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WEDNESDAY, MAY 1, 1793.

[Whole No. 418.]



LAW OF THE UNION.

SECOND CONGRESS OF THE UNITED STATES, AT THE SECOND SESSION, Begun and held at the City of Philadelphia, in the State of Pennsylvania, on Monday the fifth of November, one thousand seven hundred and ninety-two.

AN ACT to regulate Trade and Intercourse with the Indian Tribes.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person shall be permitted to carry on any trade or intercourse with the Indian tribes, without a licence under the hand and seal of the Superintendent of the department, or of such other person, as the President of the United States shall authorize to grant licences for that purpose; which Superintendent, or person so authorized shall, on application, issue such licence, for a term not exceeding two years, to any proper person, who shall enter into bond with one or more sureties approved of by the Superintendent, or person issuing such licence, or by the President of the United States, in the penal sum of one thousand dollars, payable to the United States, conditioned for the true and faithful observance of such rules, regulations and restrictions, as are or shall be made, for the government of trade and intercourse with the Indian tribes. The said Superintendants, and persons licensed as aforesaid, shall be governed, in all things touching the said trade and intercourse, by such rules and regulations, as the President of the United States shall prescribe.

And be it further enacted, That the Superintendent, or person issuing such licence, shall have full power and authority to recall the same, if the person so licensed shall transgress any of the regulations or restrictions, provided for the government of trade and intercourse with the Indian tribes, and shall put in suit such bonds, as he may have taken, on the breach of any condition therein contained.

And be it further enacted, That every person, who shall attempt to trade with the Indian tribes, or shall be found in the Indian country, with such merchandize in his possession, as are usually vendible to the Indians, without lawful licence, shall forfeit all the merchandize, offered for sale to the Indians, or found in his possession, in the Indian country, and shall, moreover, be liable to a fine not exceeding one hundred dollars, and to imprisonment not exceeding thirty days, at the discretion of the court, in which the trial shall be: Provided, That any citizen of the United States, merely travelling through any Indian town or territory, shall be at liberty to purchase, by exchange or otherwise, such articles as may be necessary for his subsistence, without incurring any penalty.

And be it further enacted, That if any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, shall go into any town, settlement, or territory belonging to any nation or tribe of Indians, and shall there commit murder, robbery, larceny, trespass or other crime, against the person or property of any friendly Indian or Indians, which, if committed within the jurisdiction of any State, or within the jurisdiction of either of the said districts, against a citizen thereof, would be punishable by the laws of such State or district, such offender shall be subject to the same punishment, as if the offence had been committed within the State or district, to which he or she may belong, against a citizen thereof.

And be it further enacted, That if any such citizen or inhabitant shall make a settlement on lands belonging to any Indian tribe, or shall survey such lands, or designate their boundaries, by marking trees, or otherwise for the purpose of settlement, he shall forfeit a sum not exceeding one thousand dollars, nor less than one hundred dollars, and suffer imprisonment not exceeding twelve months, in the discretion of the court, before whom the trial shall be: And it shall, moreover, be lawful for the President of the United States, to take such measures, as he may judge necessary, to remove from lands belonging to any Indian tribe, any citizens or inhabitants of the United States, who have made, or shall hereafter make, or attempt to make a settlement thereon.

And be it further enacted, That no person shall be permitted to purchase any horse of an Indian, or of any white man in the Indian territory, without special licence for that pur-

pose; which licence, the Superintendent, or such other person as the President shall appoint, is hereby authorized to grant, on the same terms, conditions and restrictions, as other licences are to be granted under this act: Provided also, That every person, who shall purchase a horse or horses, under such licence, before he exposes such horse or horses for sale, and within fifteen days after they shall have been brought out of the Indian country, shall make a particular return to the Superintendent, or other person, from whom he obtained his licence, of every horse by him purchased, as aforesaid, describing such horses, by their color, height and other natural or artificial marks, under the penalties contained in their respective bonds. And every person, purchasing a horse or horses, as aforesaid, in the Indian country, without a special licence, shall, for every horse thus purchased and brought into any settlement of citizens of the United States, forfeit, for every horse thus purchased, or brought from the Indian country, a sum not more than one hundred dollars, nor less than thirty dollars, to be recovered in any court of record having competent jurisdiction. And every person, who shall purchase a horse, knowing him to be brought out of the Indian territory, by any person or persons not licensed, as above, to purchase the same, shall forfeit the value of such horse; one half for the benefit of the informant, the other half for the use of the United States, to be recovered, as aforesaid.

And be it further enacted, That no agent, Superintendent, or other person authorized to grant a licence to trade, or purchase horses, shall have any interest or concern in any trade, with the Indians, or in the purchase or sale of any horses, to or from any Indian; And that any person, offending herein, shall forfeit one thousand dollars, and be imprisoned, at the discretion of the court, before which the conviction shall be had, not exceeding twelve months.

