DIPLOMATIC CODE

OF

THE UNITED STATES OF AMERICA:

EMBRACING A COLLECTION

OF

TREATIES AND CONVENTIONS

BETWEEN THE UNITED STATES AND FOREIGN POWERS,

FROM THE YEAR 1778 TO 1827.

WITH

AN INDEX

TO THE

PRINCIPAL CASES DECIDED IN THE COURTS OF THE UNITED STATES,

UPON POINTS CONNECTED WITH THEIR

FOREIGN RELATIONS;

AND

VARIOUS OFFICIAL ACTS, PAPERS, AND USEFUL INFORMATION,

FOR

Public Ministers and Consuls.

TO WHICH IS ANNEXED, EXTRACTS FROM TREATIES AND CONVENTIONS, AT PRESENT SUBSISTING BETWEEN GREAT BRITAIN, FRANCE, SPAIN, &c. CHIEFLY INTENDED TO ELUCIDATE THE POLICY PURSUED TOWARDS AMERICA, ABOUT THE PERIOD OF THE LATE GENERAL PACIFICATION IN EUROPE.

BY JONATHAN ELLIOT.

WASHINGTON,

PRINTED BY JONATHAN ELLIOT, JUNIOR,

ON THE PENNSYLVANIA AVENUE.

1827.

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E58
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DISTRICT OF COLUMBIA, To WIT:

Be it remembered, That on this eighth day of September, in the year of our Lord one thousand eight hundred and twenty-seven, and of the independence of the United States of America the fifty-second, Jonathan Elliot, of the said District, hath deposited in the office of the Clerk of the District Court for the District of Columbia, the title of a book, the right whereof he claims as proprietor, in the words following, to wit:

"Diplomatic Code of the United States of America: embracing a collection of Treaties and Conventions between the United States and Foreign Powers, from the year 1778 to 1827. With an index to the principal cases decided in the Courts of the United States, upon points connected with their foreign relations. To which is annexed, extracts from Treaties and Conventions, at present subsisting between Great Britain, France, Spain, &c., chiefly intended to elucidate the policy pursued towards America, about the period of the late general pacification in Europe. By JONATHAN ELLIOT."

In conformity to the act of the Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned:" And, also, to the act entitled "An act supplementary to an act, entitled 'An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned,' and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

In testimony whereof, I have hereunto set my hand, and affixed the public seal of my office, the day and year aforesaid.

[L. S.] EDM. I. LEE,

Clerk of the District Court for the District of Columbia.

Dedication.

TO THE HONORABLE HENRY CLAY,

SECRETARY OF STATE.

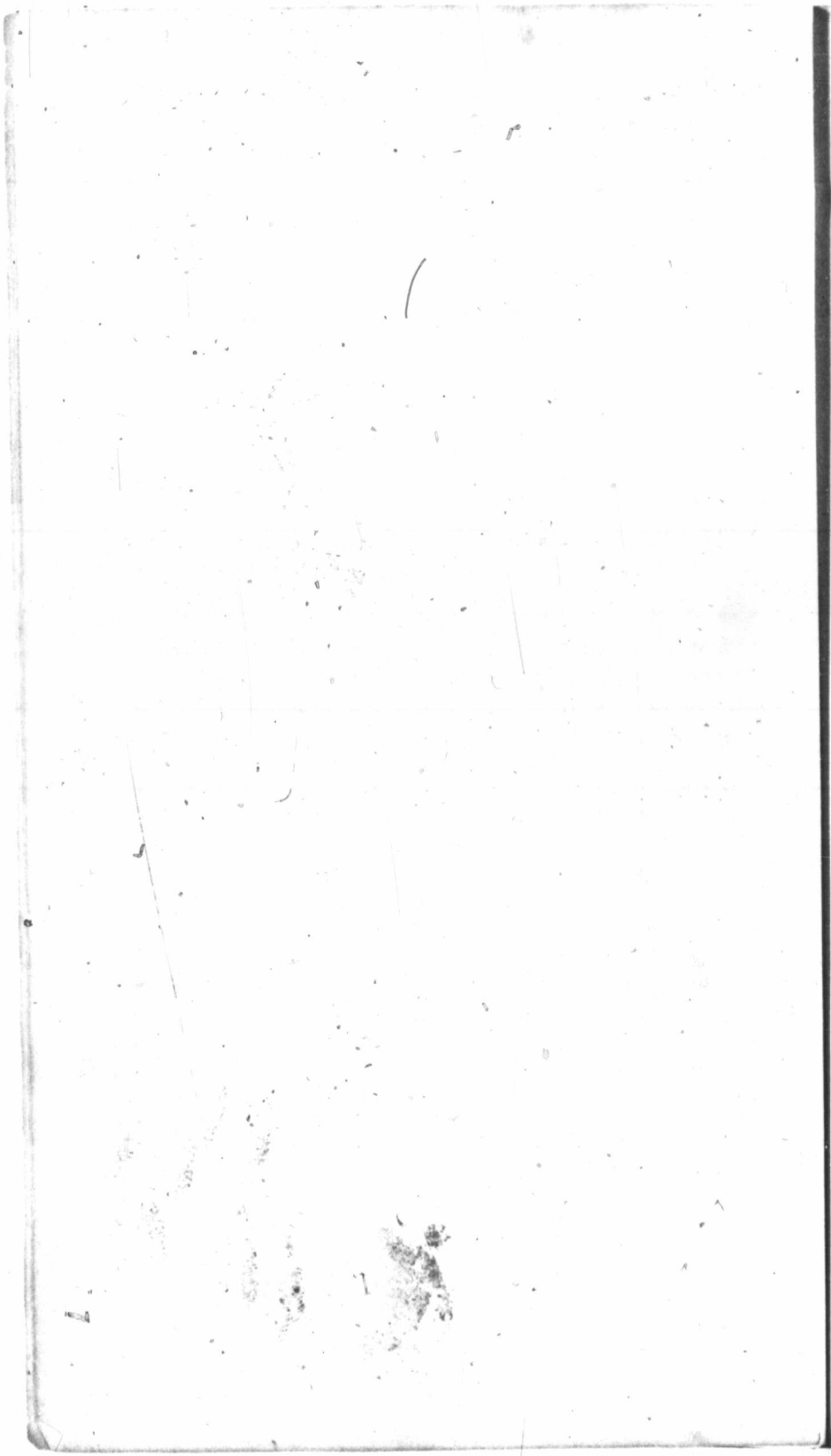
Sir, Being the *first* representative, in the national legislature, who advocated the recognition of the independent governments of South America, by this republic, and having taken a prominent and conspicious part in opening a new and extensive field of political and commercial intercourse, with the most interesting and fertile portion of this vast continent, you are fairly entitled to the enviable distinction of an *American Statesman*, whose intrepid patriotism, public virtue, and political philanthrophy, is not confined to your own country, but extends to the whole universe; and, thus, by excellence, your claim to precedence is established among the most eminent public men of the age. When eloquently maintaining the cause of South America, in the Halls of Congress, you were not mistaken in trusting to the patriotic spirit of your countrymen, or to the liberal principles of our government, that, in the end, you would be supported, and successfully attain the object of your anxious solicitude: and, confiding in the moral influence and temperate wisdom of the distinguished body over which you then presided, you clearly foresaw, that the United States, (destined to be the leading nation in the new world) could not long let their national character be suspected of indifference to the political welfare of their brethren of the South: for, after some years perseverance, your policy and councils prevailed; whilst, in the mean time, the South American patriots illumined their hemisphere by a succession of brilliant achievements, and proved themselves worthy of your unwearied efforts in their cause.

In the exalted heighth of our political prosperity, and pursuing the peaceful paths of commerce, it is now, happily, in the line of your official duty, to aid in consummating the great work you had the honor to commence, in framing and negotiating, with the new nations of the South, Conventions of Amity and Commerce, on the most liberal basis; and, in extending and cementing those ties of friendship and national interest, that, under your administration of foreign affairs, not only commands respect for our national character abroad, but adds to our happiness, and promotes our prosperity, at home.

Such, Sir, are the motives that prompt me to take the liberty of dedicating to you the following work.

With due respect, &c. &c. &c.

Oct. 1, 1827. JONATHAN ELLIOT.



OUTLINE OF THE PLAN.

THE inconvenience of having our national conventions scattered through a number of volumes and pamphlets, has been felt by those, who, from official duty, or inclination, are led to consult the stipulations of our diplomatic code.—It has, therefore, occurred to the editor, that a complete collection, systematically arranged, and accurately printed, would be extremely useful and convenient in adjusting treaty engagements, or in comparing the provisions of one convention with another, which could not have been done, heretofore, without reference to various sources, not always accessible, on the pressure of the moment. In thus abridging the labour of research, the editor believes he has performed an acceptable service in the production of this book; which our elevated rank in the family of nations, and our extensive political and commercial intercourse, with various parts of the world, evidently require. In *Great Britain*, and most of the other governments in *Europe*,* care has been taken to gather and preserve, in

* The collections of treaties in Europe, already prepared and printed, are exceedingly numerous and voluminous. An intelligent British writer on the subject, states that an entire collection of general treaties, must consist of the following books: 1st. Leibnitz's Codex, in 1693, 2dly, The Corps Diplomatique, with its Supplement, in 1739; consisting of twenty volumes in folio, to which is annexed a copious index of matters; 3dly, St. Priest's *Histoire de Traites de Paix du xvii. Siecle, depuis la Paix de Vervins jusqu'a celle de Nimegue*, 1725, 2 *vol. in folio*; and 4thly, of the *Negotiations Secretes, touching la Paix de Munster et d'Osnaburg*, 1725, 4 vol. in folio. These ample collections begin with the establishment of the Amphictyons; 1496 years before the birth of Christ, being the most ancient treaty which is to be met with in the records of time; and end with the pacification of the troubles of Geneva in May, 1738.

The celebrated Barbeyrac, in 1739, edited a large volume, comprehending *the ancient treaties*, from the Amphictyonic times to the age of Charlemagne, which he had extracted from the authors of Greece and Rome, and from the monuments of antiquity.

We learn further, that the first collection of public conventions, which comprehend the in-

a distinct form, collections of such public documents, which comprehend a vast body of international law, at once useful and curious. *We* have now reached that period of our national existence, when a similar labor is to be performed, not only for ourselves, but for the benefit of posterity: a sufficient quantity of these materials having already accumulated, as will appear by the following sheets, to form a volume of five hundred pages (of treaties and conventions); exclusive of the Appendix, which consists of nearly two hundred more: making a valuable and indispensable addition to the work itself.

In relation to the plan of this collection, it was thought best to arrange and print the treaties at large, under three distinct heads—Europe, the Barbary Powers, and the new nations of South America. In this classification, I have endeavored to preserve chronological order. For instance, com-

terests of the European nations, was published at Hanover, in 1693, by the illustrious Leibnitz, in two folio volumes, under the title of *Codex juris gentium diplomaticus.*

From the same source, we also learn, that the first treaty ever published by authority in Great Britain, was the treaty with Spain in 1604, which was conducted by Sir Robert Cecil, the first Lord Salisbury. No treaty was printed without authority, during any preceding period. The treaties of Charles I. were published by authority. Cromwell made many treaties, because he was anxious, like John IV, of Portugal, to procure the recognition of other Powers; but, it is doubtful whether he lived to publish them. The reign of Charles II. was fruitful in treaties, which were printed by authority, often singly, and sometimes collectively. The four treaties of Breda, were published by the King's special command, in 1667. A collection, comprehending seventeen treaties, beginning with the Commercial Treaty with Spain, in 1667, and ending with the Algerine treaty in 1682, was printed by direction of Lord Sunderland, the secretary of state, in March 1684-5. It was in King William's councils, that it was first determined to print authoritatively the Public Conventions of Great Britain with other Powers. It was owing to that determination, that the reign of Queen Anne saw the publication of Rymer's Foedera. The first volume, commencing with the documents of 1201, was printed in 1704; the 20th vol., ending with the papers of 1654, was given to the world in 1735.

In 1772, two volumes of treaties were published, in London, beginning with the alliance of 1679, and ending with the declarations of 1771, which concluded the British dispute about the Falkland Islands. A supplemental volume was added in 1781, comprehending public papers from 1495 to 1734, some of greater and some of less value. These treaties were republished in 1785, arranged in chronological order. Since the above general collections have been published, among the most celebrated and useful, of our time, are those of *Martens*, from 1761 to 1819, and those of *De Koch*, augmented and continued by F. Schoell, to the Treaties of Paris, in 1815; which are to be found in the Library of Congress, at Washington.

mencing with France, *all* our treaties with that power, from 1778, to the present time, have been inserted in the order of their dates; and so on, with the other nations that follow.—In general, where treaties have been framed in two languages, both are presented in opposite pages, not only for the satisfaction of those who may find it necessary to consult a copy of the original, but also for foreign ministers, and others, who may prefer perusing the work in that dress. For another reason, it is important to furnish both languages: the reader may thereby be enabled to arrive at the literal meaning of doubtful text, involving points upon which difference of opinion may arise, in expounding treaty stipulations: hence the judgment is left free, unbiassed, and independent of the trammels of translation.—The plan, thus chalked out, has been pursued as undeviatingly as possible.

Accompanying these treaties and conventions, such official documents, only, are inserted, as have an immediate connexion with the subject: for example, the correspondence of his Imperial Majesty, on the subject of the St. Petersburg Convention, of the 12th July, 1822—decisions under the fourth and sixth articles of the treaty of Ghent—the grants annulled by the Spanish treaty of February 22, 1819, &c.—among other official papers, immediately follow the respective treaties in the body of the work; so that they may be consulted without turning over the pages to another part of the book.

In furnishing the Appendix, as much matter has been brought together, as, in my idea, may be useful to the work. A copy of the Constitution of the United States (with all the ratified amendments) precedes it, as being peculiarly appropriate to have a place near our public conventions. The laws, in relation to our diplomatic corps, consuls, vice consuls, and commercial agents; the standing consular instructions of the Department of State; proclamations and laws in

relation to those nations that reciprocate in our commercial system of equalization of duties; and the legislative acts for carrying into effect treaties with foreign powers, form the principal part of the Appendix.—Extracts from conventions of *commerce and navigation between Great Britain, France, the Netherlands, Spain*, &c. negotiated about the period of the late pacification of Europe, are added; with a view to show the system of policy pursued, at that epocha, towards this hemisphere.

An abstract of judicial decisions, on points connected with our foreign relations, is given at the end of the Appendix.

As it was not intended to form a system, or connected treatise of national law, but to serve merely as an index to the various books in which the decisions are to be found, it was thought that the form of an index would be more useful than an attempt to reduce the cases to a system; the facility of reference being the only object. The whole will be found, however, to be somewhat systematically arranged in the index which accompanies the abstract, and which will enable a person at once to read in connection all that is to be found upon any one subject.

It is believed that the abstract contains all the important decisions in any manner affecting our foreign relations, and the rights of belligerents, neutrals and aliens, which are to be found in the reports of Dallas, Cranch, Wheaton, Bee, Peters, Gallison, Washington, Caines, Johnson, Binney, Yeates, Day, and the Massachusetts Term Reports. The utility of this part of the plan was suggested by a distinguished citizen, and it is hoped that it will answer the purpose for which it is intended.

The general index will, also, be found useful. It furnishes the titles of all the treaties, conventions, &c. with their dates, ratifications, and the fact of their being in force, obsolete, or annulled. Next follows a digest of the articles of each, afford-

ing, at a single glance, a synopsis of every stipulation in regular succession.

In committing this work into the hands of an enlightened community, I have only to remark, that my main object will be accomplished, if I have succeeded in promoting public convenience, or in diminishing the labors of the diplomatist. In either case, I shall be gratified for the pains I have taken in preparing it for publication.

JONATHAN ELLIOT.

Washington, October 1, 1827.

LIST
C
C

Albert
Wm. Be

Thomas
James M
Herman
Robert
Thomas
William
Robert
Joel Ha
David V
Thomas
Reuben
Samuel
Bernard

Thomas
Wm. R
John St

Edmund
Peter L
Chas. L
John M
Henry

LIST of the Ministers, Consuls, and other Diplomatic and Commercial Agents, of the United States, in Foreign Countries, and of the places of their residence.

Department of State.

Washington, 22d March,* 1827.

ENGLAND.

Albert Gallatin,	Envoy Extraordinary and Min. Plenipotentiary,	London.
Wm. Beach Lawrence,	Secretary of Legation,	do.

Thomas Aspinwall,	Agent, &c. and Consul,	London.
James Maury,	Consul,	Liverpool.
Herman Visger,	do.	Bristol.
Robert W. Fox,	do.	Falmouth.
Thomas Were Fox,	do.	Plymouth.
William Davy,	do.	Kingston upon H.
Robert R. Hunter,	do.	Cowes, I. of W.
Joel Hart,	do.	Leith, Scotland.
David Walker,	do.	Glasgow.
Thomas Wilson,	do.	Dublin, Ireland.
Reuben Harvey,	do.	Cork.
Samuel Luke,	do.	Belfast.
Bernard Henry,	do.	Gibraltar.
	do.	Isle of France.
Thomas Wynns,	do.	Turks' Island.
Wm. R. Higinbotham,	Commercial Agent,	Bermuda.
John Storr,	do.	Nassau, N. P.
	Consul,	St. Christopher and Antigua.
Edmund Roberts,	do.	Demerara.
Peter Lanman,	do.	Kingston, Jamaica.
Chas. L. Bartlett,	Commercial Agent,	Island of Trinidad.
John M. Kankey,	do.	Barbadoes.
Henry M. Morfit,	do.	Halifax.

* Corrected to the 1st of October.

FRANCE.

James Brown,	Envoy Extraordinary and Min Plenipotentiary,	Paris.
Daniel Sheldon,	Secretary of Legation	do.
Isaac Cox Barnett,	Agent, &c. and Consul,	Paris.
Daniel Strobel,	Consul,	Bordeaux.
Joshua Dodge.	do.	Marseilles.
Francis C. Fenwick,	do.	Nantes.
Edward Church,	do.	L'Orient.
Reuben G. Beasley,	do.	Havre de Grace.
James F. Cooper,	do.	Lyons.
Alexander de Tubeuf,	do.	Cette.
Jas. Jos. Debesse,	do.	La Rochelle.
Francis Benjamin Faures,	do.	Guadaloupe Island
Silas Marean,	do.	Martinique Island.

RUSSIA.

Henry Middleton,	Envoy Extraordinary and Min. Plenipotentiary,	St. Petersburg.
Charles Pinkney,	Secretary of Legation,	do.
Abraham P. Gibson,	Consul,	St. Petersburg.

SPAIN.

Alexander H.Everett,	Envoy Extraordinary and Min. Plenipotentiary,	Madrid.
John Adams Smith,	Secretary of Legation,	do.
Alexander Burton,	Consul,	Cadiz.
Charles Douglass,	do.	Barcelona.
Obadiah Rich,	do.	Valencia.
George G. Barrell,	do.	Malaga,
Robert Montgomery,	do.	Alicante.
Francis X. de Ealo,	do.	Bilboa.
Geo. W. Hubbell,	do.	Island of Manilla.
Payton Gay,	do.	Island of Teneriffe.
George P. Ladico,	do.	Balearic Islands.
Thomas M. Rodney,	Commercial Agent,	Havanna, Cuba.
Robert R. Stewart,	do.	Trinidad, do.
Thomas Backus,	do.	St. Jago, do.
Henry K. Stearns,	do.	Barascoa, do.
Lewis Shoemaker,	do.	Matanzas, do.
William Simons, Jun.	do.	Porto Rico.

PORTUGAL.

Thos. L. L. Brent,	Chargé d'Affaires	Lisbon.
Israel P. Hutchinson,	Consul,	Lisbon.
	do.	Oporto.
John H. Marsh,	do.	Island of Madeira.
Chas. W. Dabney,	do.	Fayal.
Sam'l Hodges, Jun.	do.	Cape de Verd Islands.

NETHERLANDS.

Christopher Hughes,	Chargé d'Affaires, .	Brussels and the Hague.
John W. Parker,	Consul, . .	Amsterdam.
Emanuel Wambersie,	do. . .	Rotterdam.
Charles Barnett,	do. . .	Antwerp.
Thomas Trask,	do. . .	Surinam.
	do. . .	Island of Curaçoa.
John Shillaber,	do. . .	Batavia.
Louis Mark,	do. . .	Ostend.
Jehu Hollingsworth,	Commercial Agent .	St. Eustacia.

SWEDEN.

John James Appleton,	Chargé d'Affaires, .	Stockholm.
David Erskine,	Consul, . .	Stockholm.
C. A. Murray,	do. . .	Gottenburg.
Henry Janson, Junior,	do. . .	Christiansand.
Robert M. Harrison,	do. . .	St. Bartholomews.

UNITED MEXICAN STATES.

Joel R. Poinsett,	Envoy Extraordinary and Min. Plenipotentiary,	Mexico.
John Mason, Junior,	Secretary of Legation.	Mexico.
James S. Willcocks,	Consul . .	Mexico.
George R. Robertson,	do. . .	Tampico.
Thomas Reiley,	do. . .	Aguatulco,
Harvey Gregg,	do. . .	Acapulco.
William Taylor,	do. . .	Vera Cruz & Alvarado.
Daniel W. Smith,	do. . .	Refugio on RioGrande.
Charles W. Webber,	do. . .	Chihuahua.
	do. . .	Sta. Fe.
James W. McGoffin,	do. . .	Saltillo.
Henry Perrine,	do. . .	Campeche.
James Lenox Kennedy,	do. . .	Mazatlan.
David Dixon,	do. . .	San Antonio, Mexico,

MISSION TO TACUBAYA.

Joel R. Poinsett,	Envoy Extraordinary and Min Plenipotentiary.	Tacubaya, Mexico.

REPUBLIC OF COLOMBIA.

