and of the Independence of the United States of America the thirtieth.

COMMISSIONERS.
JAMES ROBERTSON, (L S)
SILAS DINSMOOR, (L S)

GREAT MEDAL MINGOES.
Pukshunnubbee, his ✕ mark, (L S)
Mingo Hoomastubbee, his ✕ mark, (L S)
Pooshamattaha, his ✕ mark, (L S)

CHIEFS AND WARRIORS.
Oukehuamee, his ✕ mark, (L S)
Toskuombee, his ✕ mark, (L S)
James Perry, his ✕ mark, (L S)
Levi Perry, his ✕ mark, (L S)
Isaac Perry, his ✕ mark, (L S)
William Turnbull, (L S)
John Carnes, his ✕ mark, (L S)
Tecotuhooma, his ✕ mark, (L S)
Hooshuhooma, his ✕ mark, (L S)
Tooohooma 2nd, his ✕ mark, (L S)
George James, his ✕ mark, (L S)
Robert McClure, his ✕ mark, (L S)
Tuskeamingo, his ✕ mark, (L S)
Hattukubbeehoolahta, his ✕ mark, (L S)
Pishoommastubbee, his ✕ mark, (L S)
Hoogahiah, his ✕ mark, (L S)
Lewis Lucas, his ✕ mark, (L S)
James Pitchlynn, his ✕ mark, (L S)
Panshee Eenauhla, his ✕ mark, (L S)
Panshechoomubbo, his ✕ mark. (L S)

Witnesses present at signing and sealing.
Thomas Augustine Claiborne, Secretary to the Commissioners,
John McKee,
Samuel Mitchell, United States agent to the Chickasaws,
William his ✕ mark, Colbert of the Chickasaws,
Lewis Ward,
Charles Juzan,
Garrud E. Nelson,
David Chote,
Nathaniel Folsom,
Mol. Mackey,
Lewis Leste,
John Pitchlynn, United States Interpreter,
Will. Tyrrell, assistant 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 article and clause 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-fifth day of February in the year of our Lord one thousand eight hundred and eight, and of the Independence of the United States of America the thirty-second.

TH: JEFFERSON.

By the President.

JAMES MADISON,
Secretary of State.

CONGRESS.

House of Representatives.

Debate on the PASSAGE *of the bill in addition to an act entitled "An act supplementary to an act, entitled "An act laying an* EMBARGO, *&c."*

Monday, February 29.

The bill having been read the third time,

Mr. Livermore said it would be recollected that he had not in the course of the various discussions on this bill troubled the House with many observations, though he had avowed his intention to oppose the bill, and offer reasons why it ought not to pass. I shall not now, said he, go fully into a discussion of what has been conceived the policy of the original embargo law, because a refusal to pass this will not do away the ill effects of that law; but as I conceive this to be a tissue of the same evil, it is my bounden duty to offer my objections to its passage.

This act is not, I conceive, founded on the message of the President of the United States or the reasons therein given for passing the embargo law. If I understood the reasons, they were different from what must be carried into effect by the passage of this law. It was therein said that such was our situation that if our vessels were suffered to depart from our harbors they would be liable to capture and our citizens would lose their property. This I understood to be the reason for passing the embargo law, although I did not conceive it well founded, and endeavored with all my powers to combat it. Although those reasons should have been well founded, the same reasons do not exist for carrying into effect the present law, which contemplates nothing more than to prevent the citizens of the U. States from carrying on the small remnant of commerce which is saved from the fangs of the embargo. It is not rescuing our ships from capture, but preventing our citizens who live in situations from which they might carry on their commerce with success, from selling to their neighbors their produce and receiving from them those articles which they need. The operation of this law will be confined to the frontier states; to Georgia and Vermont and the Eastern part of Massachusetts. The utmost therefore in which the law is to operate in these states, is to prevent the people, living on the borders from carrying their produce into Canada, Nova Scotia or Florida—from carrying on commerce for what they conceive to be for their benefit. There certainly can be nothing in the reasons assigned for the imposition of an embargo in the first instance which can operate in favor of the passage of this law. There is no danger that this produce would be liable to capture. What then is the motive for this bill? To bring some foreign nation to terms, we are told. Now let us consider whether preventing this trade can possibly have this effect—whether preventing the people of Vermont or Georgia from carrying their produce to Canada or Florida are means of bringing nations to a disposition to "do us justice."