And be it further enacted, That no purchase or grant of lands, or of any title or claim thereto, from any Indians or nation or tribe of Indians, within the bounds of the United States, shall be of any validity, in law or equity, unless the same be made by a treaty or convention entered into pursuant to the constitution; And it shall be a misdemeanor, in any person not employed under the authority of the United States, in negotiating such treaty or convention, punishable by fine not exceeding one thousand dollars, and of imprisonment not exceeding twelve months, directly or indirectly to treat with any such Indians, nation or tribe of Indians, for the title or purchase of any lands by them held, or claimed: Provided nevertheless, That it shall be lawful for the agent or agents of any State, who may be present at any treaty, held with Indians under the authority of the United States, in the presence, and with the approbation of the commissioner or commissioners of the United States, appointed to hold the same, to propose to, and adjust with the Indians, the compensation to be made for their claims to lands within such State, which shall be extinguished by the treaty.

And be it further enacted, That in order to promote civilization among the friendly Indian tribes, and to secure the continuance of their friendship, it shall and may be lawful for the President of the United States, to cause them to be furnished with useful domestic animals, and implements of husbandry, and also to furnish them with goods or money, in such proportions, as he shall judge proper, and to appoint such persons, from time to time, as temporary agents, to reside among the Indians, as he shall think proper: Provided, That the whole amount of such presents, and allowance to such agents, shall not exceed twenty thousand dollars per annum.

And be it further enacted, That the superior courts of each of the said territorial districts, and the circuit courts, and other courts of the United States of similar jurisdiction in criminal causes, in each district of the United States, into which any offender against this act shall be first brought, or in which he shall be apprehended, shall have, and are thereby invested with full power and authority, to hear and determine all crimes, offences and misdemeanors against this act; such courts proceeding therein, in the same manner, as if such crimes, offences and misdemeanors had been committed within the bounds of their respective districts: And in all cases, where the punishment shall not be death, the county-courts of quarter-sessions in the said territorial districts and the district courts of the United States, in their respective districts shall have, and are hereby invested with like power to hear and determine the same.

And be it further enacted, That it shall and may be lawful for the President of the United States, and for the governors of such territorial districts, respectively, on proof to them made, that any citizen or citizens of the United States, or of the said districts, or either of them, have been guilty of any of the said crimes, offences or misdemeanors,

in any town, settlement, or territory belonging to any nation or tribe of Indians, to cause such person or persons to be apprehended, and brought into either of the United States, or of the said districts, and to be proceeded against in due course of law. And in all cases, where the punishment shall be death, it shall be lawful for the governor of the district, into which the offender may be first brought, or in which he may be apprehended, to issue a commission of oyer and terminer to the superior judges of the district, who shall have full power and authority to hear and determine all such capital cases, in the same manner, as the superior courts of such districts have, in their ordinary sessions: And when the offender shall be brought into, or shall be apprehended in any of the United States, except Kentucky, it shall be lawful for the President of the United States, to issue a like commission to any two judges of the supreme court of the United States, and the judge of the district, in which the offender may have been apprehended or first brought; which judges, or any two of them, shall have the same jurisdiction in such capital cases, as the circuit-courts of such district, and shall proceed to trial and judgment, in the same manner, as such circuit-courts might or could do.

And be it further enacted, That all fines and forfeitures, which shall accrue under this act, shall be, one half to the use of the informant, and the other half, to the use of the United States, except where the prosecution shall be first instituted on behalf of the United States, in which case, the whole shall be to their use.

And be it further enacted, That nothing in this act shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of the citizens of the United States, and being within the jurisdiction of any of the individual States.

And be it further enacted, That all and every other act and acts, coming within the purview of this act, shall be, and are hereby repealed.

And be it further enacted, That this act shall be in force, for the term of two years, and from thence to the end of the then next session of Congress, and no longer.

JONATHAN TRUMBULL, Speaker of the House of Representatives.
JOHN LANGDON, President pro tempore of the Senate.
APPROVED MARCH 3, 1793.
GEO. WASHINGTON, President of the United States.

ABRIDGEMENT OF THE NEW CONSTITUTION OF FRANCE.

THE object of all union of men in society, being the maintaining of natural, civil, and political rights, these rights ought to be the basis of the social compact. The acknowledgment and declaration of them ought to precede the constitution which assures the guarantee of them.

Art. 1. Natural, civil, and political rights, are liberty, equality, security, and property, the social compact, and resistance of oppression.

Art. 2. Liberty consists in the power of doing every thing which is not contrary to the right of another. Thus the exercise of this natural right has no other limits than those which secure to the members of the same society the enjoyment of the same rights.

