

***The Avalon Project at Yale Law School***  
***Jefferson's Draft on an Amendment to the Constitution, 1803.***

The province of Louisiana is incorporated with the U. S. and made part thereof. The rights of occupancy in the soil, and of self-government, are confirmed to the Indian inhabitants, as they now exist. Pre-emption only of the portions rightfully occupied by them, and a succession to the occupancy of such as they may abandon, with the full rights of possession as well as of property and sovereignty in whatever is not or shall cease to be so rightfully occupied by them shall belong to the U. S.

The legislature of the Union shall have authority to exchange the right of occupancy in portions where the U. S. have full right for lands possessed by Indians within the U. S. on the East side of the Missisipi, to exchange lands on the East side of the river for those on the West side thereof and above the latitude of 31 degrees; to maintain in any part of the province such military posts as may be requisite for peace or safety; to exercise police over all persons therein, not being Indian inhabitants; to work salt springs, or mines of coal, metals and other minerals within the possession of the U. S. or in any others with the consent of the possessors; to regulate trade and intercourse between the Indian inhabitants and all other persons; to explore and ascertain the geography of the province, its productions and other interesting circumstances; to open roads and navigation therein where necessary for beneficial communication and to establish agencies and factories therein for the cultivation of commerce, peace and good understanding with the Indians residing there.

The legislature shall have no authority to dispose of the lands of the province otherwise than is hereinbefore permitted, until a new Amendment of the constitution shall give that authority. Except as to that portion thereof which lies south of the latitude of 31 degrees; which whenever they deem expedient, they may erect into a territorial Government, either separate or as making part with one on the eastern side of the river, vesting the inhabitants thereof with all the rights possessed by other territorial citizens of the U.S.

**Source:**

**Ford, Paul Leicester**

**The Federalist : A commentary on the Constitution of the United States by Alexander Hamilton, James Madison and John Jay edited with notes, illustrative documents and a copious index by Paul Leicester Ford. New York : Henry Holt and Company, 1898.**

**<http://www.yale.edu/lawweb/avalon/jevifram.htm>**

Amendment to the Constitution to be added to Section 3, of Art. 4. 67

The province of Louisiana is incorporated with the U.S. and made part thereof. The rights of occupancy in the soil, and of self government, are confirmed to the Indian Inhabitants, as they now exist. Reservations only of the portions rightfully occupied by them, and a succession to the occupancy of such as they may abandon, with the full rights of possession as well as of property and sovereignty in whatever is not rightfully occupied by them or shall cease to be so, shall belong to the U.S.

The legislature of the Union shall have authority: to exchange the right of occupancy in portions where the U.S. have full right, for lands possessed by Indians, within the U.S. on the East side of the Mississippi: to exchange lands on the East side of the river, for those of the White Inhabitants, on the West side thereof, and north of the latitude of [32] degrees: to maintain in any part of the province such military posts as may be requisite for peace or safety: to exercise police over all persons therein, not being Indian Inhabitants: to work salt springs or mines of coal, metals, and other minerals, within the possessions of the U.S. or in any others with the consent of the possessors: to regulate trade and intercourse between the Indian Inhabitants and all other persons: to explore and ascertain the geography of the Province, its productions and other interesting circumstances: to open roads and navigation therein, where necessary for beneficial communication and to establish agencies and factories therein for the cultivation of commerce peace and good understanding with the Indians residing there.

The Legislature shall have no authority to dispose of the lands of the province otherwise, than is herein before permitted, until a new amendment of the constitution shall give that authority:

Except as to that portion thereof which lies South of the latitude of [32] degrees which, whenever they deem expedient, they may erect into a territorial government either separate or as making part with one on the Eastern side of the river, vesting the Inhabitants with all the rights possessed by other territorial citizens of the U.S.