Beaufort T. Watts,	Chargé d'Affaires, .	Bogota.
John Macpherson,	Consul, . .	Carthagena.
J. G. A. Williamson,	do. . .	La Guayra.
Wm. J. Seaver,	do. . .	Santa Martha.
Wm. Wheelwright,	do. . .	Guyaquil.
Abraham B. Nones,	do. . .	Maracaybo.
Franklin Litchfield,	do. . .	Porto Cabello.

BRAZIL.

William Tudor,	Chargé d'Affaires,	Rio de Janeiro.
Wm. H. D. C. Wright,	Consul	Rio de Janeiro.
Woodbridge Odlin,	do.	San Salvador.
John T. Mansfield,	do.	Pernambuco.
Jose de Santos Montiero,	do.	Maranhao.
Chas. B. Allen,	do.	Para.
Joshua Bond,	do.	Montevideo.
Leonard Corning,	do.	Island of Maranhaam.

REPUBLIC OF CENTRAL AMERICA.

Wm. B. Rochester,	Appointed Chargé d'Affaires,	Guatemala.
Charles Savage,	Consul	Guatemala.

REPUBLIC OF BUENOS AYRES.

John M. Forbes,	Chargé d'Affaires,	Buenos Ayres.
George W. Slacum,	Consul	Buenos Ayres.

CHILE.

Heman Allen,	Envoy Extraordinary and Min. Plenipotentiary.	St. Jago de Chile.
Samuel Larned,	Secretary of Legation,	St. Jago de Chile.
Michael Hogan,	Consul	Valparaiso.
Daniel Wynne,	do.	St. Jago de Chile.

REPUBLIC OF PERU.

James Cooley,	Chargé d'Affaires,	Lima.
William Radcliff,	Consul,	do.
Wm. Flemming Taylor,	Consul	Quilca and Arica.

DENMARK.

Henry Wheaton,	Appointed Chargé d'Affaires,	Copenhagen.
John Raynals,	Consul	Copenhagen.
Nathan Levy,	do.	Island of St. Thomas.
Joseph Ridgway,	do.	Island of St. Croix.

PRUSSIA.

John Godfrey Boker,	Consul,	Elberfield.

SAXONY.

C. F. Goehring,	Consul,	Leipzig.

HANSEATIC TOWNS.

John Cuthbert,	Consul,	Hamburg.
Fred. J. Wichelhausen,	do.	Bremen.
Jos. Hill Clark,	do.	Lubec.

MINISTERS, CONSULS, AND OTHER DIPLOMATIC AGENTS.

ITALIAN STATES.

Thomas Appleton,	Consul,	Leghorn, Tuscany.
James Ombrosi,	do.	Florence, Tuscany.
Robert Campbell,	do.	Genoa, Sardinia.
Victor. A. Sasserno,	do.	Nice, Sardinia.
George Moore,	do.	Trieste, Austria.

ROMAN STATES, AND KINGDOM OF THE TWO SICILIES.

Felix Cicognani,	Consul,	Rome.
Alexander Hammet,	do.	Naples.
Benjamin Gardner,	do.	Palermo.
John L. Payson,	do.	Messina.

SMYRNA.

David Offley,	Consul,	Smyrna.

BARBARY POWERS.

William Shaler,	Consul General,	Algiers.
Samuel D. Heap,	Consul,	Tunis.
Charles D. Coxe,	Consul,	Tripoli.
John Mullowny,	Consul,	Tangier, Morocco.

HAYTI, (ST. DOMINGO.)

Andrew Armstrong,	Commercial Agent,	Port au Prince.
James A. Holden,	do.	Aux Cayes.
James E. Brice,	do.	Cape Hatien.

SANDWICH ISLANDS.

John C. Jones, Jr.	Commercial Agent.

CHINA.

John H. Grosvenor,	Consul,	Canton.

LIST of Foreign Ministers, &c. residing near the Government of the United States.

WASHINGTON, Oct. 1, 1827.

FROM ENGLAND.

Charles R. Vaughan, Envoy Extraordinary and Minister Plenipotentiary.
Charles Bankhead, Secretary of Legation.
Messieurs Ousely and Doyle—attached to the Legation.

FROM FRANCE.

Minister (Vacant.)
Count Julius de Menou, Chargé d'Affaires.

FROM RUSSIA.

The Baron de Maltitz, Chargé d'Affaires.

FROM SPAIN.

The Chevalier Don Francisco Tacon, Minister resident,
Don Hilario de Rivas-y-Salmon, Secretary of Legation.
—— Tacon, attached to Legation.

FROM PORTUGAL.

J. B. Pereira, Chargé d'Affaires.

FROM SWEDEN.

The Baron de Stackelberg, Chargé d'Affaires.

FROM DENMARK.

M. Stein Bille, Chargé d'Affaires.

FROM THE NETHERLANDS.

The Chevalier C. D. E. I. Bangeman Huygens, Envoy Extraordinary and Minister Plenipotentiary.

FROM PRUSSIA.

The Sieur Niederstetter, Chargé d'Affaires.

FROM MEXICO.

Don Pablo Obregon, Envoy Extraordinary and Minister Plenipotentiary.
Don Jose M. Montoyo, Secretary of Legation.

FROM COLOMBIA.

Don Jose Maria Salazar, Envoy Extraordinary & Minister Plenipotentiary.
Antonio Jose Vallenilla, Secretary.

FROM THE FEDERATION OF CENTRAL AMERICA.

Don Pedro Gonzalez, Chargé d'Affaires.

FROM BRAZIL.

The Chevalier Jose Sylvester Rebello, Chargé d'Affaires.

DIPLOMATIC CODE

OF

The United States of North America.

PART I.

EUROPEAN TREATIES.

1778.
February 6.

TREATIES WITH FRANCE.

Treaty of Amity and Commerce between the United States of America and his Most Christian Majesty.

ORIGINAL.

Treaty of Amity and Commerce.

Rules relative to correspondence and commerce between the U. S. and France.

THE most christian king, and the thirteen United States of North America, to wit: New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, willing to fix in an equitable and permanent manner, the rules which ought to be followed relative to the correspondence and commerce which the two parties desire to establish, between their respective countries, states, and subjects, his most christian majesty and the said United States, have judged that the said end could not be better obtained than by taking, for the basis of their agreement, the most perfect equality and reciprocity, and by carefully avoiding all those burthensome preferences which are usually sources of debate, embarrassment and discontent; by leaving also each party at liberty to make, respecting commerce and navigation, those interior regulations which it shall find most convenient to itself; and by founding the advantage of commerce solely upon reciprocal utility, and the just rules of free intercourse; reserving withal to each party the liberty of admitting, at its pleasure, other nations to a participation of the same advantages. It is in the spirit of this intention, and to fulfil these views, that his said majesty, having named and appointed for his plenipotentiary, Conrad Alexander Gerard, royal *syndic* of the city of Strasbourg, secretary of his majesty's council of state, and the United States on their part, having fully empowered Benjamin Franklin, deputy from the state of Pennsylvania to the general congress, and president of the convention of said state; Silas Deane, late deputy from the state of Connecticut to the said congress, and Arthur Lee, counsellor at law; the said respective plenipotentiaries, after exchanging their powers, and after mature deliberation, have concluded and agreed upon the following articles.

Respecting interior regulations each party to be at liberty to admit other nations to a participation of benefits.

Firm and inviolable peace, &c.

ART. 1. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the most christian king, his heirs, and successors, and the United States of America; and the subjects of the most christian king

1778,
February 6.

TREATIES WITH FRANCE.

ORIGINAL.

Traité d'Amitié et de Commerce.

Le roi très chrétien, et les treize Etats Unis de l'Amérique Septentrionale, savoir, New Hampshire, la Baye de Massachuset, Rhode Island, Connecticut, New York, New Jersey, Pensylvanie, les comtés de Newcastle, de Kent et de Sussex sur la Delaware, Maryland, Virginie, Caroline Septentrionale, Caroline Méridionale, et Georgie, voulant établir d'une manière équitable et permanente les régles qui devront être suivies relativement à la correspondence et au commerce que les deux parties désirent d'établir entre leurs païs, etats, et sujets respectifs, sa majesté très chrétienne et les dits Etats Unis ont jugé ne pouvoir mieux atteindre à ce but qu'en prenant pour base de leur arrangement l'égalité et la réciprocité la plus parfaite, et en observant d'éviter toutes les préférences onéreuses, source de discussions, d'embarrass, et de mecontentemens, de laisser à chaque partie la liberté de faire, relativement au commerce et à la navigation les réglemens intérieurs qui seront à sa convenance, de ne fonder les avantages du commerce que sur non utilité reciproque et sur les loix d'une juste concurrence, et de conserver ainsi de part et d'autre la liberté de faire participer, chacun selon son gré, les autres nations, aux mêmes advantages. C'est dans cet esprit et pour remplir ces vuës que sa dite majesté ayant nommé et constitué pour son plénipotentiaire le sieur Conrad Alexandre Gerard, sindic roïal de la ville de Strasbourg, secretaire du conseil d'etat de sa majesté, et les Etats Unis aïant, de leur côté, munis de leurs pleins pouvoirs les sieurs Benjamin Franklin, député au congrès général de la part de l'etat de Pensylvanie, et président de la convention du dite etat, Silas Deane, ci-devant député de l'etat de Connecticut, et Arthur Lee, *conseiller ès loix*, les dits plénipotentiaires respectifs après l'échange de leurs pouvoirs et après mure délibération ont conclu et arrêté les points et articles suivans.

Art. 1. Il y aura une paix ferme, inviolable et universelle, et une amitié vraie et sincère entre le roi très chrétien, ses héritiers et successeurs, et entre les Etats Unis de l'Amérique ainsi qu'entre les sujets de sa majesté très chrétienne et ceux

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and of the said states; and between the countries, islands, cities, and towns, situate under the jurisdiction of the most christian king, and of the said United States. and the people and inhabitants of every degree, without exception of persons or places; and the terms hereinafter mentioned shall be perpetual between the most christian king, his heirs, and successors, and the said United States.

Favors of commerce &c. granted to other nations to be common to the U. S. and France, on the same conditions.

ART. 2. The most christian king and the United States engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favor, freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

French subjects to enjoy in the ports of the U. S. in relation to duties and rights, the same benefits allowed to the most favored nations.

ART. 3. The subjects of the most christian king shall pay in the ports, havens, roads, countries, islands, cities, or towns, of the United States, or any of them, no other or greater duties, or imposts, of what nature soever they may be, or by what name soever called, than those which the nations most favored are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, whether in passing from one port in the said states to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy.

U. S. citizens to enjoy in the ports of France in Europe, the benefits allowed to the most favored nations, relative to duties & rights of trade.

ART. 4. The subjects, people, and inhabitants of the said United States, and each of them, shall not pay in the ports, havens, roads, isles, cities, and places under the domination of his most christian majesty, in Europe, any other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the most favored nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, whether in passing from one port in the said dominions, in Europe, to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy.

Exemption of 100 sols per ton, except in the French coasting trade.

ART. 5. In the above exemption is particularly comprised the imposition of one hundred sols per ton, established in France on foreign ships; unless when the ships of the United States shall load with the merchandise of France for another port of the same dominion, in which case the said ships shall pay the duty above mentioned so long as other nations, the most favored, shall be obliged to pay it. But it is understood

The U. S. at liberty to establish countervailing duties.

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des dits etats, comme aussi entre les peuples, isles, villes et places situés sous la jurisdiction du roi très chrétien et des dits Etats Unis, et entre leurs peuples et habitants de toutes les classes, sans aucune exception de personnes et de lieux; les conditions mentionées au present traité seront perpetuelles et permanentes entre le roi très chrétien, ses héritiers et successeurs, et les dits Etats Unis.

Art. 2. Le roi très chrétien et les Etats Unis s'engagent mutuellement à n'accorder aucune faveur particulière à d'autres nations, en fait de commerce et de navigation, qui ne devienne aussitôt commune à l'autre partie, et celle-ce jouira de cette faveur gratuitement, si la concession est gratuite, ou en accordant la même compensation, si la concession est conditionelle.

Art. 3. Le sujets du roi très chrétien ne païeront dans les ports, havres, rades, contrées, isles, cités et lieux des Etats Unis, ou d'aucun d'entr'eux, d'autres ni plus grands droits ou impôts, de quelque nature qu'ils puissent être, et quelque nom qu'ils puissent avoir, que ceux que les nations les plus favorisées sont, ou seront tenuës de païer; et ils jouiront de tous les droits, libertés, privileges, immunités et exemptions en fait de négoce, navigation et commerce, soit en passant d'un port des dits etats à un autre; soit en y allant ou en revenant de quelque partie ou pour quelque partie du monde que ce soit, dont les dites nations jouissent ou jouiront.

Art. 4. Les sujets, peuples et habitans des dits Etats Unis et de chacun d'iceux, ne païeront dans les ports, hâvres, rades, isles, villes et places de la domination de sa majesté très chrétienne en Europe, d'autres ni plus grands droits ou impôts de quelque nature qu'ils puissent être et quelque nom qu'ils puissent avoir que les nations les plus favorisées sont, ou seront tenuës depaïer, et ils jouiront de tous les droits, libertés, privileges, immunités et exemptions en fait de négoce, navigation et commerce soit en pussant d'un port à un autre des dits etats du roi très chrétien en Europe, soit en y allant ou en revenant de quelque partie ou pour quelque partie du monde que ce soit, dont les nations susdites jouissent ou jouiront.

Art. 5. Dans l'exemtion cidessus est nommément compris l'imposition de cent sous par tonneau établie en France sur les navires étrangers, si ce n'est lorsque les navires des Etats Unis chargeront des marchandises de France, dans un port de France; pour un autre port de la même domination auquel cas les dits navires des dits Etats Unis acquiteront le droit dont il s'agit aussi long tems que les autres nations les plus

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that the said United States, or any of them, are at liberty, when they shall judge it proper, to establish a duty equivalent in the same case.

Vessels &c. belonging to U. S. citizens to be protected in French ports, and by French ships of war, whilst in company.

ART. 6. The most christian king shall endeavor, by all the means in his power, to protect and defend all vessels and the effects belonging to the subjects, people, or inhabitants of the said United States, or any of them, being in his ports, havens, or roads, or on the seas near to his countries, islands, cities, or towns; and to recover and restore to the right owners, their agents or attorneys, all such vessels and effects, which shall be taken within his jurisdiction; and the ships of war of his most christian majesty, or any convoy sailing under his authority, shall, upon all occasions, take under their protection all vessels belonging to the subjects, people, or inhabitants of the said United States, or any of them, and holding the same course, or going the same way, and shall defend such vessels as long as they hold the same course, or go the same way, against all attacks, force, and violence, in the same manner as they ought to protect and defend the vessels belonging to the subjects of the most christian king.

French vessels &c. to be protected by the armed vessels of the U. States.

ART. 7. In like manner, the said United States, and their ships of war, sailing under their authority, shall protect and defend, conformable to the tenor of the preceding article, all the vessels and effects belonging to the subjects of the most christian king, and use all their endeavors to recover, and cause to be restored, the said vessels and effects that shall have been taken within the jurisdiction of the said United States, or any of them.

The French king to employ his good offices with the Barbary powers, in behalf of the United States.

ART. 8. The most christian king will employ his good offices and interposition with the king or emperor of Morocco or Fez, the regencies of Algier, Tunis, and Tripoli, or with any of them; and also with every other prince, state, or power, of the coast of Barbary, in Africa, and the subjects of the said king, emperor, states, and powers, and each of them, in order to provide as fully and efficaciously as possible for the benefit, conveniency, and safety of the said United States, and each of them, their subjects, people, and inhabitants, and their vessels and effects, against all violence, insult, attacks, or depredations, on the part of the said princes, and states of Barbary, or their subjects.

favorisées seront obligées de l'acquiter. Bien entendu qu'il sera libre aux dits Etats Unis, ou à aucun d'iceux, d'établir, quand ils le jugeront àpropos, un droit equivalent à celui dont il est question pour le même cas pour lequel il est établi dans les ports de sa majesté très chrétienne. 1778. February 6.

Art. 6. Le roi très chrétien fera usage de tous les moïens qui sont en son pouvoir, pour protéger et defendre tous les vaisseaux et effets appartenants aux sujets, peuples et habitans des dits Etats Unis et de chacun d'iceux, qui seront dans ses ports, havres, ou rades, ou dans les mers près de ces pays, contrées, isles, villes et places, et fera tous ses efforts pour recouvrer et faire restituer aux propriétaires légitimes, leurs agens ou mandataires, tous les vaisseaux et effets qui leur seront pris dans l'éntenduë de sa jurisdiction: Et les vaisseaux de guerre de sa majesté très chrétienne ou les convois quelconques faisant voile sous son autorité, prendront, en toute occasion, sous leur protection tous les vaisseaux appartenants aux sujets, peuples et habitans des dits Etats Unis ou d'aucun d'iceux, les quels tiendront le même cours, et feront la même route, et ils defendront les dits vaisseaux aussi long-tems qu'ils tiendront le même cours et suivront la même route, contre toute attaque force ou violence de la même manière qu'ils sont tenus de défendre et de protéger les vaisseaux appartenans aux sujets de sa majesté très chrétienne.

Art. 7. Pareillement les dits Etats Unis et leurs vaisseaux de guerre faisant voile sous leur autorité protégeront et défendront conformément au contenu de l'article précédent, tous les vaisseaux et effets appartenants aux sujets du roi tres chrétien et feront tous leurs efforts pour recouvrer et faire restituer les dits vaisseaux et effets qui auront été pris dans l'étenduë de la jurisdiction des dits Etats et de chacun d'iceux.

Art. 8. Le roi très chrétien emploïera ses bons offices et son entremise auprès des roi ou empereur de Maroc ou Fez, des régences d'Alger, Tunis et Tripoli, ou auprès aucune d'entr' elles ainsi qu' auprès de tout autre prince, état, ou puissance des côtes de Barbarie en Afrique, et des sujets des dits roi, empereur, etats et puissance, et de chacun d'iceux, à l'effect de pourvoir aussi pleinement et aussi efficacement qu'il sera possible à l'avantage commodité et sûreté des dits Etats Unis et de chacun d'iceux, ainsi que de leurs sujets, peuples et habitans, leurs vaisseaux et effets, contre toute violence, insulte attaque, ou déprédations de la part des dits princes et etats Barbaresques ou de leurs sujets.

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ART. 9. The subjects, inhabitants, merchants, commanders of ships, masters, and mariners, of the states, provinces, and dominions of each party respectively, shall abstain and forbear to fish in all places possessed, or which shall be possessed, by the other party; the most christian king's subjects shall not fish in the havens, bays, creeks, roads, coasts, or places, which the said United States hold, or shall hereafter hold, and in like manner the subjects, people, and inhabitants of the said United States, shall not fish in the havens, bays, creeks, roads, coasts, or places, which the most christian king possesses, or shall hereafter possess; and if any ship or vessel shall be found fishing contrary to the tenor of this treaty, the said ship or vessel, with its lading, proof being made thereof, shall be confiscated; it is however understood that the exclusion stipulated in the present article, shall take place only so long, and so far as the most christian king, or the United States, shall not in this respect, have granted an exemption to some other nation.

Fishing reciprocally prohibited to each party, in places occupied for that object by the other, &c.

Prohibitions in relation to fishing, to be governed by indulgences granted to other nations.

ART. 10. The United States, their citizens and inhabitants, shall never disturb the subjects of the most christian king in the enjoyment and exercise of the right of fishing on the banks of Newfoundland, nor in the indefinite and exclusive right which belongs to them on that part of the coast of that island which is designed by the treaty of Utrecht, nor in the rights relative to all and each of the isles which belong to his most christian majesty, the whole conformable to the true sense of the treaties of Utrecht and Paris. (1)

The rights of France to be respected by the U. States with regard to fishing on the banks of Newfoundland, &c. as established by the treaties of Utrecht and Paris.

(2) ART. 11. The subjects and inhabitants of the said United States, or any one of them, shall not be reputed aubins in France, and consequently shall be exempted from the *droit d'aubaine*, or other similar duty, under what name soever. They may by testament, donation, or otherwise dispose of their goods, moveable and immoveable, in favor of such persons as to them shall seem good, and their heirs, subjects of the said United States, residing whether in France or elsewhere, may succeed them *ab intestat*, without being obliged to obtain letters of naturalization, and without having the effect of this concession contested or impeded under pretext of any rights or prerogatives of provinces, cities, or private persons; and the said heirs, whether such by particular title, or *ab intestat* shall be exempt from all duty called *droit de detraction*, or other duty of the same kind, saving, nevertheless, the local rights or duties as much, and as long as similar ones are not established by the United States, or any of them. The subjects of the most christian king shall enjoy on their part in all the dominions

(1) See end of treaty, page 56.
(2) Vide the same.

United States' citizens to be exempt from the law of escheat, in case of dying aliens in France and French subjects to enjoy the same privilege in the United States.

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ART. 9. Les sujets, habitans, merchands, commandans des navires, maitres et gens de mer, des etats, provinces et domaines des deux parties, s'absteindront et éviteront reciproquement de pêcher dans toutes les places possédées, ou qui seront possédées par l'autre partie. Les sujets de sa majesté très chrétienne ne pêcheront pas dans les havres, bayes, criques, rades, côtes et places que les dits Etats Unis, possédent ou posséderont à l'avenir; et de la meme manière les sujets, peuples et habitans des dits Etats Unis, ne pêcheront pas dans les havres, bayes, criques, rades, côtes et places que sa majesté très chrétienne posséde actuellement ou possédera à l'avenir, et si quelque navire ou bâtiment étoit surpris pêchant en violation du present traité, le dit navire ou bâtiment et sa cargaison seront confisqués après que la preuve en aura été faite duëment. Bien entendu que l'exclusion stipulée dans le present article n'aura lieu qu'autant, et si long tems que le roi et les Etats Unis n'auront point accordé à cet égard d'exception à quelque nation que ce puisse être.

ART. 10. Les Etats Unis leur citoïens et habitans ne troubleront jamais les sujets du roi très chrétien dans la jouissance et exercise du droit de pêche sur les bancs de Terreneuve, non plus que dans la jouissance indéfinie et exclusive qui leur apartient sur la partie des côtes de cette isle, designée dans le traité d'Utrecht, ni dans les droits relatifs à toutes et chacune des isles qui apartiennent à sa majesté très chrétienne; le tout conformément au véritable sens des traités d'Utrecht et de Paris.