Art. 3. Every citizen ought to submit to the law, which is the expression of the general will. Whatever is not forbidden by the law, cannot be prohibited; and none can be constrained to do what it does not enjoin.

Art. 4. Every man has the liberty of manifesting his thoughts and his opinions.

Art. 5. The liberty of the Press, and every other means of making known his sentiments, cannot be forbidden, suspended, or limited.

Art. 6. Every citizen is free in the exercise of his religion.

Art. 7. Equality consists in the enjoyment of the same rights by every citizen.

Art. 8. The law is equal to all, whether it protects or punishes.

Art. 9. All citizens are equally admissible to all appointments. Free people know no other motive of preference than the pre-eminence of talents and virtue.

Art. 10. Security consists in the protection granted to all the citizens, for the preservation of their persons, of their fortunes, and of their rights.

Art. 11. None can be accused, stopped, or detained, but in cases specified by the law, and according to the forms it has prescribed.

Art. 12. The citizens against whom arbitrary acts may be exercised, have the right to resist them by force; but every man accused or arrested in virtue of the law, ought to obey it instantly. He renders himself guilty by resistance. (N. B. a mistake in the order.)

Art. 13. Those who solicit, expedite, execute, or cause to be executed, arbitrary orders, are guilty, and ought to be punished.

Art. 14. Every man ought to be presumed innocent, till he has been declared guilty; if it is found necessary to arrest him, every rigor not requisite to secure his person ought to be severely interdicted by law.

Art. 15. None can be punished but in virtue of a law established and promulgated anterior to the crime, and legally applied.

Art. 16. Every law which punishes crimes anterior to its promulgation is an arbitrary act. Every retrospective effect of law is a crime.

Art. 17. The law ought only to inflict necessary punishment proportioned to the crimes and useful to society.

Art. 18. The right of property is, that every man may dispose of his substance, his talents and his industry.

Art. 19. No kind of labour or industry is prohibited to citizens, who may buy, sell, or transport it freely.

Art. 20. A citizen, however, cannot sell himself, his person not being alienable property.

Art. 21. None can be deprived of his right of property, but when public necessity, legally proved, evidently demands it, and on condition of a just and previous indemnity.

Art. 22. No contribution can be levied but for the public good; all citizens have a right to assent to its establishment.

Art. 23. Public instruction is necessary to all.

Art. 24. Public succours are a debt due from society.

Art. 25. The security of these rights is an act of sovereignty.

Art. 26. Sovereignty is one, indivisible, and imprescriptible.

Art. 27. It resides essentially in the people. Each citizen is equally entitled to exercise sovereignty.

Art. 28. No individual, or any union of citizens can arrogate to themselves the exercises of sovereignty.

Art. 29. The social compact cannot exist where the limits of power are not exactly fixed, and where agents are not made responsible for their conduct.

Art. 30. All citizens are obliged to be aiding to the law.

Art. 31. Men united in society ought to have a legal means of resisting oppression.

Art. 32. There is oppression when the law violates natural right. There is oppression when the law is violated by the public functionaries. There is oppression when arbitrary acts violate natural, civil and political rights of citizens. The manner of resisting oppression ought to be prescribed by the constitution.

Art. 33. The people have the right of changing the constitution. One generation has no right to subject to the constitution, future generations.

After the recognition of these rights, on which the government is founded, the French Nation is declared to form one indivisible Republic.

The division into departments is retained; each department is divided into communes or districts, and each commune into municipal sections and primary assemblies.

Primary Assemblies.

In the primary assemblies, every man aged 21 years has a right to vote, provided that his name is inscribed on the civic table, and that he shall have resided one year in France.

The primary assemblies shall be so distributed in each department, that none shall consist of less than 400, or more than 900 members; in each of these a select committee is to be chosen by ballot, consisting of as many members as there are fifties of citizens in the assembly.

In this committee, he who has the majority of votes shall be president of the assembly; the three next on the list shall be secretaries. The duty of the select committee is to keep the records, and to arrange and submit the business to the assembly.

All elections are to be carried on in those assemblies. The intermediate, or electoral assemblies, have no place in this code. The elections are to be made by what is called a double scrutiny; each gives in a signed list of candidates equal to the number of places to be filled. These bulletins, or lists of presentation, as they are termed, are sent to the administration of each department.—They select a triple number of those candidates who have most votes, and from those sent back to the primary assemblies; a definitive election is made, each citizen giving in as before a list of the candidates to whom he gives his preference.

In the deliberations of these assemblies, the same mode is to be followed as in the elections. The question is to be shaped so as to be answered by a simple negative or affirmative. On the day appointed for the decision, each citizen gives in a bulletin, or slip of paper, inscribed with his name, and the word *yes* or *no*. These are to be transmitted from the district to the department, where the general result is to be ascertained.

(To be concluded in our next.)