Take the case of Great-Britain for instance. If the king of Great-Britain has seen cause to issue a proclamation to prevent trade to France & her dependencies, is it possible that the prohibition contained in this law can have any affect to induce him to repeal it? The very supposition is absurd. There is nothing in it. If we can, by inhibiting this small trade do ourselves an essential injury, we do not affect any other power. Can it operate on France? Certainly not. Upon what nation then can it operate? There really appears to be nothing in the supposed operation of this law on any foreign nation, and this act is supported by a kind of enthusiasm not founded in reason. Reason has no agency in it; it is pushed on with a kind of fervor which may be creditable to those professing it. There seems to be a kind of magic in the business. Our country is in a critical state; we are almost at war with all the nations of the earth; and therefore it seems that gentlemen are willing to prevent this small trade from being beneficial to the people who will be affected, and which can do no injury whatever to the United States.

I conceive that there has prevailed in this House a false sentiment with respect to commerce. I have observed with pain the sentiments expressed in the House; indeed I have heard gentlemen whose reputations stand as high as any in this body declare that commerce is inimical to agriculture; that agriculture is beneficial, & commerce injurious; as if there actually existed a warfare between the two. The fact is the reverse; and I will lay down this broad position and endeavor to prove it, that agriculture is of little or no service to mankind without commerce; that they go hand and hand, and without the existence of both, that neither would be of much service. I wish gentlemen candidly to examine, and see whether there be not truth in the position; that commerce of so much service to agriculture, that agriculture is of little service without it.

What is commerce? The exchange of one article for another; the exchange of a superfluous article for one which we stand in need of. It is absolutely necessary for our very existence, not as relates to mere animal life, but to our existence with convenieney. Society is founded on it.

It is supposed by some that agriculture can exist without commerce. Take a case by way of illustration, and I believe it would run with the same propriety through every situation in life. Take the case of a planter, a Virginian if you chuse, possessed of immense wealth, of the means of cultivating his lands which produce abundantly. Take a journal of the gentleman's life for a single day, and see what is his situation. In the morning he rises from his couch, and clothes himself in the manufactures of Britain, or perhaps of other countries. The instant he rises, then he avails himself of the conveniences of commerce. Sitting down to his breakfast he makes use of the productions of East or West India; he walks upon the fabric of Turkey or Persia; the very wood of which his furniture is constructed is brought from the shores of the Carribean sea, and the mirror in which he adjusts his cravat of East-India manufacture, is the production of the European artist; the very handles of his knives are procured from a sea monster found on the banks of St. Laurence and coast of Labradore, and the very blades are the manufacture of England, from the mines of Russia or Sweden. He seems to ransack the whole world, both earth and sea for his conveniencies. His food would be insipid if not seasoned with the spices of India; his drink is from the plains of Champagne, Burgundy or the African islands: in the evening his very candlesticks are from the mines of Mexico or Peru and the candles with which he lights his room, are taken from the head of a sea monster, an inhabitant of the Arctic circles. If he be sick, he derives medicine from Turkey, Asia, or the interior of South America. What will he do for all these if commerce be obstructed? He cannot procure them from the product of his land; he is more than mortal if he can do this. Whence then? From commerce alone, on which he depends not only for his luxuries and conveniences, but also his necessaries. Take the same gentleman and strip him of the benefits of commerce, and see what is his character. In the first place it is true that his oxen cover the hills, and the sheep bleat in his pastures; he may eat the flesh, but cannot preserve it from day to day: Let him take their fleece if he can, and convert it into cloathing. An inhabitant of Kamschatka, or an Osage Indian would look more like a civilized being than would this man, clothed in a dress of his own manufacture. Those gentlemen who talk of retiring within their own shell, are egregiously mistaken in their calculations, nature has not given them like a tortoise a shell to retire into. Take commerce away from them, and let them raise their hundreds or thousands of hogsheads of tobacco; let their cotton fill their stores, what is it to them? Nothing. It is all of no benefit whatever, except we have commerce. It is astonishing to hear gentlemen advance the sentiment that by agriculture we have all the conveniences of life, without the aid of commerce. I have heard a gentleman in this House rise and say that he would never trust commercial men with power. That gentleman knows nothing of commercial men. I can aver, that having some knowledge of them, I view them as the most honorable, the most benevolent, and in every respect the most important class of men in society. There is no character which can be exhibited in a more honorable and serviceable point of view than the real merchant. I might go farther than I have gone in considering commerce as necessary for the support of agriculture: why the very tools necessary to work the materials into a convenient dwelling or habitation must be brought by commerce. Could the gentleman live in a mere hut thrown up of logs, or perhaps burrow in the ground like a Kamschatkadale? I wish the gentleman seriously to consider this, and when he does he will see the bearing of this argument against the embargo, which is an axe laid to the very root of commerce. How long it will continue or what shape it will assume I know not. But not intending to discuss the original measure I will confine myself to the question before the House. Notwithstanding the embargo, those citizens who live on the borders of foreign territories have carried on a trade with their neighbours, selling their superfluous produce to them. It is to prevent traffic of this kind that the bill now on its passage is intended. If the bill does not pass, although commerce will not exist in a flourishing state, it will not be entirely shackled as respects these people. I therefore contend against it, and not only declare the act unnecessary, but cruel and oppressive.