ART. 11. Les sujets et habitans des dits Etats Unis ou de l'un d'eux ne seront point reputés aubains en France, et conséquemment seront exemts du droit d'aubaine ou autre droit semblable quelque nom qu'il puisse avoir; pourront disposer par testament, donation, ou autrement de leurs biens meubles et immeubles en faveur de telles personnes qui bon leur semblera; et leurs héritiers, sujets des dits Etats Unis, residans soit en France soit ailleurs, pourront leur succéder *ab intestat*, sans qu'ils aïent besoin d'obtenir des lettres de naturalité, et sans que l'effet de cette concession leur puisse être contesté ou empêché sous pretexte de quelques droits ou prérogatives des provinces, villes ou personnes privées. Et seront les dits héritiers soit à titre particulier soit *ab intestat* exemts de tout doit de detraction ou autre droit de ce genre; sauf néanmoins les droits locaux tant, et si long tems, qu'il n'en sera point établi de pareils par les dits Etats Unis ou aucun d'iceux. Les sujets du roi très chrétien jouiront de leur côté, dans tous les

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of the said states, an entire and perfect reciprocity relative to the stipulations contained in the present article, but it is at the same time agreed that its contents shall not affect the laws made, or that may be made hereafter in France against emigrations, which shall remain in all their force and vigor, and the United States on their part, or any of them, shall be at liberty to enact such laws, relative to that matter, as to them shall seem proper.

Suspected ships may be compelled to exhibit their papers on entering the ports of an enemy to either party.

ART. 12. The merchant ships of either of the parties which shall be making into a port belonging to the enemy of the other ally, and concerning whose voyage, and the species of goods on board her, there shall be just grounds of suspicion, shall be obliged to exhibit as well upon the high seas, as in the ports and havens, not only her passports, but likewise certificates, expressly showing that her goods are not of the number of those which have been prohibited as contraband.

Manner of proceeding in relation to vessels having contraband goods on board, &c.

ART. 13. If by the exhibiting of the abovesaid certificates, the other party discover there are any of those sorts of goods which are prohibited and declared contraband, and consigned for a port under the obedience of his enemies, it shall not be lawful to break up the hatches of such ship, or to open any chest, coffers, packs, casks, or any other vessels found therein, or to remove the smallest parcels of her goods, whether such ship belongs to the subjects of France, or the inhabitants of the said United States, unless the lading be brought on shore in the presence of the officers of the court of admiralty, and an inventory thereof made; but there shall be no allowance to sell, exchange, or alienate the same, in any manner, until after that due and lawful process shall have been had against such prohibited goods, and the court of admiralty shall, by a sentence pronounced, have confiscated the same: saving always as well the ship itself as any other goods found therein, which by this treaty are to be esteemed free, neither may they be detained on pretence of their being as it were infected by the prohibited goods, much less shall they be confiscated as lawful prize: but if not the whole cargo, but only part thereof shall consist of prohibited or contraband goods, and the commander of the ship shall be ready and willing to deliver them to the captor, who has discovered them, in such case, the captor having received those goods, shall, forthwith, discharge the ship, and not hinder her by any means, freely to prosecute the voyage on which she was bound. But in case the contraband merchandises cannot be all received on board the vessel of

domains des dits états, d'une entiére et parfaits reciprocité relativement aux stipulations renfermées dans le présent article. Mais il est convenu en même tems, que son contenu ne portera aucune atteinte aux loix promulguées en France contre les émigrations, ou qui pourront être promulguées dans la suite, les quelles demeureront dans toute leur force et vigueur. Les Etats Unis de leur côté ou aucun d'entr' eux, seront libres de statuer sur cette matière telle loi qu'ils jugeront àpropos. 1778. February 6.

Art. 12. Les navires marchands des deux parties qui seront destinés pour des ports appartenants à une puissance ennemie de l'autre allié, et dont le voïage ou la nature des marchandises dont ils seront chargés donneroit de justes soupçons, seront tenus d'exhiber soit en haute mer, soit dans les ports et havres, non seulement leurs passeports mais encore les certificats qui constateront expressément que leur chargement n'est pas de la qualité de ceux que sont prohibées comme contrebande.

Art. 13. Si l'exhibition des dits certificats conduit à decouvrir que le navire porte des merchandises prohibées et reputées contrebande, consignées pour un port enemi, il ne sera pas permis de briser les écoutilles des dits navires, ni d'ouvrir aucune caisse, coffre, malle, ballot, tonneaux et autres caisses qui s'y trouveront, ou d'en deplacer et détourner la moindre parti des merchandises soit que le navire appertienne aux sujets du roi très chrétien ou aux habitans des Etats Unis, jusqu' à ce que la cargaison ait été mise à terre en présence des officiers des cours d'amirauté, et que l'inventaire en ait été fait; mais on ne permettra pas de vendre, échanger ou aliéner les navires ou leur cargaison en manière quelconque, avant que le procés ait été fait et parfait légalement pour déclarer la contrebande, et que les cours d'amirauté auront pronouncé leur confiscation par jugement, sans préjudice néanmoins des navires, ainsi que des merchandises qui en vertu du traité doivent être censées libres. Il ne sera pas permis de retenir ces marchandises sous prétexte qu'elles ont été entachées par les marchandises de contrebande et bein moins encore de les confisquer comme des prises légales. Dans le cas où une partie seulement et non la totalité du chargement consisteroit en marchandises de contrebande, et que le commandant du vaisseau consente à les deliver au corsaire qui les aura découvertes; alors le capitaine qui aura fait la prise, après avoir reçu ces marchandises doit incontinent relâcher le navire et ne doit l'empêcher en aucune manière de continuer son voyage. Mais

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the captor, then the captor may, notwithstanding the offer of delivering him the contraband goods, carry the vessel into the nearest port, agreeable to what is above directed.

Goods belonging to the citizens of either party, liable to confiscation, when on board of enemy vessels.

ART. 14. On the contrary, it is agreed, that whatever shall be found to be laden by the subjects and inhabitants of either party on my ship belonging to the enemies of the other, or to their subjects, the whole, although it be not of the sort of prohibited goods, may be confiscated in the same manner as if it belonged to the enemy, except such goods and merchandises as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done without knowledge of such declaration, so that the goods of the subjects and people of either party, whether they be of the nature of such as are prohibited or otherwise, which as is aforesaid, where put on board any ship belonging to an enemy before the war or after the declaration of the same, without the knowledge of it, shall no ways be liable to confiscation, but shall well and truly be restored without delay to the proprietors demanding the same; but so as that if the said merchandises be contraband, it shall not be any ways lawful to carry them afterwards to any ports belonging to the enemy. The two contracting parties agree, that the term of two months being passed after the declaration of war, their respective subjects, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

Reciprocal guarantee from injuries from armed vessels of either party.

ART. 15. And that more effectual care may be taken for the security of the subjects and inhabitants of both parties, that they suffer no injury by the men of war or privateers of the other party, all the commanders of the ships of his most christian majesty and of the said United States, and all their subjects and inhabitants, shall be forbid doing any injury or damage to the other side; and if they act to the contrary they shall be punished, and shall moreover be bound to make satisfaction for all matter of damage, and the interest thereof, by reparation, under the pain and obligation of their person and goods.

Ships, &c. to be restored, when rescued from pirates.

ART. 16. All ships and merchandises of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port, in order to be restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

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dans le cas où les marchandises de contrebande ne pourroient pas être toutes chargées sur le vaisseau capteur, alors le capitaine du dit vaisseau sera le maître, malgré l'offre de remettre la contrebande, de conduire le patron dans le plus prochain port, conformément à ce qui est prescrit plus haut.

Art. 14. On est convenu au contraire, que tout ce qui se trouvera chargé par les sujets respectifs sur des navires appartenants aux enemis de l'autre partie ou à leurs sujets, sera confisqué sans distinction des marchandises prohibées ou non prohibées, ainsi et de même que si elles appartenoient à l'ennemi, à l'exception toute fois, des effets et marchandises qui auront été mis à bord des dits navires avant la déclaration, de guerre ou même après la dite déclaration, si au moment du chargement on a pu l'ignorer, de maniere que les marchandises des sujets des deux parties, soit qu'elles se trouvent du nombre de celles de contrebande ou autrement, les qu'elles comme il vient d'être dit auront été mises à bord d'un vaisseau appartenant à l'ennemi avant la guerre ou même après la dite déclaration, l'orsqu'on l'ignoroit ne seront en aucune manière, sujetes à confiscation, mais seront fidelement et de bonne foi renduës sans délai à leurs proprietaires, qui lés réclameront; bien entendu néanmoins, qu'il ne soit pas permis de porter dans les ports ennemis les marchandises qui seront de contrebande. Les deux parties contractantes conviennent que le terme de deux mois passés depuis la déclaration de guerre, leurs sujets respectifs, de quelque partie du monde qu'ils viennent, ne pourront plus alléguer l'ignorance dont il est question dans le présent article.

Art. 15. Et afin de pourvoir plus efficacement à la sûreté des sujets des deux parties contractantes, pour qu'il ne leur soit fait aucun prejudice par les vaisseaux de guerre de l'autre partie, ou par des armateurs particuliers, il sera fait défense à tous capitaines des vaisseaux de sa majesté très chrétienne et des dits Etats Unis, et à tous leurs sujets de faire aucun dommage ou insulte à ceux de l'autre partie, et au cas où ils y contreviendroient, ils en seront punis et de plus ils seront tenus et obligés en leurs personnes et en leurs biens de réparer tous les dommages et intérêts.

Art. 16. Tous vaisseaux et marchandises de quelque nature que ce puisse être, lorsqu'ils auront été enlevés des mains de quelques pirates en pleine mer, seront amenés dans quelque port de l'un des deux états, et seront remis á la garde des officiers du dit port afin d'être rendus, en entier, à leur véritable propriétaire aussitôt qu'il aura duëment et suffisament fait constater de sa propriété.

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ART. 17. It shall be lawful for the ships of war of either party, and privateers, freely to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any duty to the officers of the admiralty or any other judges; nor shall such prizes be arrested or seized when they come to or enter the ports of either party; nor shall the searchers or other officers of those places search the same, or make examination concerning the lawfulness of such prizes; but they may hoist sail at any time and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show: on the contrary, no shelter or refuge shall be given in their ports to such as shall have made prize of the subjects, people, or property of either of the parties; but if such shall come in, being forced by stress of weather, or the danger of the sea, all proper means shall be vigorously used, that they go out and retire from thence as soon as possible.

Free entrance allowed into the ports of each, to prizes made by either party.

The cruisers of an enemy against one party, not allowed to remain in the ports of the other.

ART. 18. If any ship belonging to either of the parties, their people, or subjects, shall, within the coasts or dominions of the other, stick upon the sands, or be wrecked, or suffer any other damage, all friendly assistance or relief shall be given to the persons shipwrecked, or such as shall be in danger thereof. And letters of safe conduct shall likewise be given to them for their free and quiet passage from thence, and the return of every one to his own country.

Relief, &c. to be granted to the ship wrecked vessels of each party, by the other.

ART. 19. In case the subjects and inhabitants of either party, with their shipping, whether public and of war, or private and of merchants, be forced through stress of weather, pursuit of pirates, or enemies, or any other urgent necessity for seeking of shelter and harbor, to retreat and enter into any of the rivers, bays, roads, or ports belonging to the other party, they shall be received and treated with all humanity and kindness, and enjoy all friendly protection and help; and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals and all things needful for the sustenance of their persons, or reparation of their ships, and conveniency of their voyage; and they shall no ways be detained or hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

Citizens of either party, forced in their shipping by necessity, to take refuge in the ports of the other, to be received with humanity, and treated with liberality.

ART. 20. For the better promoting of commerce on both sides, it is agreed, that if a war shall break out between the said two nations, six months after the proclamation of war

Six months allowed after the declaration of war, for the removal or sale of

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ART. 17. Les vaisseaux de guerre de sa majesté très chrétienne et ceux des Etats Unis, de même que ceux que leurs sujets auront armés en guerre, pourront, en toute liberté, conduire où bon leur semblera les prises qu'ils auront faites sur leurs ennemis, sans être obligés à aucuns droits, soit des sieurs amiraux ou de l'amirauté ou d'aucuns autres, sans qu'aussi les dits vaisseaux ou les dites prises entrant dans les havres ou ports de sa majesté très chrétienne ou des dits Etats Unis puissent être arretés ou saisis, ni que les officiers des lieux puissent prendre connoissance de la validité des dites prises, les quelles pourront sortir et être conduites franchement et en toute liberté aux lieux portés par les commissions dont les capitaines des dits vaisseaux seront obligés de faire apparoir. Et au contraire, ne sera donné asile ni retraite dans leurs ports ou havres à ceux qui auront fait des prises sur les sujets de sa majesté ou des dits Etats Unis; et s'ils sont forcés d'y entrer par tempête ou péril de la mer, on les fera sortir le plustôt qu'il sera possible.

ART. 18. Dans le cas où un vaisseau apartenant à l'un des deux états ou à leurs sujets, aura échoué, fait naufrage ou souffert quelqu' autre dommage sur les côtes ou sous la domination de l'une des deux parties, il sera donné toute aide et assistance amiable aux personnes naufragées ou qui se trouvent en danger, et il leur sera accordé des sauf conduits pour assûrer leur passage et leur retour dans leur patrie.

ART. 19. Lorsque les sujets et habitans de l'une des deux parties avec leurs vaisseaux soit publics et de guerre, soit particuliers et marchands, seront forcés par une tempête, par la poursuite des pirates et des ennemis, ou par quelqu' autre necessité urgente, de chercher refuge et un abri, de se retirer et entrer dans quelqu' une des rivières, bayes, rades ou ports de l'une des deux parties, ils seront reçus et traités avec humanité, et jouiront de toute amitié, protection et assistance, et il leur sera permis de se pourvoir de rafraichissemens, de vivres, et de toutes choses nécessaires pour leur subsistance pour la reparation de leurs vaisseaux, et pour continuër leur voïage, le tout moïennant un prix raisonable, et ils ne seueront retenus en aucune manière, ni empêchés de sortir des dits ports ou rades, mais pourront se retirer et partir quand, et comme il leur plaira, sans aucun obstacle ni empêchement.

ART. 20. Afin de promouvoir d'autant mieux le commerce de deux côtés, il est convenu que dans le cas où la guerre surviendroit entre les deux nations susdites, il sera accordé, six

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shall be allowed to the merchants in the cities and towns where they live, for selling and transporting their goods and merchandises; and if any thing be taken from them, or any injury be done them within that term, by either party, the people, or subjects of either, full satisfaction shall be made for the same.

the property of the citizens of either party.

ART. 21. No subjects of the most christian king shall apply for or take any commission, or letters of marque, for arming any ship or ships to act as privateers against the said United States, or any of them, or against the subjects, people, or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any prince or state with which the said United States shall be at war; nor shall any citizen, subject, or inhabitant of the said United States, or any of them, apply for or take any commission or letters of marque for arming any ship or ships, to act as privateers against the subjects of the most christian king, or any of them, or the property of any of them, from any prince or state with which the said king shall be at war; and if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

The citizens of each party prohibited from taking commissions from a third power to cruise against each other.

ART. 22. It shall not be lawful for any foreign privateers, not belonging to subjects of the most christian king, nor citizens of the said United States, who have commissions from any other prince or state in enmity with either nation, to fit their ships in the ports of either the one or the other of the aforesaid parties, to sell what they have taken, or in any other manner whatsoever to exchange their ships, merchandises, or any other lading; neither shall they be allowed even to purchase victuals, except such as shall be necessary for their going to the next port of that prince or state from which they have commissions.

Privateers cruising under commissions from a third power at enmity with one of the parties, not to be allowed to fit their ships or sell their prizes, in the ports of the U. S. or France.

ART. 23. It shall be lawful for all and singular the subjects of the most christian king, and the citizens, people, and inhabitants of the said United States, to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with the most christian king, or the United States. It shall likewise be lawful for the subjects and inhabitants aforesaid, to sail with the ships and merchandises aforementioned, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies

Free trade allowed to one party with the enemy of the other, &c.

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mois après la déclaration de guerre, aux marchands dans les villes et cités qu'ils habitent, pour rassembler et transporter les marchandises; et s'il en est enlevé quelque chose ou s'il leur a été fait quelqu' injure durant le terme prescrit cidessus, par l'une des deux parties, leurs peuples ou sujets, il leur sera donné à cet égard pleine et entière satisfaction.

Art. 21. Aucun sujet du roi très chrétien ne prendra de commission ou de lettres de marque pour armer quelque vaisseau ou vaisseaux à l'effet d'agir comme corsaires contre les dits Etats Unis ou quelques uns d'entr' eux, ou contre les sujets, peuples ou habitans d'iceux, ou contre leur propriéte ou celle des habitans d'aucun d'entr' eux, de quelque prince que ce soit avec lequel les dits Etats Unis seront en guerre. De même aucun citoïen, sujet, ou habitant des susdits Etats Unis et de quelqu' un d'entr' eux, ne demandera ni n'acceptera aucune commission ou lettres de marque pour armer quelque vaisseau, ou vaisseaux pour courre sus aux sujets de sa majesté très chrétienne, ou quelques uns d'entre eux, ou leur propriété, de quelque prince ou état que ce soit avec qui sa dite majesté se trouvera en guerre; et si quelqu' un de l'une ou de l'autre nation prenoit de pareilles commissions ou lettres de marque il sera puni comme pirate.

Art. 22. Il ne sera permis à aucun corsaire étranger non apartenant à quelque sujet de sa majesté très chrétienne ou à un citoïen des dits Etats Unis lequel aura une commission de la part d'un prince ou d'une puissance en guerre avec l'une des deux nations, d'armer leurs vaisseaux dans les ports de l'une des deux parties ni d'y vendre les prises qu'il aura faites, ni décharger en autre manière quelconque les vaisseaux, marchandises ou aucune partie de leur cargaison; il ne sera même pas permis d'acheter d'autres vivres que ceux qui lui seront nécessaries pour se rendre dans le port le plus voisin du prince ou de l'etat dont il tient sa commission.

Art. 23. Il sera permis à tous et un chacun des sujets du roi très chrétien et aux citoïens, peuple et habitans des susdits Etats Unis, de naviguer avec leurs bâtimens avec toute liberté et sureté, sans qu'il puisse être fait d'exception à cet égard, à raison des propriétaires des marchandises chargées sur les dits bâtimens, venant de quelque port que ce soit et destinés pour quelque place d'une puissance actuellement ennemie, ou qui pourra l'être dans la suite de sa majesté très chrétienne ou des Etats Unis. Il sera permis également aux sujets et habitans susmentionnés de naviguer avec leurs vaisseaux et marchandises et de fréquenter avec la même liberté

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of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same prince, or under several. And it is hereby stipulated, that free ships shall also give a freedom to goods, and that every thing shall be deemed to be free and exempt which shall be found on board the ships belonging to the subjects of either of the confederates, although the whole lading, or any other part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are soldiers and in actual service of the enemies.

Free ships to make free goods contraband always excepted.

Persons on board free ships soldiers excepted in the service of an enemy, to be protected.

Articles designated which are to be considered as contraband of war.

ART. 24. This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband, and under this name of contraband, or prohibited goods, shall be comprehended arms, great guns, bombs with the fusees, and other things belonging to them, cannon ball, gun-powder, match, pikes, swords, lances, spears, halberts, mortars, petards, granades, salt-petre, muskets, musket ball, bucklers, helmets, breast plates, coats of mail, and the like kinds of arms, proper for arming soldiers, musket rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandises which follow, shall not be reckoned among contraband or prohibited goods; that is to say, all sorts of cloths, and all other manufactures wóven of any wool, flax, silk, cotton, or any other materials whatever, all kinds of wearing apparel, together with the species whereof they are used to be made, gold and silver, as well coined as uncoined, tin, iron, latten, copper, brass, coals; as also wheat and barley, and any other kind of corn and pulse; tobacco, and likewise all manner of spices; salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts; and in general all provisions which serve for the nourishment of mankind, and the sustenance of life, furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail cloths, anchors, and any parts of anchors, also ships' masts, planks, boards and beams of what trees soever; and all other things

Goods not contraband designated.

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et sureté les places, ports, et hâvres des puissances ennemies des deux parties contractantes ou d'une d'entre elles sans opposition ni trouble, et de faire le commerce non seulement directement des ports de l'ennemi susdit à un port neutre, mais aussi d'un port ennemi à un autre port ennemi, soit qu'il se trouve sous sa jurisdiction ou sous celle de plusieurs; et il est stipulé par le présent traité que les batimens libres assureront également la liberté des marchandises, et qu'on jugera libres toutes les choses qui se trouveront abord des navires apartenants aux sujets d'une des parties contractantes, quand même le chargement ou partie d'icelui apartiendroit aux ennemis de l'une des deux; bien entendu néanmoins que la contrebande sera toujours exceptée. Il est également convenu que cette même liberté s' étendroit aux personnes qui pourroient se trouver abord du bâtiment libre quand même elles seroient ennemies de l'une des deux parties contractantes, et elles ne pourront être enlevés des dits navires à moins qu'elles ne soient militaires et actuellement au service de l'ennemi.

