

## COMMERCE

*Article signed at Philadelphia May 4, 1796, explanatory to article 3 of Jay Treaty*<sup>1</sup>

*Senate advice and consent to ratification May 9, 1796*

*Ratified by the President of the United States May 9, 1796*

*Ratified by Great Britain July 1796*

*Ratifications exchanged at Philadelphia October 6, 1796*

*Entered into force October 6, 1796*

*Proclaimed by the President of the United States November 4, 1796*

8 Stat. 130; Treaty Series 106<sup>2</sup>

### EXPLANATORY ARTICLE

Whereas by the third Article of the treaty of amity, commerce and navigation concluded at London on the nineteenth day of November, one thousand seven hundred and ninety four, between his Britannic Majesty and the United States of America, it was agreed that it should at all times be free to his Majesty's subjects and to the Citizens of the United States, and also to the Indians dwelling on either side of the boundary-line assigned by the treaty of peace to the United States, freely to pass and repass by land or inland navigation, into the respective territories and Countries of the two contracting parties, on the continent of America (the country within the limits of the Hudson's bay company only excepted) and to navigate all the Lakes, rivers and waters thereof, and freely to carry on trade and commerce with each other, subject to the provisions and limitations contained in the said Article: And Whereas by the eighth Article of the treaty of peace and friendship<sup>3</sup> concluded at Greenville on the third day of August, one thousand seven hundred and ninety five, between the United States and the Nations or tribes of Indians called the Wyandots, Delawares, Shawanoes, Ottawas, Chippewas, Putawatimies, Miamis, Eel-River, Weeas, Kickapoos, Piankashaws, and Kaskaskias, it was stipulated that no person should be permitted to reside at

<sup>1</sup> Art. 3 of Jay Treaty (TS 105, *ante*, p. 15), as far as it relates to certain Indians, appears to remain in force between the United States and Canada. In connection with termination of art. 3 in part, see *American Journal of International Law*, 1929, pp. 602 and 645; *Karnuth v. United States ex rel. Albro* (1929), 279 U.S. 231; *McCandless, Commissioner of Immigration v. United States ex rel. Diabo*, 25 F. (2d) 71, 72 (C.C.A. 3d, 1928); Hackworth's *Digest of International Law*, vol. III, pp. 753-755 and vol. V, pp. 379-383.

<sup>2</sup> For a detailed study of this article, see 2 Miller 346.

<sup>3</sup> 7 Stat. 49.