I would wish to draw the attention of gentlemen who come from the tobacco and cotton country, or where these articles are cultivated for exportation, and bring such immense riches to their constituents. It is said that merchants are becoming more reconciled to this measure, and that some who are called fedral merchants have approved the embargo. I can easily believe it to be the case in some degree; and I must make an observation on this point. It is a fact that the embargo fell most heavily on merchants, operated on their business, threw them out of the means of gaining a subsistence, and perhaps of supporting their credit. I have heard it observed that it was no matter how soon these gentlemen were driven on to a settlement of their accounts. Commerce is carried on altogether by credit; it is similar in its operations to a bank. It is known that banks issue bills, or make loans to double the amount of their capital, or money in their vaults, otherwise they would derive no profit from the institution; they have the means of paying these bills when presented, and derive a profit from their loans. So it is with the merchant; if immediately called upon to pay all his debts he may not be able to do it; but if permitted to carry on his commerce he has the means of paying his debts, and deriving profit from his credit. Why then should the legislature drive him to a settlement of his accounts in this way? It is a most cruel proceeding.

What I wished to call the attention of southern gentlemen to is this: that there is a speculation going forward in the U. States, I believe greater than ever was known in the country since its settlement, even greater than the noted speculation in the purchase of loan-office and final settlement certificates. What is it? The buying up of these articles at half their value by monied men from those who will be under the necessity of selling. The honest planter or independent gentleman will be compelled to sell them for one half, or less than one half their value, and the description of persons I have mentioned will derive profit from the embargo. Although the passage of the present law will not create the speculation altogether, it goes to accelerate it.

Now, unless gentlemen can point out the necessity of this law, I cannot agree to it. If it be to bring Great Britain to terms, or to induce her to offer terms, it is the most childish thing that ever entered into a man's head. If (as it is said) she refuses us justice, it is not to be supposed that driving the nation into this situation, can alter a decree or measure which she has deemed necessary to support herself. To suppose such an operation is childish; and I advance this assertion freely, because it proceeds from the best consideration I can give the subject.