Art. 24. Cette liberté de navigation et de commerce doit s'etendre sur toutes sortes de marchandises, à l'exception seulement de celles qui sont designés sous le nom de contrebande: Sous ce nom de contrebande ou de marchandises prohibées doivent être compris les armes, canons, bombes avec leurs fusées et autres choses y relatives, boulets, poudre à tirer, méches, piques, épées, lances, dards, hallebardes, mortiers, petards, grenades, salpètre, fusils, balles, boucliers, casques, cuirasses, cote de mailles, et autres armes de cette espèce, propres à armer les soldats, porte-mousqueton, baudriers, chevaux avec leurs équipages, et tous autres instrumens de guerre quelconques. Les marchandises dénommées ci-après ne seront pas comprises parmi la contrebande ou choses prohibées, savoir, toutes sortes de draps et toutes autres étoffes de laine, lin soye, coton ou d'autres matières quelconques; toutes sortes de vêtemens avec les étoffes dont on a coutume de les faire, l'or et l'argent monnoïe ou non, l'étain, le fer laiton, cuivre, airain, charbons, de même que le froment et l'orge, et toute autre sorte de bleds et legumes; le tabac et toutes les sortes d'épiceries, la viande salée et fumée, poisson salé, fromage et beurre, bierre, huiles, vins, sucres, et toute espèce de sel, et en général toutes provisions servant pour la nourriture de l'homme et pour le soutien de la vie. De plus, toutes sortes de coton, de chanvre, lin goudron, poix, cordes, cables, voiles, toiles à voiles, ancres, parties d'ancres, mats, planches, madriers, et bois de toute espèce, et toutes autres

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proper either for building or repairing ships, and all other goods whatever which have not been worked into the form of any instrument or thing prepared for war by land or by sea, shall not be reputed contraband, much less such as have been already wrought and made up for any other use: all which shall be wholly reckoned among free goods; as likewise all other merchandises and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods; so that they may be transported and carried in the freest manner by the subjects of both confederates, even to places belonging to an enemy, such towns or places being only excepted, as are at that time besieged, blocked up, or invested.

Sea letters, or passports, to be furnished, in case either party be engaged in war, to the vessels of the other.

ART. 25. To the end that all manner of dissentions and quarrels may be avoided and prevented, on one side and the other, it is agreed, that in case either of the parties hereto should be engaged in war, the ships and vessels belonging to the subjects or people of the other ally, must be furnished with sea letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby that the ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty; they shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year. It is likewise agreed, that such ships being laden are to be provided not only with passports as abovementioned, but also with certificates, containing the several particulars of the cargo, the place whence the ship sailed, and whither she is bound, that so it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship set sail, in the accustomed form; and if any one shall think it fit or adviseable to express in the said certificates, the person to whom the goods on board belong, he may freely do so.

Vessels of either party, on the coast or in port, not willing to enter or unload are to be treated according to general rules, to be prescribed.

ART. 26. The ships of the subjects and inhabitants of either of the parties, coming upon any coasts belonging to either of the said allies, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, they shall be treated according to the general rules prescribed or to be prescribed, relative to the object in question.

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choses propres à la construction et reparation des vaisseaux et autres matières quelconques qui n'ont pas la forme d'un instrument préparé pour la guerre par terre comme par mer, ne seront pas reputées contrebande et encore moins celles qui sont déja preparées pour quelqu' autre usage: Toutes les choses dénommées cidessus doivent être comprises parmi les marchandises libres, de même que toute les autres marchandises et effets qui ne sont pas compris et particulièrement nommés dans l'enumération des marchandises de contrebande; de manière qu'elles pourront être transportées et conduites de la manière la plus libre par les sujets des deux parties contractantes dans des places ennemies, à l'exception néanmoins de celles qui se trouveroient actuellement assiégées, bloquées ou investies.

Art. 25. Afin d'écarter et de prevenir de part et d'autre toutes discussions et querelles il a été convenu que dans le cas où l'une des deux parties se trouveroit engagée dans une guerre, les vaisseaux et bâtimens appartenans aux sujets ou peuple de l'autre allié devront être pourvus de lettres de mer ou passeports, lesquels exprimeront le nom, la propriété et le port du navire, ainsi que le nom et la demeure du maitre ou commandant du dit vaisseau, afin qu'il aparoisse par là que le même vaisseau apartient réellement et véritablement aux sujets de l'une des deux parties contractantes; lequel passeport, devra, être expédié selon le modèle annexé au present traité. Ces passeports devront également être renouvellés chaque année dans le cas ou le vaisseau retourne chez lui dans l'espace d'une année. Il a été convenu également que les vaisseaux susmentionnés dans le cas où ils seroient chargés devront être pourvus non seulement de passeports mais aussi de certificats, contenant le detail de la cargaison, le lieu d'où le vaisseau est parti, et la déclaration des marchandises de contrebande qui pourroient se trouver abord; lesquels certificats devront être expédiés dans la forme accoutumeé par les officiers du lieu d'où le vaisseau aura fait voile, et s'il étoit jugé utile ou prudent d'exprimer dans les dits passeports la personne à laquelle les marchandises apartiennent, on pourra le faire librement.

Art. 26. Dans le cas où les vaisseaux des sujets et habitans de l'une des deux parties contractantes aprocheroient des côtes de l'autre, sans ce pendant avoir le dessein d'entrer dans le port, ou après être entrés, sans avoir le dessein de décharger la cargaison, ou rompre leur charge, on se conduira à leur égard suivant les règlemens généraux prescrits ou a prescrire relativement à l'objet dont il est question.

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Merchant ships of either party, met by armed vessels of the other, to be visited in boats, manned by two or three hands only, such armed vessel remaining beyond cannon shot distance.

* This form relates to the ownership of the vessel, identity of the crew, obedience to the laws, &c.

ART. 27. If the ships of the said subjects, people, or inhabitants of either of the parties shall be met with, either sailing along the coasts or on the high seas, by any ship of war of the other, or by any privateers, the said ships of war or privateers, for the avoiding of any disorder, shall remain out of cannon shot, and may send their boats on board the merchant ship which they shall so meet with, and may enter her to number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passport concerning the property of the ship, made out according to the form* inserted in this present treaty, and the ship when she shall have showed such passport, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or search her in any manner, or to give her chase or force her to quit her intended course.

Before goods are laden to be examined, and if prohibited to be stopped on the spot.

ART. 28. It is also agreed, that all goods when once put on board the ships or vessels of either of the two contracting parties, shall be subject to no farther visitation; but all visitation or search shall be made beforehand, and all prohibited goods shall be stopped on the spot, before the same be put on board; unless there are manifest tokens or proofs of fraudulent practice; nor shall either the persons or goods of the subjects of his most christian majesty or the United States, be put under any arrest or molested by any other kind of embargo for that cause; and only the subject of that state to whom the said goods have been or shall be prohibited, and who shall presume to sell or alienate such sort of goods, shall be duly punished for the offence.

Consuls allowed in the ports of each party.

ART. 29. The two contracting parties grant mutually the liberty of having each in the ports of the other, consuls, vice consuls, agents, and commissaries, whose functions shall be regulated by a particular agreement.

U. S. citizens to be allowed certain free ports, in Europe and in the French islands of America.

ART. 30. And the more to favor and facilitate the commerce which the subjects of the United States may have with France, the most christian king will grant them in Europe one or more free ports, where they may bring and dispose of all the produce and merchandise of the thirteen United States; and his majesty will also continue to the subjects of the said states, the free ports which have been and are open in the French islands of America: all of which free ports the said subjects of the United States shall enjoy the use, agreeable to the regulations which relate to them.

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ART. 27. Lorsqu'un bâtiment apartenant aux dits sujets, peuple et habitans de l'une des deux parties, sera rencontré navigant le long des côtes ou en pleine mer, par un vaisseau de guerre de l'autre, ou par un armateur, le dit vaisseau de guerre, ou armateur, afin d'éviter tout désordre, se tiendra hors de la portée du canon, et pourra envoïer sa chaloupe abord du bâtiment marchand, et y faire entrer deux ou trois hommes, aux quels le maitre ou commandant du bâtiment montrera son passeport, lequel devra être conforme à la formule annexée au present traité, et constatera la propriété du bâtiment, et aprés que le dit bâtiment, aura exhibé un pareil passeport, il lui sera libre de continuer son voïage et il ne sera pas permis de le molester, ni de chercher en aucune manière, de lui donner la chasse, ou de le forcer de quitter la course qu'il s'étoit proposée.

ART. 28. Il est convenu que lorsque les marchandises auront été chargées sur les vaisseaux ou bâtimens de l'une des deux parties contractantes, elles ne pourront plus être assujeties à aucune visite; toute visite et recherche devant être faite avant le chargement, et les marchandises prohibées devant être arrêtées et saisies sur la plage avant de pouvoir être embarquées à moins qu'on n'ait des indices manifestes ou des preuves de versements frauduleux. De même aucun des sujets de sa majesté très chrètienne ou des Etats Unis, ni leurs marchandises, ne pourront être arretés ni molestés pour cette cause, par aucune espèce d'embargo; et les seuls sujets de l'état, auxquels les dites marchandises auront été prohibées, et qui se seront emancipés à vendre et aliener de pareilles marchandises, seront duëment punis pour cette contravention.

ART. 29. Les deux parties contractantes se sont accordées mutuellement la faculté de tenir dans leurs ports respectifs des consuls, vice consuls, agents et commissares, dont les fonctions seront règlées par une convention particuliere.

ART. 30. Pour d'autant plus favoriser et faciliter le commerce que les sujets des Etats Unis feront avec la France, le roi très chrétien leur accordera en Europe un ou plusieurs ports francs, dans lesquels ils pourront amener et débiter toutes les denrées et marchandises provenant des treize Etats Unis; sa majesté conservera d'un autre côte aux sujets des dits états les ports francs qui ont été, et sont ouverts dans les isles Françoises de l'Amérique. De tous les quels ports francs les dits sujets des Etats Unis jouiront conformément aux règlemens qui en déterminent l'usage.

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ART. 31. The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of six months, or sooner if possible.

Ratifications to be exchanged in six months.

In faith whereof the respective plenipotentiaries have signed the above articles, both in the French and English languages, declaring nevertheless, that the present treaty was originally composed and concluded in the French language, and they have thereto affixed their seals.

Done at Paris, this sixth day of February, one thousand seven hundred and seventy-eight.

C. A. GERARD, [L. S.]
B. FRANKLIN, [L. S.]
SILAS DEANE, [L. S.]
ARTHUR LEE. [L. S.]

(1.) Extract from the 13th art. of the Treaty of Utrecht, from p. 381, vol. I. of Chambers' Treaties:—"It shall be allowed to the subjects of France to catch fish, and to dry them on land, in that part only, and in no other besides that, of the said island of Newfoundland, which stretches from the place called Cape Bonavista to the northern point of the said island, and from thence running down by the western side, reaches as far as the place called Point Riche. But the island called Cape Breton, as also all others, both in the mouth of the river St. Lawrence, and in the gulph of the same name, shall hereafter belong of right to the French, and the most Christian King shall have all manner of liberty to fortify any place or places there."

This treaty was concluded on the 11th day of April, (N. S.) 1713, and the rights which it secured to France in the fisheries in question, were continued to her, with some modifications, by the 5th article of the treaty of Paris, concluded on the 10th day of February, 1763.

(2.) The two following articles were originally agreed to, but afterwards rescinded:

Article agreed to, and afterwards rescinded.

ART. 11. *It is agreed and concluded, that there shall never be any duty imposed on the exportation of the molasses that may be taken by the subjects of any of the United States, from the islands of America which belong, or may hereafter appertain to his most christian majesty.*

ART. 12. *In compensation of the exemption stipulated by the preceding article, it is agreed and concluded, that there shall never be any duties imposed on the exportation of any kind of merchandise which the subjects of his most christian majesty may take from the countries and possessions, present or future, of any of the thirteen United States, for the use of the islands which shall furnish molasses.*

Act of France rescinding the original articles 11 and 12.

ACT OF FRANCE RESCINDING THE FOREGOING ARTICLES.

Translation.

The general congress of the United States of North America, having represented to the king that the execution of the eleventh article of the treaty of amity and commerce, signed the sixth of February last, might be productive of inconveniencies; and, having thereby desired the suppression of this article, consenting in return that the twelfth article shall likewise be considered of no effect: his majesty in order to give a new proof of his af-

ART. 31. Le présent traité sera ratifié de part et d'autre, et les ratifications seront échangées dans l'espace de six mois ou plustôt si faire se peut. 1778. February 6.

En foi de quo les plenipotentiares respectifs ont signé les articles ci-dessus tant en langue Françoise qu'en langue Angloise, déclarant neanmoins que le present traité a été originairement redigé et arrété en langue Françoise ; et ils y ont apposé le cachet de leurs armes.

Fait à Paris le sixieme jour du mois de Fevrier, mil sept cent soixante dixhuit.

C. A. GERARD, [L. S.]
B. FRANKLIN, [L. S.]
SILAS DEANE, [L. S.]
ARTHUR LEE. [L. S.]

(1) See Note on the opposite page (56.)

(2.) The two following articles were originally agreed to, but afterwards rescinded :

ART. 11. *Il est convenu et arrété qu'il ne sera jamais imposé aucun droit sur l'exportation des melasses qui pourront être tirées par les sujets d'aucun des Etats Unis, des isles d' Amérique qui appartiennent ou pourront appartenir à sa majesté tres chrétienne.*

ART. 12. *En compensation de l'exemtion stipulée par l'article précédent, il est convenu et arrété qu'il ne sera jamais imposé aucun droit sur l'exportation d'aucune espèce de denrées et marchandises que les sujets de sa majesté très chrétienne pourront tirer des pays ou possessions actuelles ou futures d'aucun des treize Etas Unis pour l'usage des isles que fournissent les melasses.*

ACT OF FRANCE RESCINDING THE FOREGOING ARTICLES.

Original.

Le congrés général des Etats Unis de l'Amérique Septentrionale ayant representé au roi que l'éxecution de l'article onze du traité d' amitié et de commerce, signé le six du mois de Février dernier, pourroit entrainer des inconvenients après soi, et ayant desiré en conséquence que cet article demeurât supriné, consentant en échange que l'article douze soit également regardé comme non avenu, sa majesté, pour donner aux

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fection, as also his desire to consolidate the union and good correspondence established between the two states, has been pleased to consider their representations: his majesty has consequently declared, and does declare by these presents, that he consents to the suppression of the eleventh and twelfth aforementioned articles, and that his intention is, that they be considered as having never been comprehended in the treaty signed the sixth of February last.

Done at Versailles the first day of the month of September, one thousand seven hundred and seventy-eight.

GRAVIER DE VERGENNES.

ACT OF THE U. STATES RESCINDING THE AFOREGOING ARTICLES.

Original.

DECLARATION.

Act of the U. S. rescinding the original articles 11 and 12.

The most christian king having been pleased to regard the representations made to him by the general congress of North America, relative to the eleventh article of the treaty of commerce, signed the sixth of February in the present year; and his majesty having therefore consented that the said article should be suppressed, on condition that the twelfth article of the same treaty be equally regarded as of none effect; the general congress hath declared, and do declare on their part, that they consent to the suppression of the eleventh and twelfth articles of the above mentioned treaty, and that their intention is, that these articles be regarded as having never been comprised in the treaty signed the sixth of February. In faith whereof, &c.

B. FRANKLIN.
ARTHUR LEE.
JOHN ADAMS.

NOTE. This treaty is no longer obligatory on the United States, being annulled, according to the following act, approved by President Adams, on the 7th of July, 1798.

AN ACT to declare the treaties heretofore concluded with France no longer obligatory on the United States.

"Whereas the treaties concluded between the United States and France have been repeatedly violated on the part of the French government; and the just claims of the United States for reparation of injuries so committed have been refused; and their attempts to negotiate an amicable adjustment of all complaints, between the two nations, have been repelled with indignity; and whereas, under the authority of the French government, there is yet pursued against the United States a system of predatory violence infracting the said treaties, and hostile to the rights of a free and independent nation:

"Sect. 1. Be it enacted, &c. That the United States are of right freed and exonerated from the stipulations of the treaties, and of the consular convention heretofore concluded between the United States and France; and that the same shall not henceforth be regarded as legally obligatory on the government or citizens of the United States."

The other treaties, and the convention, referred to in the above act, will be duly noticed, as they are inserted.

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Etats Unis de l'Amérique Septentrionale une nouvelle preuve de son affection, ainsi que de son desir de consolider l'union et la bonne correspondance etablies entre les deux états, à bien voulu avoir égard à leurs représentations; en consequence sa majesté à déclaré et déclare par les présentes qu'elle consent a la suppression des articles onze et douze susmentionnes, et que son intention est, qu'ils soient regardés comme n'ayant jamais été compris dans la traité signé le six Fevrier dernier.

Fait à Versailles, le premier jour du mois de Septembre, mil sept cent soixante et dix huit.

GRAVIER DE VERGENNES.

ACT OF THE U. STATES RESCINDING THE FOREGOING ARTICLES.

Translation.

DECLARATION.

Le roi très chrétien ayant bien voulu avoir égard aux représentations que lui a faites le congrès général de l'Amerique Septentrionale, relativement à l'article onze du traité de commerce, signé le six Fevrier de la presente année; et sa majesté ayant consenti en consequence que le dit article demeurât supprimé à condition que l'article douze du même traité fût également regardé comme non avenu; le congrès général à déclaré et déclare de son coté qu'il consent à la suppression des articles onze et douze susmentionnés, et son intention est qu'ils soient regardé comme n'ayant jamais été compris dans le traité signé le six Fevrier dernier. En foi de quoi, &c.

B. FRANKLIN,
ARTHUR LEE,
JOHN ADAMS.

1778. February 6.

No 2.—*Treaty of Alliance between the United States of America and His Most Christian Majesty.*

ORIGINAL.

Treaty of Alliance.

Treaty of alliance concluded to cement mutual interests, and to guard against British hostility towards France.

The most christian king and the United States of North America, to wit: New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, having this day concluded a treaty of amity and commerce for the reciprocal advantage of their subjects and citizens, have thought it necessary to take into consideration the means of strengthening those engagements, and of rendering them useful to the safety and tranquillity of the two parties; particularly in case Great Britain in resentment of that connexion and of the good correspondence which is the object of the said treaty, should break the peace with France, either by direct hostilities, or by hindering her commerce and navigation in a manner contrary to the rights of nations and the peace subsisting between the two crowns: and his majesty and the said United States, having resolved in that case to join their councils and efforts against the enterprises of their common enemy, the respective plenipotentiaries empowered to concert the clauses and conditions proper to fulfil the said intentions, have, after the most mature deliberation, concluded and determined on the following articles:

Councils and efforts to be united.

To make common cause, in case of war between France and G. Britain.

ART. 1. If war should break out between France and Great Britain during the continuance of the present war between the United States and England, his majesty and the said United States shall make it a common cause, and aid each other mutually with their good offices, their counsels and their forces, according to the exigence of conjunctures, as becomes good and faithful allies.

The independence of the U. States declared to be the essential object of this alliance.

ART. 2. The essential and direct end of the present defensive alliance is to maintain effectually the liberty, sovereignty, and independence absolute and unlimited, of the said United States, as well in matters of government as of commerce.

Each party at liberty to pursue its own method of annoying the common enemy.

ART. 3. The two contracting parties shall each on its own part, and in the manner it may judge most proper, make all the efforts in its power against their common enemy, in order to attain the end proposed.

Both parties, in any particular enterprise, to

ART. 4. The contracting parties agree, that in case either of them should form any particular enterprise in which the

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ORIGINAL.

Traité d'Alliance Eventuelle et Defensive.

Le roi très chrétien et les Etats Unis de l'Amérique Septentrionale, savoir, New Hampshire, la Baye de Massachusset, Rhode Island, Connecticut, New York, New Jersey, Pensylvanie, Delaware, Maryland, Virginie, Caroline Septentrionale, Caroline Méridionale, et Georgie; ayant conclu ce jourd'huy un traité d'amitié, de bonne intelligence et de commerce, pour l'avantage réciproque de leurs sujets et citoyens, ils ont cru devoir prendre en considération, les moyens de resserrer leurs liaisons, et de les rendre utiles à la sureté et à la tranquilité des deux parties, notament dans le cas oú la Grande Bretagne, en haine de ces mêmes, liaisons et de la bonne correspondance qui forment l'objet du dit traité, se porteroit á rompre la paix avec la France, soit en l'attaquant hostilement, soit en troublant son commerce, et sa navigation, d'une manière contraire au droit des gens et à la paix subsistante entre les deux couronnes: et sâ majesté et les dits Etats Unis ayant résolu éventuellement d'unir, dans le cas prévû, leurs conseils et leurs efforts contre les entreprises de leur ennemi commun, les plénipotentiaires respectifs, chargés de concerter les clauses et conditions propres à remplir leurs intentions, ont, après la plus mûre délibération, conclu et arrêté les points et articles qui s'ensuivent.

Art. 1. Si la guerre éclate entre la France et la Grande Bretagne, pendant la durée de la guerre actuelle entre les Etats Unis et l'Angleterre, sa majesté et les dits Etats Unis feront cause commune et s'éntr' aideront mutuellement de leurs bons offices, de leurs conseils et de leurs forces, selon l'exigence des conjonctures, ainsi qu'il convient à de bons et fidèles alliés.

Art. 2. Le but essentiel et direct de la présente alliance défensive, est de maintenir efficacement la liberte, la souveraineté, et l'indepandance absoluë et illimitée des dits Etats Unis, tant en matière politique que de commerce.

Art. 3. Les deux parties contractantes feront chacune de leur côte, et de la manière qu'elles jugeront plus convenable, tous les efforts, qui seront en leur pouvoir, contre leur ennemi commun, afin d'atteindre au but qu'elles se proposent.

Art. 4. Les parties contractantes sont convenuës que dans le cas ou l'une d'entre elles formeroit quelqu' entreprise par-

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concurrence of the other may be desired, the party whose concurrence is desired, shall readily and with good faith, join to act in concert for that purpose, as far as circumstances and its own particular situation will permit, and in that case, they shall regulate, by a particular convention the quantity and kind of succor to be furnished, and the time and manner of its being brought into action, as well as the advantages which are to be its compensation.

act in concert; the amount and kind of succour to be regulated by convention.

The British N. American possessions, or the Bermudas, if subduced, to belong to the U. States.

ART. 5. If the United States should think fit to attempt the reduction of the British powers, remaining in the northern parts of America, or the islands of Bermudas, those countries or islands, in case of success, shall be confederated with, or dependant upon the said United States.

All claim renounced by the French king to the Bermudas, and to the North American colonies, which previously, or by the treaty of 1763, were acknowledged to belong to the British crown.

ART. 6. The most christian king renounces forever the possession of the islands of Bermudas, as well as of any part of the continent of North America, which, before the treaty of Paris in 1763, or in virtue of that treaty, were acknowledged to belong to the crown of Great Britain, or to the United States, heretofore called British colonies, or which are at this time, or have lately been under the power of the king and crown of Great Britain.

British islands, in, or near, the Mexican Gulf, if reduced, to appertain to the crown of France

ART. 7. If his most christian majesty shall think proper to attack any of the islands situated in the gulf of Mexico, or near that gulf, which are at present under the power of Great Britain, all the said isles, in case of success, shall appertain to the crown of France.

Peace not to be concluded without the consent of both parties; nor are either of the parties to lay down arms until the independence of the United States be achieved.

ART. 8. Neither of the two parties shall conclude either truce or peace with Great Britain, without the formal consent of the other first obtained; and they mutually engage not to lay down their arms until the independence of the United States shall have been formally or tacitly assured, by the treaty or treaties that shall terminate the war.

No after claim, whatever may be the result of the war.

ART. 9. The contracting parties declare, that being resolved to fulfil each on its own part, the clauses and conditions of the present treaty of alliance; according to its own power and circumstances, there shall be no after claim of compensation on one side or the other, whatever may be the event of the war.

Other powers may be invited to make common cause against England.

ART. 10. The most christian king and the United States agree to invite or admit other powers who may have received injuries from England, to make common cause with them, and to accede to the present alliance, under such conditions as shall be freely agreed to, and settled between all the parties.

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ticuliere, pour laquelle elle desireroit le concours de l'autre; celle-ci, se prêteroit de bonne foi à un concert sur cet objet, autant que les circonstances et sa propre situation pourront le lui permettre, et dans ce cas, on reglera, par une convention particuliere, la portée des secours à fournir, et le tems et la maniere de la faire agir, ainsy que les avantages destines à en former la compensation.

Art. 5. Si les Etats Unis jugent àpropos de tenter la reduction des isles Bermudes et des parties septentrionales de l'Amérique, qui sont encore au pouvoir de la Grande Bretange les dites isles et contrées, en cas de succès, entreront dans la confédération ou seront dépendantes des dits Etats Unis.

Art. 6. Le roi très chrétien renonce à posseder jamais les Bermudes, ni aucune des parties du continent de l'Amérique septentrionale, qui, avant le traité de Paris de mil sept cent soixante trois, ou en vertu de ce traité, ont été reconnues appartenir a la couronne de la Grand Bretagne, ou aux Etats Unis, qu'on appelloit ci-devant colonies Britanniques, ou qui sont maintenant, ou ont été récemment sous la jurisdiction et sous le pouvoir de la couronne de la Grand Bretagne.

Art. 7. Si sa majesté très chrétienne juge àpropos d'attaquer aucune des isles situées dans le golphe de Mexique ou près du dit golphe, qui sont actuellement au pouvoir de la Grand Bretagne, toutes les dites isles, en cas de succès, appartiendront à la couronne de France.

Art. 8. Aucune des deux parties ne pourra conclure ni trève ni paix avec la Grande Bretagne, sans le consentement préalable et formel de l'autre partie, et elles s'engagement mutuellement à ne mettre bas les armes, que lorsque l'indépendance des dits Etats Unis aura été assurée formellement ou tacitement par le traité ou les traités qui termineront la guerre.

Art. 9. Les parties contractantes déclarent, qu'étant resoluës de remplir chacune de son côté les clauses et conditions du présent traité d'alliance selon son pouvoir et les circonstances, elles n'auront aucune répétition, ni aucun dédommagement, à se demander réciproquement, quelque puisse être l'évenement de la guerre.

Art. 10. Le roi très chrétien et les Etats Unis sont convenus d'inviter de concert ou d'admettre les puissances, qui auront des greifs contre l'Angleterre, à faire cause commune avec eux, et à accéder à la présente alliance, sous les conditions qui seront librement agrées et convenuës, entre toutes les parties.

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Mutual guarantee of possessions and sovereignty.

ART. 11. The two parties guarantee mutually from the present time, and forever, against all other powers, to wit: The United States to his most christian majesty, the present possessions of the crown of France in America, as well as those which it may acquire by the future treaty of peace: And his most christian majesty guarantees on his part to the United States, their liberty, sovereignty, and independence, absolute and unlimited, as well in matters of government as commerce, and also their possessions, and the additions or conquests that their confederation may obtain during the war, from any of the dominions now, or heretofore possessed by Great Britain in North America, conformable to the fifth and sixth articles above written, the whole as their possession shall be fixed and assured to the said states, at the moment of the cessation of their present war with England.

Explanation of the extent of the mutual guarantee of possessions and sovereignty.

ART. 12. In order to fix more precisely the sense and application of the preceding article, the contracting parties declare, that in case of a rupture between France and England, the reciprocal guarantee declared in the said article, shall have its full force and effect the moment such war shall break out; and if such rupture shall not take place, the mutual obligations of the said guarantee shall not commence until the moment of the cessation of the present war between the United States and England shall have ascertained their possessions.

Ratifications to be exchanged within six months.

ART. 13. The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of six months, or sooner, if possible.

In faith whereof the respective plenipotentiaries, to wit:—on the part of the most christian king, Conrad Alexander Gerard, royal syndic of the city of Strasbourg, and secretary of his majesty's council of state, and on the part of the United States, Benjamin Franklin, deputy to the general congress from the state of Pennsylvania, and president of the convention of the same state; Silas Deane, heretofore deputy from the state of Connecticut, and Arthur Lee, counsellor at law, have signed the above articles both in the French and English languages, declaring nevertheless, that the present treaty was originally composed and concluded in the French language, and they have hereunto affixed their seals.

Done at Paris, this sixth day of February, one thousand seven hundred and seventy-eight.

C. A. GERARD, [L. S.]
B. FRANKLIN, [L. S.]
SILAS DEANE, [L. S.]
ARTHUR LEE, [L. S.]

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ART. 11. Les deux parties se garantissent mutuellement des à present et pour toujours envers et contre tous, savoir, les Etats Unis à sa majesté très chrétienne les possessions actuelles de la couronne de France en Amérique, ainsy que celles qu'elle pourra acquérir par le futur traité de paix. Et sa majesté très chrétienne, garantit de son côte aux Etats Unis leur liberté, leur souveraineté et leur independance absoluë et illimitée, tant en matière de politique que de commerce, ainsy que leurs possessions et les accroissements ou conquetes que leur conféderation pourra se procurer pendant la guerre, d'aucun des domaines maintenant ou ci-devant possedes par la Grande Brétagne dans l'Amérique septentrionale, conformément aux articles cinq et six ci-dessus, et tout ainsy que leurs possessions seront fixées et assurées aux dits états, au moment de la cessation de leur guerre actuelle contre l'Angleterre.

ART. 12. Afin de fixer plus précisément le sens et l'application de l'article précédent, les parties contractantes déclarent qu'en cas de rupture entre la France et l'Angleterre, la garantie réciproque enoncée dans le susdit article, aura toute sa force et valeur du moment où la guerre éclatera, et si la rupture n'avoit pas lieu, les obligations mutuelles de la dite garantie, ne commenceroient, que du moment susdit, ou la cessation de la guerre actuelle entre les Etats Unis et l'Angleterre, aura fixé leurs possessions.

ART. 13. Le present traité sera ratifié de part et d'autre et les ratifications seront échangées dans l'espace de six mois ou plustôt si faire se peut.

En foi de quoi les plénipotentiaries respectifs, savoir, de la part du roi très chrétien le Sr. Conrad Alexandre Gerard, sindic royal de la ville de Strasbourg et scrétaire du conseil d'état de sa majesté, et de la part des Etats Unis les Srs. Benjamin Franklin, deputé au congrés général de la part de l'etat de Pensylvanie et president de la convention du même état, Siles Deane cy-devant député de l'état de Connecticut, et Arthur Lee, conseiller ès loix, ont signé les articles ci-dessus, tant en langue Françoise qu'en langue Angloise, déclarant néanmoins, que le present traité, à été originairement redigé et arrêté en langue Françoise, et ils les ont munis du cachet de leurs armes.

Fait à Paris, le sixieme jour de mois Fevrier, mil sept cent soixante dixhuit.

C. A. GERARD, [L. S.]
B. FRANKLIN, [L. S.]
SILAS DEANE, [L. S.]
ARTHUR LEE. [L. S.]

1782. July 16.

No. 3.—*Contract between his Most Christian Majesty and the United States of America, entered into by the count de Vergennes and Mr. Franklin, the 16th July 1782, and ratified by Congress, the 22d day of January, 1783.*

Motives for stating particularly the amount of the loans furnished by the French government, and the manner of payment, by the U. States.

The king having been pleased to attend to the requests made to him in the name, and on behalf of the united provinces of North America, for assistance in the war and invasion under which they had for several years groaned, and his majesty, after entering into a treaty of amity and commerce with the said confederated provinces, on the 6th of February, 1778, having had the goodness to support them, not only with his forces by land and sea, but also with advances of money, as abundant as they were effectual in the critical situation to which their affairs were reduced: it has been judged proper and necessary to state exactly the amount of those advances, the conditions on which the king made them, the periods at which the congress of the United States have engaged to repay them to his majesty's royal treasury, and in fine, to state this matter in such a way as for the future to prevent all difficulties capable of interrupting the good harmony which his majesty is resolved to maintain and preserve between him and the said United States. For executing so laudable a purpose, and with a view to strengthen the bands of amity and commerce which subsist between his majesty and the said United States; we, Charles Gravier de Vergennes, &c. counsellor of the king in all his councils, commander of his orders, minister and secretary of state, and of his commands and finances, vested with full powers of his majesty to us given for this purpose: and we, Benjamin Franklin, minister plenipotentiary of the United States of North America, in like manner vested with full powers of the congress of the said states for the present purpose; after duly communicating our respective powers, have agreed to the following articles:

Amount of various loans.

Art. 1. It is agreed and certified, that the sums advanced by his majesty to the congress of the United States, under the title of a loan, in the years 1778, 1779, 1780, 1781, and the present, 1782, amount to the sum of eighteen million of livres, money of France, according to the following twenty-one receipts of the abovementioned under written minister of congress, given in virtue of his full powers, to wit:

Items of loans.

1,	28 February,	1778,	-	750,000
2,	19 May,	ditto,	-	750,000
3,	3 August,	ditto,	-	750,000
4,	1 November,	ditto,	-	750,000
				3,000,000

5,	10 June,	1779,	-	250,000	1782. July 16.
6,	16 September,	ditto,	-	250,000	
7,	4 October,	ditto,	-	250,000	
8,	21 December,	ditto,	-	250,000	Items of loans.
				1,000,000	
9,	29 February,	1780,	-	750,000	
10,	23 May,	ditto,	-	750,000	
11,	21 June,	ditto,	-	750,000	
12,	5 October,	ditto,	-	750,000	
13,	27 November,	ditto,	-	1,000,000	
				4,000,000	
14,	15 February,	1781,	-	750,000	
15,	15 May,	ditto,	-	750,000	
16,	15 August,	ditto,	-	750,000	
17,	1 August,	ditto,	-	1,000,000	
18,	15 November,	ditto,	-	750,000	
				4,000,000	
19,	10 April,	1782,	-	1,500,000	
20,	1 July,	ditto,	-	1,500,000	
21,	5 of the same month,		-	3,000,000	
				6,000,000	
Amounting in the whole to 18 millions, viz.				18,000,000	

By which receipts the said minister has promised in the name of congress, and in behalf of the thirteen United States, to cause to be paid and reimbursed to the royal treasury of his majesty, on the 1st of January, 1788, at the house of his grand banker at Paris, the said sum of eighteen millions money of France, with interest at five per cent. per annum. Five per cent. interest.

ART. 2. Considering that the payment of so large a capital at the one stipulated period, the 1st of January, 1788, may greatly injure the finances of the congress of the United States, and it may perhaps be even impracticable on that footing, his majesty has been pleased for that reason to recede in that respect from the tenor of the receipts which the minister of congress has given for the eighteen million livres tournois, mentioned in the foregoing article, and has consented that the payment of the capital in ready money, at the royal treasury, be in twelve equal payments of 1,500,000 livres each, and in twelve years only, to commence from the third year after a peace. Loans to be repaid in twelve equal annual instalments.

ART. 3. Although the receipts of the minister of the congress of the United States specify, that the eighteen million of livres abovementioned, are to be paid at the royal treasury, with interest at five per cent. per annum, his majesty being willing to give the said United States a new proof of his affection and friendship, has been pleased to make a present of, and to for- Abatement of interest.

1782. July 16.

give the whole arrears of interest to this day, and from thence to the date of the treaty of peace; a favor which the minister of the congress of the United States acknowledges to flow from the pure bounty of the king, and which he accepts in the name of the said United States with profound and lively acknowledgments.

In proportion to payments interest to diminish.

Payments may be anticipated.

ART. 4. The payment of the said eighteen millions of livres tournois shall be in ready money at the royal treasury of his majesty at Paris, in twelve equal parts, and at the terms stipulated in the above second article. The interest of the said sum, at five per cent. per annum shall commence with the date of the treaty of peace, and shall be paid at every period of the partial payments of the capital, and shall diminish in proportion with the payments. The congress of the said United States being left, however, at liberty to free themselves sooner from this obligation by anticipated payments, in case the state of their finances will admit.

Loan made by France, in Holland, acknowledged to be for the use of the U. States.

ART. 5. Although the loan of five millions of florins of Holland, agreed to by the states general of the United Provinces of the Netherlands, on the terms of the obligation passed on the 5th of November, 1781, between his majesty and the said states general, has been made in his majesty's name, and guaranteed by him; it is nevertheless acknowledged by these presents, that the said loan was made in reality on account, and for the service, of the United States of North America, and that the capital, amounting, at a moderate valuation, to the sum of ten millions livres tournois, has been paid to the said United States, agreeably to a receipt for the payment of the said sum, given by the undersigned minister of congress, the seventh day of June last.

Promise of the French king to repay the loan in Holland, acknowledged to have been made upon the pledge of Congress to repay it into the royal treasury, at Paris.

ART. 6. By the convention of the said 5th of November, 1781, the king has been pleased to promise and engage to furnish and pay at the general counter of the states general of the Netherlands, the capital of the said loan, with the interest at four per cent. per annum, without any charge or deduction whatever to the lenders, so that the said capital shall be wholly repaid after the space of five years, the payments to be made in ten equal periods, the first of which to commence the sixth year from the date of the loan, and afterwards from year to year to the final payment of the said sum; but it is in like manner acknowledged by this act, that this engagement was entered into by the king, at the request of the undersigned minister of the United States, and on the promise by him made in the name of congress, and on behalf of the thirteen United States, to cause to be reimbursed and paid at the royal treasury of his

majesty at Paris, the capital, interest and cost of the said loan, according to the conditions and terms fixed by the said convention of the 5th of November, 1781. 1782. July 16.

Agreement, on the pledge of Congress, to repay the Dutch loan in Paris, in ten equal annual payments, with four per cent. interest.

ART. 7. It is accordingly agreed and settled, that the sum of ten million livres tournois, being, by a moderate computation, the principal of the loan of five millions of Holland florins above mentioned, shall be reimbursed, and paid in ready money at the royal treasury of his majesty at Paris, with the interest at four per cent. per annum, in ten equal payments, of one million each, and in ten terms, the first of which shall be on the 5th of November, 1787, the second the 5th November, 1788, and so from year to year till the final payment of the said sum of ten millions, the interest lessening in proportion with the partial payments of the capital. But in consequence of the king's affection for the United States, his majesty has been pleased to charge himself with the expense of commission and bank for the said loan, of which expenses his majesty has made a present to the United States, and this their undersigned minister accepts, with thanks, in the name of congress, as a new proof of his majesty's generosity and friendship for the said United States.

Interest on the loan in Holland for five years, preceding the 1st term of payof the principal, to be paid by the United States to France.

ART. 8. With regard to the interest of the said loan during the five years preceding the first term of payment of the capital, as the king has engaged to pay it at the general counter of the states general of the Netherlands, at the rate of four per cent. yearly, and every year, counting from the 5th of November, 1781, according to the convention of that day, the minister of congress acknowledges that the repayment of that is due to his majesty by the United States, and he engages in the name of the said United States, to cause payment thereof to be made, at the same time and at the same rate at the royal treasury of his majesty; the first year's interest to be paid the 5th of November next, and so yearly, during the five years preceding the first term for the payment of the capital, fixed as above on the 5th of November, 1787.

Ratifications to be exchanged in nine months.

The high contracting parties reciprocally bind themselves to the faithful observance of this contract, the ratifications of which shall be exchanged in the space of nine months from this day, or sooner, if possible.

In testimony whereof, we, the said plenipotentiaries of his most christian majesty, and of the thirteen United States of North America, in virtue of our respective powers, have signed these presents, and thereunto fixed the seal of our arms.

Done at Versailles, the sixteenth day of July, one thousand seven hundred and eighty-two.

GRAVIER DE VERGENNES, [L. S.]
B. FRANKLIN. [L. S.]

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TRANSLATION.

No. 4.—*Convention between his most Christian Majesty and the United States of America, for the purpose of defining and establishing the functions and privileges of their respective consuls and vice consuls.*

Convention defining and establishing consular and vice-consular powers and privileges.

His majesty the most christian king and the United States of America, having by the twenty-ninth article of the treaty of amity and commerce concluded between them, mutually granted the liberty of having in their respective states and ports, consuls, vice consuls, agents, and commissaries, and being willing in consequence thereof to define and establish in a reciprocal and permanent manner, the functions and privileges of consuls and vice-consuls, which they have judged it convenient to establish of preference, his most christian majesty has nominated the sieur count of Montmorin, of St. Herent, marechal of his camps and armies, knight of his orders and of the golden fleece, his counsellor in all his councils, minister, and secretary of state, and of his commandments and finances, having the department of foreign affairs; and the United States have nominated the sieur Thomas Jefferson, citizen of the United States of America, and their minister plenipotentiary near the king, who, after having communicated to each other their respective full powers, have agreed on what follows:

Consuls to present commissions and receive exequatur without charge.

ART. 1. The consuls and vise consuls named by the most christian king and the United States, shall be bound to present their commissions according to the forms which shall be established respectively by the most christian king within his dominions, and by the congress within the United States. There shall be delivered to them, without any charges, the *exequatur* necessary for the exercise of their functions; and on exhibiting the said *exequatur*, the governors, commanders, heads of justice, bodies corporate, tribunals, and other officers having authority in the ports and places of their consulates shall cause them to enjoy immediately, and without difficulty, the pre-eminences, authority, and privileges, reciprocally granted, without exacting from the said consuls and vice consuls any fee, under any pretext whatever.

Consuls exempt from personal service in the community, &c.

ART. 2. The consuls and vice consuls, and persons attached to their functions—that is to say: their chancellors and secretaries, shall enjoy a full and entire immunity for their chancery and the papers which shall be therein contained.

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ORIGINAL.

Convention entre le Roi très Chrétien, et les Etats Unis de l'Amérique, a l'effet de determiner et fixer les fonctions et prérogatives des consuls et vice consuls respectifs.

Sa majesté le roi très chrétien, et les Etats Unis de l'Amérique, s'étant accordés mutuèllement par l'art. 29 du traité d'amitié et de commerce conclu entr'eux, la liberté de tenir dans leurs états et ports respectifs, des consuls, et vice consuls, agens et commissaires, et voulant en conséquence determiner et fixer d'une manière réciproque et permanente, les fonctions et prérogatives des consuls et vice consuls qu'ils ont juge convenable d'établir de préférence, sa majesté très chrétienne a nommé le sieur comte de Montmorin de St. Herent, maréchal de ses camps et armées, chevalier de ses ordres et de la toison d'or, son conseiller en tous ses conseils, ministre et secrétaire d'état et de ses commandments et finances, aïant le département des affaires étrangères; et les Etats Unis ont nommé le sieur Thomas Jefferson, citoyen des Etats Unis de l'Amérique, et leur ministre plénipotentiaire auprés du roi, lesquels, après s'être communiqué leurs plein-pouvoirs respectifs sont convenûs de ce qui suit:

Art. 1. Les consuls et vice consuls nommés par le roi très chrétien et les Etats Unis seront tenûs de presenter leurs provisions selon la forme qui se trouvera établie respectivement par le roi très chrétien dans ses états, et par le congrés dans les Etats Unis. On leur délivrera sans aucuns fraix l'*exequatur* nécessaire à l'exercice de leurs fonctions, et sur l'exhibition qu'ils feront du dit *exequatur*, les gouverneurs, commandants, chefs de justice, les corps tribunaux ou autres officiers aïant autorité dans les ports et lieux de leurs consulats, les y feront jouïr aussitôt et sans difficulté des préeminences, autorité, et priviléges accordés reciproquement, sans qu'ils puissent éxiger des dits consuls et vice consuls aucun droit sous aucun prétexte quelconque.

Art. 2. Les consuls et vice consuls et les personnes attachées à leurs fonctions, savoir, leurs chancéliers et secrétaires, jouïront d'une pleine et entière immunité pour leur chancéllerie et les papiers qui y seront renfermes. Ils seront éxemts

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They shall be exempt from all personal service, from soldiers' billets, militia, watch, guard, guardianship trusteeship, as well as from all duties, taxes, impositions, and charges whatsoever, except on the estate real and personal of which they may be the proprietors or possessors, which shall be subject to the taxes imposed on the estates of all other individuals. And in all other instances they shall be subject to the laws of the land as the natives are. Those of the said consuls and vice consuls who shall exercise commerce shall be respectively subject to all taxes, charges, and impositions established on other merchants. They shall place over the outward door of their house the arms of their sovereign; but this mark of indication shall not give to the said house any privilege of asylum for any person or property whatsoever.