Another argument advanced by gentlemen in favor of this bill is very fallacious. If the embargo be an evil, they say, why should one description of persons be more privileged than another? If the contest be merely to do the people as much injury as possible, the enquiry might be reasonable, whether one portion should be exempt, while another portion of our citizens are subject to the injury. As we cannot *mean* to injure them by the embargo, when its only object was to preserve their property, gentlemen when they seriously consider the subject, will say that this is not a just augument in favor of the passage of the law.

I will again request gentlemen to point out what benefit can result to the United States by the passage of this law. If it is to compel foreign nations to do what we conceive to be justice, there can be nothing in it. It is idle to suppose that the preventing a few citizens in Vermont from trading with the Canadians, will prevent Great-Britain from doing what she otherwise would. The very issuing of the proclamation of England shows that the ministry of that nation considered it essential to the preservation of [illegible] and to combat France. [illegible] far from this bill having the supposed effect, the British had rather give up Canada altogether than give up a tittle of what they consider so necessary to support their true interest. If the proclamation be considered or found not necessary, they will revoke it; but if it be considered necessary, what this country can do will have no effect whatever. I may say the same as to Georgia—that the prohibition of the trade of the citizens of that state will have no effect on any political operation between this and the old world. Being convinced that this is the case, and that the bill will only go to injure a portion of our own citizens without doing the least possible good, I cannot vote for it.

But above all the fishermen are to make oath that they have sold no fish or part of their fare, while out on their voyage. The fishermen might as well throw their fish overboard as go to the British territories to sell them. There have been instances in which they have gone to France; but now, when the French shores are lined with cruizers, there is no danger of their attempting it. Gentlemen ask what injury can it do them, to come forward and make this oath? Being a troublesome thing for which there exists not the least necessity, it is injurious to their liberty if to nothing else. A fisherman might sell some part of his cargo to vessels in absolute distress. Now if this act is carried into effect, the poor man is prohibited from doing this or of exchanging any part of his fare for those small articles of which he stands in need. If he does it he is liable to a heavy penalty; if not he is liable to suffer for the want.

But I need not single out a particular part of the bill, for I object to the whole. If any good can result from it let gentlemen come forward and shew it.

Mr. Dana said he rose, as he had some agency in perfecting the provisions of this bill, to say that whenever a general principle had been adopted, although he might have been opposed to that bill, he would render his assistance to construct the provisions of a bill amendatory of the original bill so as to connect it perfectly with the original principle. But as he did not wish to pledge himself to support the embargo, and as it might be supposed by some that if he voted for this bill his opinion of the original measure had changed, he should vote against it.

Mr. Gardenier said before the bill passed, he would beg the attention of the House while he stated as briefly as he could, the objections which he had to the bill, and which satisfied his mind of the impropriety of passing it. This bill appeared on the face of it to be a bill supplementary to an act supplementary to the law laying an embargo. The first thing, said he, which strikes the mind on this subject, or at least strikes my mind, is the improper name which has been given to the bill. This bill is in my conception not one which is intended to render more perfect or more certain the operation of the original embargo act; it does not proceed upon the principle, nor is bottomed upon the ground of the original embargo. It is totally a new measure, in its principles and tendency totally different from the one to which it is said to be supplementary. It is different as to the causes in which it originated, and as to the operation it will have.

I have observed on a former occasion that the object professed by the President when the embargo was recommended to the House, the end which he intended to secure, the only object which he intended to attain on that occasion, if the message on the subject is a document from which we can infer his meaning or object, was to secure within our ports and harbors the ships and vessels of the U. States—not to cut off the trade of the country, because that trade every one knew to be beneficial. The cessation of commerce is an inevitable and unfortunate consequence of the measure, which it was thought necessary to adopt, but could not be its object or intention. It is an evil which we should have avoided if we could consistently with the principal measure. I ask gentlemen to advert to the principle and not to take what was unfortunately the effect for the object of laying an embargo. If this question were at this time put to the House, supposing a way by which we could secure in our ports and harbors our ships and vessels, by which we could secure the continuance of our seamen in the country & at the same time give to commerce as much liberty as possible, should we not all be extremely happy to agree to it, to have