Consuls may establish agents

ART. 3. The respective consuls and vice consuls may establish agents in the different ports and places of their departments where necessity shall require. These agents may be chosen among the merchants, either national or foreign, and furnished with a commission from one of the said consuls:

Functions of such consular agents.

they shall confine themselves respectively to the rendering to their respective merchants, navigators, and vessels, all possible service, and to inform the nearest consul of the wants of the said merchants, navigators, and vessels, without the said agents otherwise participating in the immunities, rights, and privileges attributed to consuls and vice consuls, and without power under any pretext whatever to exact from the said merchants any duty or emolument whatsoever.

Consuls may establish a chancery for the safe keeping of their official papers.

ART. 4. The consuls and vice consuls respectively may establish a chancery, where shall be deposited the consular determinations, acts, and proceedings, as also testaments, obligations, contracts, and other acts done by or between persons of their nation, and effects left by deceased persons, or saved from shipwreck. They may consequently appoint fit persons to act in the said chancery, receive and swear them in, commit to them the custody of the seal, and authority to seal commissions, sentences, and other consular acts, and also to discharge the functions of notary and register of the consulate.

Rights, authority, and duty of consuls.

ART. 5. The consuls and vice consuls respectively shall have the exclusive right of receiving in their chancery, or on board of vessels, the declarations, and all other the acts which the captains, masters, crews, passengers, and merchants of their nation may choose to make there, even their testaments

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de tout service personnel, logement des gens de guerre, milice, guet, garde, tutélle, curatelle, ainsi que de tous droits, taxes, impositions et charges quelconques, à l'exception seulement des biens meubles et immeubles dont ils seroient propriétaires ou possesseurs, lesquels seront assujettis aux taxes imposées sur ceux de tous autres particuliers, et à tous égards ils demeureront sujets aux loix du pais comme les nationaux. Ceux des dits consuls et vice consuls qui feront le commerce seront respectivement assujettis à toutes les taxes, charges et impositions établies sur les autres négociants. Ils placeront sur la porte extérieure de leurs maisons les armes de leur souverain, sans que cette marque distinctive puisse donner aux dites maisons le droit d'asile, soit pour des personnes, soit des effets quelconques.

Art. 3. Les consuls et vice consuls respectifs pourront établir des agens dans les differens ports et lieux de leurs départements où le besoin l'éxigera; ces agens pourront être choisis parmi les négociants nationaux ou étrangers, et munis de la commission de l'un des dits consuls. Ils se renfermeront respectivement à rendre aux commerçants, navigateurs et bâtiments respectifs, tous les services possibles, et à informer le consul le plus proche des besoins des dits commerçants, navigateurs et bâtiments, sans que les dits agens puissent autrement participer aux immunités, droits et privileges attribués aux consuls, et vice consuls, et sans pouvoir sous aucun prétexte que ce soit exiger aucun droit ou émolument quelconque des dits commerçants.

Art. 4. Les consuls et vice consuls respectifs pourront établir une chancellerie où seront déposés les déliberations, actes et procedures consulaires, ainsi que les testaments obligations, contrats, et autres acts faits par les nationaux ou entr'eux, et les effets délaissés par mort, ou sauvés des naufrages. Ils pourront en conséquence commettre à l'éxercice de la dite chancellerie des personnes capables, les recevoir, leur faire prêter serment, leur donner la garde du sçeau et le droit de sceller les commissions, jugements et autres actes consulaires, ainsi que d'y remplir les fonctions de notaire et greffiers du consulat.

Art. 5. Les consuls et vice consuls respectifs auront le droit exclusif de recevoir dans leur chancellerie, ou á bord des bâtiments, les déclarations et tous les autres actes que les capitaines, patrons, équipages, passagers, et negociants de leur nation voudront y passer, même leur testament et autres

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and other disposals by last will: and the copies of the said acts, duly authenticated by the said consuls or vice consuls, under the seal of their consulate, shall receive faith in law, equally as their originals would, in all the tribunals of the dominions of the most christian king, and of the United States. They shall also have, and exclusively, in case of the absence of the testamentary executor, administrator, or legal heir, the right to inventory, liquidate and proceed to the sale of the personal estate left by subjects or citizens of their nation, who shall die within the extent of their consulate; they shall proceed therein, with the assistance of two merchants of their said nation, or for want of them, of any other at their choice, and shall cause to be deposited in their chancery, the effects and papers of the said estates; and no officer, military, judiciary, or of the police of the country, shall disturb them or interfere therein, in any manner whatsoever: but the said consuls and vice consuls shall not deliver up the said effects, nor the proceeds thereof, to the lawful heirs, or to their order, till they shall have caused to be paid all debts which the deceased shall have contracted in the country; for which purpose the creditors shall have a right to attach the said effects in their hands, as they might in those of any other individual whatever, and proceed to obtain sale of them till payment of what shall be lawfully due to them. When the debts shall not have been contracted by judgment, deed, or note, the signature whereof shall be known, payment shall not be ordered but on the creditor's giving sufficient surety, resident in the country, to refund the sums he shall have unduly received, principal, interest, and costs; which surety nevertheless shall stand duly discharged, after the term of one year in time of peace, and of two in time of war, if the demand in discharge cannot be formed before the end of this term against the heirs who shall present themselves. And in order that the heirs may not be unjustly kept out of the effects of the deceased, the consuls and vice consuls shall notify his death in some one of the gazettes published within their consulate, and that they shall retain the said effects in their hands four months to answer all demands which shall be presented; and they shall be bound after this delay to deliver to the persons succeeding thereto, what shall be more than sufficient for the demands which shall have been formed.

Rights and authority, and duty of consuls.

Consuls to receive declarations, &c. from captains, of losses at sea.

ART. 6. The consuls and vice consuls respectively shall receive the declarations, protests, and reports of all captains and masters of their respective nation on account of average

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dispositions de dernière volonté, et les dispositions des dits actes duëment légalisés par les dits consuls ou vice consuls, et munis du sçeau de leur consulat, feront foi en justice comme le feroient les originaux dans tous les tribunaux des états du roi très chrétien et des Etats Unis. Ils auront aussi, et exclusivement, en cas d'absence d'executeur, testamentaire, curateur, ou héritiers légitimes, le droit de faire l'inventaire, la liquidation et de procéder à la vente des éffets mobiliers de la succession des sujets ou citoyens de leur nation qui viendront à mourir dans l'etenduë de leur consulat. Ils y procéderont avec l'assistance de deux négocians de leur dite nation, ou à leur défaut, de tout autre à leur choix, et feront déposer dans leur chancellerie les éffets et papiers des dites successions, sans qu'aucuns officiers militaires, de police du païs, puissent les y troubler, ni y intervenir de quelque manière que ce soit; mais les dits consuls et vice consuls ne pourront faire la délivrance des successions et de leur produit aux héritiers légitimes, ou à leurs mandetaires, qu'après avoir fait acquitter toutes les dettes que les défunts auront pû avoir contractées dans le païs à l'éffet de quoi les creanciers auront droit de saisir les dits éffets dans leurs mains, de même que dans celles de tout autre individu quelconque, et en poursuivre la vente jusqu'au païement de ce qui leur sera légitimement dû; lorsque les dettes n'auront été contractées par jugement, par acte, ou par billet dont la signature sera reconnuë, le païement ne pourra en être ordonné qu'en fournissant par le créancier caution suffisante et domiciliée de rendre les sommes induëment perçuës principal, interéts et fraix; lesquelles cautions cependant demeureront duëment déchargés après une année, en tems de paix, et deux, en tems de guerre, si la demande en décharge ne peut etre formée avant ces délais contre les héritiers qui se présenteront. Et afin de ne pas faire injustement attendre aux héritiers les éffets du défunt, les consuls et vice consuls feront annoncer sa mort dans quelqu' une des gazettes qui se publient dans l'étendue de leur consulat, et qu'ils retiendront les dits éffets sous leurs mains pendant quatre mois, pour répondre à toutes les demandes qui se présenteront: et ils seront tenûs, après ce delai, de delivrer aux héritiers l'excédent du montant des demandes qui auront été formées.

Art. 6. Les consuls et vice consuls respectifs recevront les déclarations, protestations et rapports de tous capitaines et patrons de leur nation respective pour raison d'avaries essu-

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losses sustained at sea: and these captains and masters shall lodge in the chancery of the said consuls and vice consuls, the acts which they may have made in other ports on account of the accidents which may have happened to them on their voyage. If a subject of the most christian king and a citizen of the United States, or a foreigner, are interested in the said cargo, the average shall be settled by the tribunals of the country, and not by the consuls or vice consuls; but when only the subjects or citizens of their own nation shall be interested, the respective consuls or vice consuls shall appoint skilful persons to settle the damages and average.

Duties of consuls, in cases of shipwreck.

ART. 7. In cases where, by tempest or other accident, French ships or vessels shall be stranded on the coasts of the United States, and ships or vessels of the United States shall be stranded on the coasts of the dominions of the most christian king, the consul or vice consul nearest to the place of shipwreck shall do whatever he may judge proper, as well for the purpose of saving the said ship or vessel, its cargo and appurtenances, as for the storing and the security of the effects and merchandise saved. He may take an inventory of them, without the intermedling of any officers of the military, of the customs, of justice, or of the police of the country, otherwise than to give to the consuls, vice consuls, captain, and crew of the vessel shipwrecked or stranded, all the succor and favor which they shall ask of them, either for the expedition and security of the saving and of the effects saved; or to prevent all disturbance.—And in order to prevent all kind of dispute and discussion in the said cases of shipwreck, it is agreed, that when there shall be no consul or vice consul to attend to the saving of the wreck, or that the residence of the said consul or vice consul (he not being at the place of the wreck) shall be more distant from the said place than that of the competent judge of the country, the latter shall immediately proceed therein, with all the despatch, certainty, and precautions prescribed by the respective laws; but the said territorial judge shall retire on the arrival of the consul or vice consul, and shall deliver over to him the report of his proceedings, the expenses of which the consul or vice consul shall cause to be reimbursed to him, as well as those of saving the wreck. The merchandise and effects saved shall be deposited in the nearest custom house, or other place of safety, with the inventory thereof which shall have been made by the consul or vice consul, or by the judge who shall have proceeded in their absence, that the said effects and merchandise may

yées à la mer, et ces papitaines et patrons remettront dans la chancellerie des dits consuls et vice-consuls les actes qu'ils auront faits dans d'autres ports pour les accidents qui leur seront arrivés pendant leur voyage. Si un sujet du roi très chrétien et un habitant des Etats Unis, ou un étranger sont interessés dans la dite cargaison, l'avarie sera réglée par les tribunaux du païs, et non par les consuls et vice consuls, mais lorsqu'il n'y aura d'intéressés que les sujets ou citoyens de leur propre nation, les consuls ou les vice consuls respectifs nommeront des experts pour régler les dommages et avaries. 1788. November 14.

Art. 7. Dans le cas où, par tempête, ou autres accidents, des vaisseaux ou bâtiments Français échouëront sur les côtes des Etats Unis, et des vaisseaux et bâtiments des Etats Unis échouëront sur les côtes des états de sa majesté très chrétienne le consul au le vice consul, le plus proche du lieu du naufrage, pourra faire tout ce qu'il jugera convenable, tant pour sauver le dit vaisseau ou bâtiment, son chargement et appartenances, que pour le magazinage et la sûreté des éffets sauvés et marchandises. Il pourra en faire l'inventaire, sans qu' aucuns officiers militaires, des doüanes, de justice ou de police du païz, puissent s'y immiscer autrement que pour faciliter aux consuls et vice consuls, capitaine et équipage du vaisseau naufragé, ou échoué, tous les secours et faveurs qu'ils leur demanderont, soit pour la célérité, et la sûreté du sauvetage et des éffets sauvés, soit pour éviter tous désordres. Pour prevenir même toute espéce de conflit et de discution dans les dits cas de naufrage, il a été convenû que lorsqu'il ne se trouvera pas de consul ou vice consul pour faire travailler au sauvètage, ou que la résidence du dit consul ou vice consul, qui ne se trouvera pas sur le lieu du naufrage, sera plus éloignée du dit lieu que celle du juge territorial compétent, ce dernier fera procéder sur le champ avec toute la célérité, la sûreté et les précautions prescrites par les loix respectives, sauf au dit juge territorial à se retirer, le consul ou vice consul survenant, et à lui remettre l'expédition des procédures par lui faites, dont le consul ou vice consul lui fera rembourser les fraix, ainsi que ceux du sauvetage. Les marchandises et éffets sauvés devront être déposés à la doüane ou autre lieu de sûreté le plus prochain avec l'inventaire qui en aura été dressé par le consul ou vice consul, ou en leur absence par le juge qui en aura connû, pour les dits éffets et marchandises être ensuite délivrés après le prélevement des fraix, et sans forme de procés, aux propriétaires, qui, mu-

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be afterwards delivered, (after levying therefrom the cost(s,) and without form of process, to the owners, who being furnished with an order for their delivery, from the nearest consul or vice consul, shall reclaim them by themselves, or by their order, either for the purpose of re-exporting such merchandise, in which case they shall pay no kind of duty of exportation, or for that of selling them in the country, if they be not prohibited there; and in this last case, the said merchandise, if they be damaged, shall be allowed an abatement of entrance duties, proportioned to the damage they have sustained, which shall be ascertained by the affidavits taken at the time the vessel was wrecked or struck.

Consuls to exercise police over vessels of their nation.

ART. 8. The consuls or vice consuls shall exercise police over all the vessels of their respective nations, and shall have on board the said vessels all power and jurisdiction in civil matters, in all the disputes which may there arise; they shall have an entire inspection over the said vessels, their crew, and the changes and substitutions there to be made. For which purpose they may go on board the said vessels whenever they may judge it necessary. Well understood that the functions hereby allowed shall be confined to the interior of the vessels, and that they shall not take place in any case which shall have any interference with the police of the ports where the said vessels shall be.

Consuls may arrest deserters from the vessels of their nation.

ART. 9. The consuls and vice consuls may cause to be arrested the captains, officers, mariners, sailors, and all other persons being part of the crews of the vessels of their respective nations, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose the said consuls and vice consuls shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel or ship's roll, that those men were part of the said crews; and on this demand so proved (saving however where the contrary is proved) the delivery shall not be refused; and there shall be given all aid and assistance to the said consuls and vice consuls for the search, seizure, and arrest of the said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense, until they shall have found an opportunity of sending them back. But if they be not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

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uis de la main levée du consul ou vice consul le plus proche, les réclameront par eux mêmes, ou par leurs mandataires soit pour réexporter les marchandises, at dans ce cas elles ne païeront aucune espèce de droits de sortie, soit pour les vendre dans le pais, si elles n'y sont pas prohibées; et dans ce dernier cas, les dites marchandises se trouvant avariées, on leur accordera une modération sur les droits d'entrée proportionnée au dommage souffert, lequel sera constaté par le procés verbal dressé lors du naufrage ou l'échouëment.

Art. 8. Les consuls ou vice consuls éxerceront la police sur tous les bâtimens de leurs nations respectives, et auront à bord des dits bâtimens tout pouvoir et jurisdiction en matière civile dans toutes les discutions qui pourront y survenir; ils auront une entière inspection sur les dits bâtiments, leurs équipages et les changements et remplacements à y faire, pour quel éffet ils pourront se transporter à bord des dits bâtiments toutes les fois qu'ils le jugeront necessaire; bien entendu que les fonctions ci-dessus énoncées seront concentrées dans l'intérieur des bâtiments, et qu' elles ne pourront avoir lieu dans aucun cas qui aura quelque rapport avec la police des ports où les dits bâtiments se trouveront.

Art. 9. Les consuls et vice consuls pourront faire arrêter les capitaines, officiers, mariniers, matelots, et toutes autres personnes faisant partie des équipages des bâtiments de leurs nations respectives qui auroient déserté des dits bâtimens, pour les renvoyer et faire transporter hors du païs. Auquel éffet les dits consuls et vice consuls s'addresseront aux tribunaux, juges, et officiers compétents et leur feront, par écrit, la demande des dits déserteurs, en justifiant par l'exhibition des régistres du bâtiment ou rôle d'équipage, que ces hommes faisoient partie des susdits équipages. Et sur cette demande, ainsi justifiée, sauf toutefois la preuve contraire, l'extradition ne pourra être refusée, et il sera donné toute aide et assistance aux dits consuls et vice consuls pour la recherche, saisie et arrestation des susdits déserteurs, lesquels seront même detenûs et gardés dans les prisons du païs, a leur réquisition, et à leurs fraix, jusqu' à ce qu'ils aïent trouvé occasion de les renvoyer. Mais s'ils n'étoient renvoyés dans le délai de trois mois à compter du jour de leur arrêt, ils seront élargis, et ne pourront plus être arrêtés pour la même cause.

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Citizens or subjects amenable for crimes to the magistrates of the country.

ART. 10. In cases where the respective subjects or citizens shall have committed any crime, or breach of the peace, they shall be amenable to the judges of the country.

Offenders may be taken from on board their ships.

ART. 11. When the said offenders shall be a part of the crew of a vessel of their nation, and shall have withdrawn themselves on board the said vessel, they may be there seized and arrested by order of the judges of the country: these shall give notice thereof to the consul or vice consul, who may repair on board if he thinks proper: but this notification shall not in any case delay execution of the order in question. The persons arrested shall not afterwards be set at liberty until the consul or vice consul shall have been notified thereof; and they shall be delivered to him, if he requires it, to be put again on board of the vessel on which they were arrested, or of others of their nation, and to be sent out of the country.

Differences between citizens, or subjects, of either party, to determined by consuls, without costs.

ART. 12. All differences and suits between the subjects of the most christian king, in the United States, or between the citizens of the United States, within the dominions of the most christian king, and particularly all disputes relative to the wages and terms of engagement of the crews of the respective vessels, and all differences of whatever nature they be, which may arise between the privates of the said crews, or between any of them and their captains, or between the captains of different vessels of their nation, shall be determined by the respective consuls and vice consuls, either by a reference to arbitrators, or by a summary judgment, and without costs. No officer of the country, civil or military, shall interfere therein, or take any part whatever in the matter: and the appeals from the said consular sentences shall be carried before the tribunals of France or of the United States, to whom it may appertain to take cognizance thereof.

Both parties to enjoy the benefit of tribunals for deciding disputes in relation commerce.

ART. 13. The general utility of commerce having caused to be established within the dominions of the most christian king, particular tribunals and forms for expediting the decision of commercial affairs, the merchants of the United States shall enjoy the benefit of these establishments; and the congress of the United States will provide in the manner the most conformable to its laws, for the establishment of equivalent advantages in favor of the French merchants, for the prompt despatch and decision of affairs of the same nature.

Citizens & subjects, on proof being alien, to be exempt from personal service

ART. 14. The subjects of the most christian king, and the citizens of the United States, who shall prove by legal evidence that they are of the said nations respectively, shall in consequence enjoy an exemption from all personal service in the place of their settlement.

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ART. 10. Dans le cas où les sujets ou citoyens respectifs auront commis quelque crime ou infraction de la tranquilité publique, ils seront justiciables des juges du païs.

ART. 11. Lorsque les dits coupables seront partie de l'équipage de l'un des bâtiments de leur nation; et se seront retirés à bord des dits navires, ils pourront y être saisis et arrêtés par l'ordre des juges territoriaux: ceux-ci en préviendront le consul ou vice consul, lequel pourra se rendre à bord s'il le juge àpropos: mais cette prévenance ne pourra en aucun cas retarder l'éxécution de l'ordre dont il est question. Les personnes arrêtées ne pourront en suite être mises en liberté qu' après que le consul ou vice consul en aura été prévenu, et elles lui seront remises s'il le requiert, pour être reconduites sur les bâtiments où elles auront été arrêtées, ou autres de leur nation, et être renvoyées hors du pas.

ART. 12. Tous différends et proces entre les sujets du roi très chrétien dans les Etats Unis; ou entre les citoyens des Etats Unis dans les états du roi très chrétien, et notamment toutes les discutions relatives aux salaires et conditions des engagements des equipages des bâtiments respectifs, et tous différends de quelque nature qu'ils soient, qui pourroient s'élever entre les hommes des dits équipages, ou entre quelques uns d'eux, et leurs capitaines, ou entre le capitaines de divers bâtiments nationaux, seront terminés par les consuls et vice consuls respectifs, soit par un renvoi par devant des arbitres, soit par un jugement sommaire, et sans fraix. Aucun officier territorial, civil ou militaire, ne pourra y intervenir, ou prendre une part quelconque à l'affaire, et les apels des dits jugements consulaires seront portés devant les tribunaux de France ou des Etats Unis qui doivent en connaître.

ART. 13. L'utilité générale du commerce aïant fait établir dans les états du roi très chrétien des tribunaux et des formes particulières pour accélérer la décision des affaires de commerce, les negocians des Etats Unis jouïront du bénefice de ces établissements, et le congrès des Etats Unis pourvoira de la manière la plus conforme à ses loix, à l'établissement des avantages équivalents en faveur des negociants Français pour la prompte expédition et décision des affaires de la même nature.

ART. 14. Les sujets du roi très chrétien et les citoyens des Etats Unis, qui justifieront authentiquement être du corps de la nation respective, jouïront en consequence de l'exemption de tout service personnel dans le lieu de leur établissement.

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If the consuls of other nations obtain greater privileges from either party, they are to be common to each.

ART. 15. If any other nation acquires, by virtue of any convention whatever, a treatment more favorable with respect to the consular pre-eminences, powers, authority, and privileges, the consuls and vice consuls of the most christian king, or of the United States, reciprocally, shall participate therein, agreeable to the terms stipulated by the second, third, and fourth articles of the treaty of amity and commerce, concluded between the most christian king and the United States.

This convention to be force for 12 years, from the period of the ratifications.

ART. 16. The present convention shall be in full force during the term of twelve years, to be counted from the day of the exchange of ratifications, which shall be given in proper form, and exchanged on both sides within the space of one year, or sooner if possible.

In faith whereof, we, ministers plenipotentiary, have signed the present convention, and have thereto set the seal of our arms.

Done at Versailles, the 14th of November, one thousand seven hundred and eighty-eight.

L. C. DE MONTMORIN, [L. S.]
TH. JEFFERSON. [L. S.]

NOTE.—No. 2, and the above No. 4, have been annulled by act of congress. See page 58.

No. 5.—*Convention between the French Republic and the United States of America.*

By the President of the United States of America, a Proclamation:

Proclamation of a convention between the United States and France, Dec. 21 1801.

Whereas a convention for terminating certain differences which had arisen between the United States of America and the French republic, was concluded and signed by the plenipotentiaries of the two nations, duly and respectively authorised for that purpose, and was duly ratified and confirmed by the president of the United States, with the advice and consent of the senate, which convention so ratified is in the form following:

John Adams, President of the United States of America—To all and singular to whom these presents shall come greeting:

Whereas a certain convention between the United States of America and the French republic was concluded and signed between their plenipotentiaries, the honorable Oliver Ellsworth, William Richardson Davie, and William Vans Murray, esquires, their envoys extraordinary and ministers plenipotentiary to the French republic, and the plenipotentiaries of the French republic, the citizens Joseph Bonaparte, Charles Pierre Claret Fleurieu, and Pierre Louis Rœderer, at Paris, on the 30th day of September last past, which convention is, word for word, as follows, to wit:

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ART. 15. Si quelqu' autre nation acquiert, en vertu d'une convention quelconque, un traitement plus favorable relativement aux préeminences, pouvoirs, autorité et priviléges consulaires, les consuls et vice consuls du roi très chrétien ou des Etats Unis, reciproquement, y participeront, aux termes stipulés par les articles deux, trois et quatre, du traité d'amitié et de commerce conclu entre le roi très chrétien et les Etats Unis.

ART. 16. La présente convention aura son plein effet pendant l'espace de douze ans à compter du jour de l'échange des ratifications, lesquelles seront données en bonne forme et échangées de part et d'autre dans l'espace d'un an, ou plustôt si faires se peut.

En foi de quoi, nous ministres plénipotentiaires, avons signé la présente convention, et y avons fait apposer le cachet de nos armes.

Fait à Versailles, le 14 Novembre, mil sept cent quatre-vingt-huit.

L. C. DE MONTMORIN, [L. S.]
TH. JEFFERSON. [L. S.]

Convention entre la République Français et les Etats Unis d'Amérique.

Bonaparte, premier consul, au nom du peuple Français, les consuls de la republique ayant vu et examiné la convention conclue, arrêtée et signée à Paris le huit Vendémaire, an neuf de la république Française (trente Septembre, mil huit cent) par les citoyens Joseph Bonaparte, Fleurieu et Rœderer, conseillers d'état, en vertu des pleinspouvoirs qui leur avaient été conférés à cet effet, avec Messieurs Ellsworth, Davie et Murray, ministres plénipotentiaires des Etats Unis, également munis de pleinspouvoirs, de laquelle convention la teneur suit:

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Convention between the French Republic and the United States of America.

Convention for terminating differences between the U. States & France

The premier consul of the French republic in the name of the people of France, and the President of the United States of America, equally desirous to terminate the differences which have arisen between the two states, have respectively appointed their plenipotentiaries, and given them full powers to treat upon those differences, and to terminate the same; that is to say, the premier consul of the French republic, in the name of the people of France, has appointed for the plenipotentiaries of the said republic, the citizens Joseph Bonaparte, ex-ambassador at Rome and counsellor of state; Charles Pierre Claret Fleurieu, member of the national institute, and of the board of longitude of France, and counsellor of state, president of the section of marine; and Pierre Louis Rœderer, member of the national institute of France, and counsellor of state, president of the section of the interior; and the president of the United States of America, by and with the advice and consent of the senate of the said states, has appointed for their plenipotentiaries, Oliver Ellsworth, chief justice of the United States, William Richardson Davie, late governor of the state of North Carolina, and William Vans Murray, minister resident of the United States at the Hague; who, after having exchanged their full powers, and after full and mature discussion of the respective interests, have agreed on the following articles:

Firm and inviolable peace between the parties.

ART. 1. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the French republic and the United States of America, and between their respective countries, territories, cities, towns, and people, without exception of persons or places.

The treaties of Feb. 1778, and the convention of Nov. 14, 1788 annulled.

ART. 2. The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of 14th of November, 1788, nor upon the indemnities mutually due or claimed; the parties will negotiate further on these subjects at a convenient time, and until they may have agreed upon these points, the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows:*

[* This article was subsequently expunged.]

Captured public ships to be restored.

ART. 3. The public ships which have been taken on one part and the other, or which may be taken before the exchange of ratifications, shall be restored.

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Convention entre la République Français et les Etats Unis d'Amérique.

Le premier consul de la république Française au nom du peuple Français, et le president des Etats Unis d'Amérique, également animés du désir de mettre fin aux differends qui sont servenus entre les deux Etats, ont respectivement nommé leurs plénipotentiaires, et leur ont donné pleinpouvoir pour négocier sur ces différends et les terminer; c'est à dire, le premier consul de la république Française, au nom du peuple Français, a nommé pour plénipotentiaries de la dite république, les citoyens Joseph Bonaparte, ex-ambassadeur de la république Française à Rome et conseiller d'état; Charles Pierre Claret Fleurieu, membre de l'institut national et du bureau des longitudes de France, et conseiller d'état, président de la section de la marine; et Pierre Louis Rœderer, membre de l'institut national de France, et conseiller d'état, président de la section de l'intérieur; et le president des Etats Unis d'Amérique, par et avec l'avis et le consentement du sénat des dits états, a nommé pour leurs plénipotentiaires, Olivier Ellsworth, chef de la justice des Etats Unis; William Richardson Davie, ci-devant gouverneur de l'état de la Caroline septentrionale, et William Vans Murray, ministre résident des Etats Unis à la Haye.

Lesquels, aprés avoir fait l'échange de leurs pleinspouvoirs longuement et mûrement discuté les intérêts respectifs, sont convenus des articles suivans:

Art. 1. Il y aura une paix ferme, inviolable et universelle, et une amitié vraie et sincère, entre la république Française et les Etats Unis d'Amérique, ainsi qu'entre leurs pays, territoires, villes et places, et entre leurs citoyens et habitants, sans exception de personnes ni de lieux.

Art. 2. Les ministres plénipotentiaires des deux parties ne pouvant pour le présent s'accorder relativement au traité d'alliance du 6 Février, 1778, au traité d'amitié et de commerce de la même date, et à la convention en date du 14 Novembre 1788, non plus que relativement aux indemnités mutuellement dues ou réclamées, les parties négocieront ultérieurement sur ces objets, dans un tems convenable: et jusqu' à ce qu'elles se soyent accordées sur ces points, les dits traités et convention n'auront point d'effet, et les relations des deux nations seront réglées ainsi qu'il suit:

Art. 3. Les bâtimens d'états qui ont été pris de part et d'autre, ou qui pourraient être pris avant l'échange des ratifications seront rendus.

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ART. 4. Property captured, and not yet definitively condemned, or which may be captured before the exchange of ratifications (contraband goods destined to an enemy's port excepted) shall be mutually restored on the following proofs of ownership: viz. The proof on both sides with respect to merchant ships, whether armed or unarmed, shall be a passport in the form following:

Captured property, not definitively condemned, to be restored on certain proof.

"To all who shall see these presents, greeting:

Form of the passport referred to in page 52.

"It is hereby made known that leave and permission has been given to ——— ———, master and commander of the ship called ————, of the town of ————, burden ——— tons, or thereabouts, lying at present in the port and haven of ————, and bound for ————, and laden with ——— ———, after that his ship has been visited, and before sailing, he shall make oath before the officers who have the jurisdiction of maritime affairs, that the said ship belongs to one or more of the subjects of ————. The act whereof shall be put at the end of these presents, as likewise that he will keep, and cause to be kept by his crew on board, the marine ordinances and regulations, and enter in the proper office a list, signed and witnessed, containing the names and surnames, the places of birth and abode of the crew of his ship, and of all who shall embark on board her; whom he shall not take on board without the knowledge and permission of the officers of the marine, and in every port or haven where he shall enter with his ship, he shall show this present leave to the officers and judges of the marine, and shall give a faithful account to them of what passed and was done during his voyage; and he shall carry the colors, arms, and ensigns of the [French republic or the United States] during his voyage. In witness whereof we have signed these presents, and put the seal of our arms thereunto, and caused the same to be countersigned by ————, at ————, the ———— day of ————, anno domini ————."

Form of proof of captured vessels to be restored.

And this passport will be sufficient without any other paper, any ordinance to the contrary notwithstanding: which passport shall not be deemed requisite to have been renewed or recalled, whatever number of voyages the said ship may have made, unless she shall have returned home within the space of a year.—Proof with respect to the cargo shall be certificates, containing the several particulars of the cargo, the place whence the ship sailed, and whither she is bound, so that the forbidden and contraband goods may be distinguished by the certifi-

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ART. 4. Les propriétés capturées et non encore condamnées définitivement, ou qui pourront être capturées avant l'échange des ratifications, excepté les marchandises de contrebande destinées pour un port ennemi, seront rendues mutuellement sur les preuves suivantes de propriété; *Savoir*:

De part et d'autre, les preuves de propriété relativement aux navires marchands, armés ou non armés, seront un passeport de la forme suivante:

"*A tous ceux* qui les présentes verront, soit notoire que faculté et permission a été accordée à ————, maitre ou commandant du navire, appellé ————, de la ville de ————, de la capacité de ————, tonneaux ou environ, se trouvant présentement dans le port et hâvre de ————, et destiné pour ————, chargé de ————, qu'après que son navire a été visité et avant son départ, il prêtera serment entre les maines des officiers autorisés à cet effet; que le dit navire appartient à un ou plusieurs sujets de ————, dont l'acte sera mis à la fin des présentes; de même qu'il garderaet fera garder par son equipage, les ordonnances et réglemens maritimes, et remettra une liste signée et confirmée par témoins, contenant les noms et surnoms, les lieux de naissance, et la demeure des personnes composant l'équipage de son navire, et de tous ceux qui s'y embarqueront, lesquels il ne recevra pas à bord sans la connaissance et permission des officiers autorisés à ce; et dans chaque port ou hâvre ou il entrera avec son navire, il montrera la présente permission aux officiers à ce autorités, et leur fera un rapport fidèle de ce qui s'est passé durant son voyage; et il portera les couleurs, armes et enseignes (de la république Française ou des Etats Unis) durant son dit voyage. En temoin de quoi nous avons signé les présentes, les avons fait contresigner par ————, et y avons fait apposer le sceau de nos armes.

Donné à ————, *le* ————, *de* ————, *l'an de grace, le* ————."

Et ce passeport suffira sans autre pièce, not obstant tout réglement contraire. Il ne sera pas exigé que ce passeport ait été renouvellé ou révoqué, quelque nombre de voyages que le dit navire ait pu faire, à moins qu'il ne soit revenu chez lui dans l'espace d'une année.

Par rapport à la cargaison, les preuves seront des certificats contenant le détail de la cargaison, du lieu d'où le bâtiment est parti et de celui où il va, de manière que les marchandises défendues et de contrebande puissent être distinguées par les certificats, lesquels certificats auront été faits par les officiers

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cates; which certificates shall have been made out by the officers of the place whence the ship set sail, in the accustomed form of the country. And if such passport or certificates, or both, shall have been destroyed by accident, or taken away by force, their deficiency may be supplied by such other proofs of ownership, as are admissible by the general usage of nations. Proof with respect to other than merchant ships shall be the commission they bear.

Certificates required as proof, in case of cargoes.

This article shall take effect from the date of the signature of the present convention. And if, from the date of the said signature, any property shall be condemned contrary to the intent of the said convention, before the knowledge of this stipulation shall be obtained, the property so condemned shall without delay be restored or paid for.

This article to take effect from Sept. 30, 1800.

ART. 5. The debts contracted by one of the two nations with individuals of the other, or by the individuals of one with the individuals of the other, shall be paid, or the payment may be prosecuted in the same manner as if there had been no misunderstanding between the two states. But this clause shall not extend to indemnities claimed on account of captures or confiscations.

Debts due to individuals of either party, to be paid, may be sued for.

ART. 6. Commerce between the parties shall be free. The vessels of the two nations and their privateers, as well as their prizes, shall be treated in their respective ports as those of the nation the most favored; and, in general, the two parties shall enjoy in the ports of each other, in regard to commerce and navigation, the privileges of the most favored nations.

Free commerce between both parties.

ART. 7. The citizens and inhabitants of the United States shall be at liberty to dispose by testament, donation, or otherwise, of their goods, moveable and immoveable, holden in the territory of the French republic in Europe, and the citizens of the French republic shall have the same liberty with regard to goods, moveable and immoveable, holden in the territory of the United States, in favor of such persons as they shall think proper. The citizens and inhabitants of either of the two countries, who shall be heirs of goods, moveable or immoveable, in the other, shall be able to succeed *ab intestato*, without being obliged to obtain letters of naturalization, and without having the effect of this provision contested or impeded, under any pretext whatever; and the said heirs, whether such by particular title, or *ab intestato*, shall be exempt from every duty whatever in both countries. It is agreed that this article shall in no manner derogate from the laws which either

Citizens of each country, to enjoy in that of the other, the rights of devise, donation, and of inheritance, &c. without naturalization.

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de l'endroit d'où le navire sera parti, dans la forme usitée dans le pays; et si ces passeports ou certificats, ou les uns et les autres ont été détruits par accident, ou enlevés de force, leur défaut pourra être supplée par toutes les autres preuves de propriété admissibles d'après l'usage géneral des nations.

Pour les bâtimens autres que les navires marchands, les preuves seront la commission dont il sont porteurs. Cet article aura son effet à dater de la signature de la présente convention; et si à dater de la dite signature, des propriétés sont condamnées contrairement á l'esprit de la dite convention, avant qu'on ait connaissance de cette stipulation la propriété ainsi condamnée sera, sans délai rendue ou payée.

Art. 5. Les dettes contractées par l'une des deux nations envers les particuliers de l'autre, ou par des particuliers de l'une envers des particuliers de l'autre, seront acquittées ou le payement en sera poursuivi comme s'il n'y avait eu aucune mésintelligence entre les deux états—mais cette clause ne s'étendra point aux indemnités réclamées pour des captures ou pour des condamnations.

Art. 6. Le commerce entre les deux parties sera libre; les vaisseaux des deux nations et leurs corsaires, ainsi que leurs prises, seront traités dans les ports respectifs comme ceux de la nation la plus favorisée, et, en general, les deux parties jouiront dans les ports l'une de l'autre par rapport au commerce et à la navigation, des privilèges de la nation la plus favorisée.

Art. 7. Les citoyens et habitans des Etats Unis pourront disposer par testament, donation ou autrement, de leurs biens, meubles et immeubles, possédés dans le territoire Européen de la république Française; et les citoyens de la république Française auront la même faculté à l'égard des biens, meubles et immeubles, possédés dans le territoire des Etats Unis, en faveur de telle personne que bon leur semblera. Les citoyens et habitans d'un des deux états, qui seront héritiers des biens, meubles ou immeubles situés dans l'autre, pourront succéder *ab intestat*, sans qu'ils ayent besoin de lettres de naturalité, et sans que l'effet de cette stipulation, leur puisse être contesté ou empêché, sous quelque prétexte que ce soit; et seront les dits héritiers, soit à titre particulier, soit *ab intestat*, exempts de tout droit quelconque chez les deux nations. Il est convenu que cet article ne dérogera en aucune manière aux lois qui sont à présent en vigeur chez les deux nations ou qui pourraient

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state may now have in force, or hereafter may enact, to prevent emigration; and also that in case the laws of either of the two states should restrain strangers from the exercise of the rights of property with respect to real estate, such real estate may be sold, or otherwise disposed of, to citizens or inhabitants of the country where it may be, and the other nation shall be at liberty to enact similar laws.

In case of war between the two nations, for removing property, six months to be allowed.

ART. 8. To favor commerce on both sides, it is agreed, that in case a war should break out between the two nations, which God forbid, the term of six months after the declaration of war shall be allowed to the merchants and other citizens and inhabitants respectively, on one side and the other, during which time they shall be at liberty to withdraw themselves, with their effects and moveables, which they shall be at liberty to carry, send away, or sell, as they please, without the least obstruction; nor shall their effects much less their persons, be seized, during such term of six months; on the contrary, passports, which shall be valid for a time necessary for their return, shall be given to them for their vessels and the effects which they shall be willing to send away or carry with them; and such passports shall be a safe conduct against all insults and prizes which privateers may attempt against their persons and effects. And if any thing be taken from them, or any injury done to them or their effects, by one of the parties, their citizens or inhabitants, within the term above prescribed, full satisfaction shall be made to them on that account.

Debts, &c. not to be sequestered in the event of war.

ART. 9. Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor moneys, which they may have in public funds, or in the public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

Commercial agents may be reciprocally appointed, to reside in the U. States, and in France.

Commercial agents not to exercise their functions until they are recognised by the government.

ART. 10. It shall be free for the two contracting parties to appoint commercial agents for the protection of trade, to reside in France and the United States. Either party may except such place, as may be thought proper, from the residence of those agents. Before any agent shall exercise his functions, he shall be accepted in the usual forms by the party to whom he is sent; and when he shall have been accepted and furnished with his exequatur, he shall enjoy the rights and prerogatives of the similar agents of the most favored nations.

Citizens of the U. States and of France, to pay

ART. 11. The citizens of the French republic shall pay in the ports, havens, roads, countries, islands, cities, and towns

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être promulguées à la suite contre l'émigration, et aussi que dans le cas où les lois de l'un des deux états limiteraient pour les étrangers l'exercice des droits de la propriété sur les immeubles ou en disposer autrement en faveur d'habitans ou de citoyens du pays où ils seraient situés, et il sera libre á l'autre nation d'établir de semblables lois.

ART. 8. Pour favoriser de part et d'autre le commerce, il est convenu que si, ce qu'à Dieu ne plaise, le guerre éclatait entre les deux nations, on allouera, de part et d'autre, aux marchands, et autres citoyens ou habitans respectifs, six mois apres la déclaration de guerre, pendant lequel tems ils auront la faculté de se retirer avec leurs effets et meubles qu'ils pourront emmener, envoyer ou vendre, comme ils le voudront, sans le moindre empechement. Leurs effets, et encore moins leurs personnes, ne pourront point, pendant ce tems de six mois, être saisis; au contraire, on leur donnera des passeports qui seront valables pour le tems nécessaire à leur retour chez eux; et ces passeports seront donnés pour eux, ainsi que pour leur bâtimens et effets, qu'ils désireront emmener ou envoyer. Ces passeports serviront de sauf conduit contre toute insulte et contre toute capture de la part des corsaires, tant contre eux que contre leurs effets; et si, dans le terme cidessus désigné, il leur était fait par l'une des parties, ces citoyens ou ses habitans, quelque tort dans leur personnes ou dans leurs effets, on leur en donnera satisfaction complète.

ART. 9. Les dettes dues par des individus de l'une des deux nations aux individus de l'autre, ne pourront, dans aucun cas de guerre, ou de démêlés nationaux, être séquestrées ou confisquées, non plus que les actions ou fonds qui se trouveraient dans les fonds publics, au dans des banques publiques ou particulieres.

ART. 10. Les deux parties contractantes pourront nommer, pour protéger le négoce, des agens commerciaux qui résideront en France et dans les Etats Unis; chacune des parties pourra excepter telle place qu'elle jugera à propos, des lieux ou la résidence de ces agens pourra être fixée. Avant qu'aucun agent puisse exercer ses fonctions, il devra êtra accepté, dans les formes reçues, par la partie chez laquelle il est envoyé; et quand il aura été accepté et pourvu de son *exequatur*, il jouira des droits et prérogatives dont jouiront les agens semblables des nations le plus favorisées.

ART. 11. Les citoyens de la republique Française ne payeront dans les ports, hâvres, rades, contrées, isles, cités et lieux

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of the United States, no other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the nations most favored are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, whether in passing from one port in the said states to another, or in going to and from the same from and to any part of the world, which the said nations do or shall enjoy. And the citizens of the United States shall reciprocally enjoy in the territories of the French republic in Europe, the same privileges and immunities, as well for their property and persons, as for what concerns trade, navigation, and commerce.

reciprocally, no higher duties than the most favored nations.

This stipulation is confined to Europe, on the part of France.

Free trade allowed to ports of an enemy.

ART. 12. It shall be lawful for the citizens of either country to sail with their ships and merchandise (contraband goods always excepted) from any port whatever, to any port of the enemy of the other, and to sail and trade with their ships and merchandise, with perfect security and liberty, from the countries, ports, and places of those who are enemies of both or of either party, without any opposition or disturbance whatsoever, and to pass not only directly from the places and ports of the enemy aforementioned, to neutral ports and places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same power, or under the several; unless such ports or places shall be actually blockaded, besieged, or invested.

Notice of blockade to be given, before captures are made.

And whereas it frequently happens, that vessels sail for a port or place belonging to an enemy, without knowing that the same is either besieged, blockaded, or invested, it is agreed, that every vessel so circumstanced may be turned away from such port or place; but she shall not be detained, nor any part of her cargo, if not contraband, be confiscated, unless, after notice of such blockade or investment, she shall again attempt to enter: but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender of such place, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

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des Etats Unis, d'autres ni de plus grands droits, impôts de quelque nature qu'ils puissent avoir, que ceux que les nations les plus favorisees sont ou seront tenues de payer; et ils jouiront de tous les droits, libertés, privilèges, immunités et exemptions en fait de négoce, navigation et commerce, soit en passant d'un port des dits états à un autre, soit en y allant ou en revenant de quelque partie du monde que ce soit, dont les nations susdites jouissent ou jouiront. Et réciproquement, les citoyens des Etats Unis jouiront, dans le territoire de la république Française en Europe, des mêmes privilèges, immunités, tant pour leurs biens et leurs personnes, que pour ce qui concerne le négoce, la navigation et le commerce.

ART. 12. Les citoyens des deux nations pourront conduire leurs vaisseaux et marchandises (*en exceptant toujours la contrebande*) de tout port quelconque, dans un autre port appartenant à l'ennemi de l'autre nation; ils pourront naviguer et commercer en toute liberté et sécurité, avec leurs navires et marchandises, dans les pays, ports et places des ennemis des deux parties ou de l'une ou de l'autre partie, sans obstacles et sans entraves, et non seulement passer directement des places et ports de l'ennemi susmentionnés, dans les ports et places neutres, mais encore de toute place appartenant à un ennemi dans toute autre place apartenant à un ennemi, qu'elle soit ou ne soit pas soumise à la même jurisdiction, à moins que ces places ou ports ne soyent réellement bloqués, assiégés ou investis.

Et dans le cas, comme il arrive souvent, où les vaisseaux feraient voile pour une place ou port appartenant à un ennemi, ignorant qu'ils sont bloqués, assiégés ou investis, il est convenu que tout navire qui se trouvera dans une pareille circonstance, sera détourné de cette place ou port, sans qu'on puisse le retenir ni confisquer aucune partie de sa cargaison *(à moins qu'elle ne soit de contrebande, ou qu'il ne soit prouvé que le dit navire, après avoir été averti du blocus ou investissement, à voulu rentrer dans ce même port;)* mais il lui sera permis d'aller dans tout autre port ou place qu'il jugera convenable. Aucun navire de l'une ou de l'autre nation, entré dans un port ou place avant qu'ils ayent été réellement bloqués, assiégés ou investis par l'autre, ne pourra être empêché de sortir avec sa cargaison: s'il s'y trouve, lorsque la dite place sera rendue, le navire et sa cargaison ne pourront être confisqués, mais seront remis aux propriétaires.

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Specification of contraband.

ART. 13. In order to regulate what shall be deemed contraband of war, there shall be comprised under that denomination, gun-powder, saltpetre, petards, match, ball, bombs, grenades, carcasses pikes, halberds, swords, belts, pistols, holsters, cavalry saddles and furniture, cannon, mortars, their carriages and beds, and generally all kinds of arms, ammunition of war, and instruments fit for the use of troops; all the above articles, whenever they are destined to the port of an enemy, are hereby declared to be contraband, and just objects of confiscation; but the vessel in which they are laden, and the residue of the cargo, shall be considered free, and not in any manner infected by the prohibited goods, whether belonging to the same or a different owner.

The vessel not affected by having contraband articles.

Free ships give a freedom to goods, although the property of an enemy.

ART. 14. It is hereby stipulated that free ships shall give a freedom to goods, and that every thing shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to either party, they are not to be taken out of that free ship, unless they are soldiers, and in actual service of the enemy.

Persons, not in the actual military service of an enemy, protected on board free ships.

Goods laden on board enemy ships, after war is known to exist, to be confiscated.

ART. 15. On the contrary, it is agreed, that whatever shall be found to be laden by the citizens of either party on any ship belonging to the enemies of the other, or their citizens, shall be confiscated without distinction of goods, contraband or not contraband, in the same manner as if it belonged to the enemy, except such goods and merchandises as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done without knowledge of such declaration; so that the goods of the citizens of either party, whether they be of the nature of such as are prohibited, or otherwise, which, as is aforesaid, were put on board any ship belonging to an enemy, before the war, or after the declaration of the same, without the knowledge of it, shall no ways be liable to confiscation, but shall well and truly be restored without delay to the proprietors demanding the same; but so as that if the said merchandises be contraband, it shall not be any ways lawful to carry them afterwards to any ports be-

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ART. 13. Pour régler ce qu'on entendra par contrebande de guerre, seront compris sous cette dénomination la poudre, le salpêtre, les pétards, mèches, balles, boulets, bombes, grenades, carcasses, piques, hallebardes, épées, ceinturons, pistolets, fourreaux, selles de cavalerie, harnais, canons, mortiers avec leurs affuts, et généralement toutes armes et munitions de guerre et ustensiles, à l'usage des troupes. Tous les articles ci-dessus, toutes les fois qu'ils seront destinés pour le port d'un ennemi, sont déclarés de contrebande et justement soumis à la confiscation. Mais le bâtiment sur lequel ils étaient chargés ainsi que le reste de la cargaison, seront regardés comme libres, et ne pourront en aucune maneire être viciés par les marchandises de contrebande, soit qu'ils appartiennent à un même ou à differens propriétaires.

ART. 14. Il est stipulé par le present traité que les bâtimens libres assureront également la liberté des marchandises, et qu'on jugera libres toutes les choses qui se troveront à bord des navires appartenant aux citoyens d'une des parties contractantes, quand même le chargement ou partie d'icelui appartiendrait aux ennemis de l'une des deux; bien entendu néanmoins que la contrebande sera toujours excepte. Il est également convenu que cette même liberté s'étendra aux personnes qui pourraient se trouver à bord du bâtiment libre, quand même elles seraient ennemies de l'une des deux parties contractantes, et elles ne pourront être énlevées des dits navires libres, a moins qu'elles ne soyent militaires et actuellement au service de l'ennemi.

ART. 15. On est convenu, au contraire, que tout ce qui se trouvera chargé par les citoyens respectifs, sur des navires appartenant aux ennemis de l'autre partie ou à leurs sujets, sera confisqué, sans distinction des marchandises prohibées ou non prohibées, ainsi et de même que si elles appartenaient à l'ennemi, à l'exception toute fois des effets et marchandises qui auront été mis à bord des dits navires avant la déclaration de guerre, ou même après la dite déclaration, si, au moment du chargement, on a pu l'ignorer; de manière que les marchandises des citoyens des deux parties, soit qu'elles se trouvent du nombre de celles de contrebande ou autrement, lesquelles, comme il vient d'être dit, auront été mises à bord d'un vaisseau appartenant á l'ennemi avant la guerre, ou même après la dite déclaration lorsqu'on l'ignorait, ne seront, en aucune manière, sujettes à confiscation, mais seront fidèlement et de bonne foi rendues, sans délai, à leurs propriétaires qui les reclameront; bien entendu néanmoins qu'il ne soit pas permis de porter

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longing to the enemy. The two contracting parties agree, that the term of two months being passed after the declaration of war, their respective citizens, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

Merchant vessels to exhibit their passports and certificates.

ART. 16. The merchant ships belonging to the citizens of either of the contracting parties, which shall be bound to a port of the enemy of one of the parties, and concerning whose voyage, and the articles of their cargo, there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports or roads, not only their passports, but likewise their certificates, showing that their goods are not of the quality of those which are specified to be contraband in the thirteenth article of the present convention.

In time of war, merchant ships to be furnished, between one of the parties, and a third power, with passports, and certificates.

ART. 17. And that captures on light suspicions may be avoided, and injuries thence arising prevented, it is agreed, that when one party shall be engaged in war, and the other party be neuter, the ships of the neutral party shall be furnished with passports similar to that described in the fourth article, that it may appear thereby that the ships really belong to the citizens of the neutral party; they shall be valid for any number of voyages, but shall be renewed every year, that is, if the ship happens to return home in the space of a year. If the ships are laden, they shall be provided not only with the passports above mentioned, but also with certificates similar to those described in the same article, so that it may be known whether they carry any contraband goods. No other paper shall be required, any usage or ordinance to the contrary notwithstanding. And if it shall not appear from the said certificates that there are contraband goods on board, the ships shall be permitted to proceed on their voyage, If it shall appear from the certificates, that there are contraband goods on board any such ship, and the commander of the same shall offer to deliver them up, the offer shall be accepted, and the ship shall be at liberty to pursue its voyage, unless the quantity of the contraband goods be greater than can conveniently be received on board the ship of war or privateer, in which case the ship may be carried into port, for the delivery of the same.

Merchantmen, delivering their contraband articles up, allowed to pursue their voyages.

The want of a passport if there be other proofs,

If any ship shall not be furnished with such passport or certificates as are above required for the same, such case may be

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dans les ports ennemis les marchandises qui seront de contrebande. Les deux parties contractantes conviennent que la terme de deux mois passé depuis la déclaration de guerre, leur citoyens respectifs de quelque partie du monde qu'ils viennent, ne pourront plus alléguer l'ignorance dont il est question dans le présent article.

ART. 16 Les navires marchands appartenant à des citoyens de l'une ou l'autre des deux parties contractantes, lorsqu'ils voudront passer dans le port de l'ennemi de l'une des deux parties, et que leur voyage ainsi que les effets de leur cargaison pourront donner de justes soupçons, les dits navires seront obligés d'exhiber en pleine mer, comme dans les ports ou rades, non seulement leurs passeports, mais encore leurs certificats prouvant que ces effets ne sont point de la même espèce que ceux de contrebande specifiés dans l'article treize de la présente convention.

ART. 17. Et afin d'éviter des captures sur des soupçons frivoles, et de prévenir les dommages qui en résultent, il est convenu que, quand une des deux parties sera en guerre et l'autre neutre, les navires de la partie neutre seront pourvus de passeports semblables à ceux spécifiés dans l'article quatre, de manière qu'il puisse par là apparaitre que les navires appartiennent véritablement à la partie neutre. Ces passeports seront valides pour un nombre quelconque de voyages; mais il seront renouvellés chaque année, si le navire retourne chez lui dans l'espace d'une année. Si ces navires sont chargés, ils seront pourvus non seulement des passeports susmentionnés mais aussi de certificats semblables á ceux mentionnés au même article, de maniére que l'on puisse connaitre s'il y à bord des marchandises de contrebande. Il ne sera exigé aucune autre pièce, non obstant tous usages et réglemens contraires; et s'il n'apparait pas par ces certificats qu'il y ait des marchandises de contrebande á bord, les navires seront laissés à leur destination. Si, au contraire, il apparait, par ces certificats, que les dits navires ayent des marchandises de contrebande á bord, et que le commandant offre de les délivrer, l'offre sera acceptée, et le navire sera remis en liberté de poursuivre son voyage; à moins que la quantité de marchandises de contrebande ne soit trop grande pour pouvoir être prise convenablement à bord du vaisseau de guerre ou corsaire; dans ce cas le navire pourra être amené dans le port pour y délivrer la dite marchandise.

Si un navire est trouvé sans avoir le passeport ou les certificats ci-dessus exigés, l'affaire sera examinée par les juges ou tribunaux compétens; et s'il consté par d'autres documens ou

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examined by a proper judge or tribunal, and if it shall appear from other documents or proofs, admissible by the usage of nations, that the ship belongs to the citizens of the neutral party, it shall not be confiscated, but shall be released with her cargo (contraband goods excepted) and be permitted to proceed on her voyage.

not to authorise condemnation.

The death of the master, not to affect ship or cargo.

If the master of a ship, named in the passport, should happen to die or be removed by any other cause, and another put in his place, the ship and cargo shall nevertheless be equally secure, and the passport remain in full force.

Ships examined under the right of search, to be visited in boats, the armed ship remaining out of cannon shot and be boarded by two or three hands only.

ART. 18. If the ships of the citizens of either of the parties shall be met with, either sailing along the coasts, or on the high seas, by any ship of war or privateer of the other; for the avoiding of any disorder, the said ships of war or privateers shall remain out of cannon shot, and may send their boats on board the merchant ship which they shall so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship shall exhibit his passport concerning the property of the ship, made out according to the form prescribed in the fourth article. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other examination whatever.

The neutral party not to be compelled to go board such armed vessel.

Merchantmen, under convoy, not to be visited.

ART. 19. It is expressly agreed by the contracting parties, that the stipulations above mentioned, relative to the conduct to be observed on the sea by the cruisers of the belligerent party towards the ships of the neutral party, shall be applied only to ships sailing without convoy; and when the said ships shall be convoyed, it being the intention of the parties to observe all the regard due to the protection of the flag displayed by public ships, it shall not be lawful to visit them; but the verbal declaration of the commander of the convoy, that the ships he convoys belong to the nation whose flag he carries, and that they have no contraband goods on board, shall be considered by the respective cruisers as fully sufficient: the two parties reciprocally engaging not to admit under the protection of their convoys, ships which shall carry contraband goods destined to an enemy.

The verbal declaration of the commander of the convoy to be deemed satisfactory.

Receipts to be given for the papers of a captured vessel.

ART. 20. In all cases where vessels shall be captured or detained, under pretence of carrying to the enemy contraband goods, the captor shall give a receipt for such of the papers of the vessel as he shall retain, which receipt shall be

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preuves admissibles par l'usage des nations, que le navire appartient à des citoyens de la partie neutre, il ne sera pas condamné, et il sera remis en liberté avec son chargemont, la contrebande exceptée, et aura la liberté de poursuivre sa route.

Si le capitaine nommé dans le passeport du navire venait à mourir, ou à être ôté par toute autre cause, et qu'un autre fut nommé à sa place, le navire et sa cargaison n'en seront pas moins en sûreté, et le passeport demeurera dans toute sa force.

Art. 18. Si les bâtimens des citoyens de l'une ou l'uutre nation sont rencontrés le long des côtes, ou en pleine mer, par quelques vaisseaux de guerre ou corsaires de l'autre; pour prévenir tout désordre, les dits vaisseaux ou corsaires se tiendront hors de la portée du canon et enverront leur canot á bord du navire marchand qu'ils auront rencontré: ils n'y pourront entrer qu'au nombre de deux ou trois hommes, et demander au patron ou capitaine du dit navire, exhibition du passeport concernant la propriété du dit navire, fait d'après la formule prescrite dans l'article quatre, ainsi que les certificats susmentionnés relatifs à la cargaison. Il est expressément convenu que le neutre ne pourra être contraint d'aller a bord du vaisseau visitant pour y faire l'exhibition demandée des papiers ou pour toute autre information quelconque.

Art. 19. Il est expressément convenu par les parties contractantes, que les stipulations cidessus, relatives à la conduite qui sera tenue à la mer par les croiseurs de la parties belligérante, envers les bâtiments de la partie neutre, ne s'appliqueront qu'aux bâtiments navignant sans convoi: et dans le cas où les dits bâtiments seraient convoyés, l'intention des parties étant d'observer tous les égards dus à la protection du pavillon arboré sur les vaisseaux publics, on ne pourra point en faire la visite. Mais la déclaration verbale du commandant de l'escorte, que les navires de son convoi appartiennent à la nation dont ils portent le pavillon, et qu'ils n'ont aucune contrebande à bord, sera regardée par les croiseurs respectifs comme pleinement suffisante; les deux parties s'engageant réciproquement à ne point admettre sous la protection de leur convoi, des bâtiments qui porteraient des marchandises prohibées à une destination ennemie.

Art. 20. Dans le cas où les bâtiments seront pris ou arrêtés, sous prétexte de porter à l'ennemi quelqu' article de contrebande, le capteur donnera un reçu des papiers du bâtiment qu'il retiendra, lequel reçu sera joint à une liste énonciative

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annexed to a descriptive list of the said papers: and it shall be unlawful to break up or open the hatches, chests, trunks, casks, bales, or vessels, found on board, or remove the smallest part of the goods, unless the lading be brought on shore in presence of the competent officers, and an inventory be made by them of the said goods. Nor shall it be lawful to sell, exchange, or alienate the same in any manner, unless there shall have been lawful process, and the competent judge or judges, shall have pronounced against such goods sentence of confiscation, saving always the ship and the other goods which it contains.

Hatches, &c. not to be broken up or opened, at sea.

The master, or supercargo, of a captured vessel, not to be removed.

ART. 21. And that proper care may be taken of the vessel and cargo, and embezzlement prevented, it is agreed, that it shall not be lawful to remove the master, commander, or supercargo of any captured ship from on board thereof, either during the time the ship may be at sea after her capture, or pending the proceedings against her, or her cargo, or any thing relative thereto. And in all cases where a vessel of the citizens of either party shall be captured, or seized, and held for adjudication, her officers, passengers, and crew, shall be hospitably treated. They shall not be imprisoned or deprived of any part of their wearing apparel, nor of the possession and use of their money, not exceeding for the captain, supercargo, and mate, five hundred dollars each, and for the sailors and passengers, one hundred dollars each;

Crew and passengers to be kindly treated.

Prizes to be condemned only by established courts.

ART. 22. It is further agreed, that in all cases, the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either of the parties shall pronounce judgment against any vessel or goods, or property, claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of the said vessel, without any delay, he paying the legal fees for the same.

The reasons for condemnation to be stated.

Damages done by ships of war, to be satisfied.

ART. 23. And that more abundant care may be taken for the security of the respective citizens of the contracting parties, and to prevent their suffering injuries by the men of war or privateers of either party, all commanders of ships of war and privateers, and all others the said citizens, shall forbear doing any damage to those of the other party or committing

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des dits papiers: il ne sera point permis de forcer ni d'ouvrir les écoutilles, coffres, caisses, caissons, balles, ou vases trouvés à bord du dit navire, ni d'enlever la moindre chose des effets, avant que la cargaison ait été débarquée en présence des officiers compétens, qui feront un inventaire des dits effets; ils ne pourront, en aucune manière, être vendus, échangés ou aliénés, a moins qu'aprés une procédure légale, le juge ou les juges compétens n'ayent porté contre les dits effets sentence de confiscation (*en exceptant toujours le navire et les autres objets qu'il contient.*)

ART. 21. Pour que le bâtiment et la cargaison soyent surveillés avec soin, et pour empêcher les dégâts, il est arrêté que le patron, capitaine ou subré-cargue du navire *capturé*, ne pourront être éloignés du bord, soit pendant que le navire sera en mer après avoir été pris soit pendant les procédures qui pourront avoir lieu contre lui, sa cargaison ou quelque chose y relative.

Dans le cas où le navire appartenant à des citoyens de l'une ou de l'autre partie serait pris, saisi et retenu pour être jugé, ses officiers, passagers et équipage seront traités avec humanité; ils ne pourront être emprisonnés, ni dépouillés de leurs vêtemens, ni de l'argent à leur usage, qui ne pourra excéder, pour le capitaine, le subré cargue, et le second, cinq cents dollars chacun; et pour les matelots et passagers, cent dollars chacun.

ART. 22. Il est de plus convenu que dans tous les cas, les tribunaux établis pour les causes de prises dans les pays où les prises seront conduites, pourront seuls en prendre connaissance; et quelques jugement que le tribunal de l'une ou de l'autre partie prononce contre quelques navires ou marchandises ou propriétés réclamées par des citoyens de l'autre partie, le sentence ou décret fera mention des raisons ou motifs qui ont déterminé ce jugement, dont copie authentique, ainsi que de toute la procédure y relative, sera, à leur réquisition, delivrée, sans délai, au capitaine ou agent du dit navire, moyennant le payement des frais.

ART. 23. Et afin de pourvoir plus efficacement à la sûreté respective des citoyens des deux parties contractantes, et prévenir les torts qu'ils auraient à craindre des vaisseaux de guerre ou corsaires, de l'une ou l'autre partie, tous commandans des vaisseaux de guerre et de corsaires, et tous autres citoyens de l'une des deux parties, s'abstiendront de tout dom-

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any outrage against them, and if they act to the contrary they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages and the interest thereof, of whatever nature the said damages may be.

Offenders in this respect to be personally liable.

Commanders of privateers obligated to give security.

For this cause all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of seven thousand dollars or thirty six thousand eight hundred and twenty francs, or if such ships be provided with above one hundred and fifty seamen or soldiers, in the sum of fourteen thousand dollars or seventy three thousand six hundred and forty francs, to satisfy all damages and injuries, which the said privateer, or her officers, or men, or any of them, may do or commit during their cruise, contrary to the tenor of this convention, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggressions the said commission shall be revoked and annulled.

Amount of the security for the good behaviour of commanders of privateers.

Armed vessels, and their prizes not to pay duty, nor be examined.

Art. 24. When the ships of war of the two contracting parties, or those belonging to their citizens which are armed in war, shall be admitted to enter with their prizes the ports of either of the two parties, the said public or private ships, as well as their prizes, shall not be obliged to pay any duty either to the officers of the place, the judges, or any others; nor shall such prizes, when they come to and enter the ports of either party, be arrested or seized, nor shall the officers of the place make examination concerning the lawfulness of such prizes, but they may hoist sail at any time and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show. It is always understood that the stipulations of this article shall not extend beyond the privileges of the most favored nation.

Privateers of a third power, at enmity with one of the parties, not to fit their ships in the harbours of either party.

Art. 25. It shall not be lawful for any foreign privateers who have commissions from any prince or state, in enmity with either nation, to fit their ships in the ports of either nation, to sell their prizes, or in any manner to exchange them; neither shall they be allowed to purchase provisions, except such as shall be necessary for their going to the next port of that prince or state, from which they have received their commissions.

mage envers les citoyens de l'autre et de toute insulte envers leurs personnes. S'ils faisaient le contraire, ils seront punis, et tenus à donner, dans leurs personnes et propriétés, satisfaction et réparation pour les dommages, avec intérêt, de quelque espèce que soyent les dits dommages.

A cet effet, tous capitaines de corsaires, avant de recevoir leurs commissions, s'obligeront, devant un juge compétent, à donner une garantie au moins par deux cautions responsables, lesquelles n'auront aucun intérêt sur le dit corsaire, et dont chacune, ainsi que le capitaine, s'engagera particulièrement et solidairement pour la somme de sept mille dollars ou trente six mille huit cent vingt francs; et si les dits vaisseaux portent plus de cent cinquante matelots ou soldats, pour la somme de quatorze mille dollars ou soixante treize mille six cent quarante francs, qui serviront à reparer les torts ou dommages que les dits corsaires, leurs officiers, équipages ou quelqu'un d'eux auraient fait ou commis pendant leur croisière, de contraire aux dispositions de la présente convention, ou aux lois et instructions qui devront être la règle de leur conduite: en outre, les dites commissions seront révoquées et annullées dans tous les cas où il y aura en aggression.

ART. 24. Lorsque les vaisseaux de guerre des deux parties contractantes, ou ceux que leur citoyens auraient armés en guerre, seront admis à relâcher, avec leurs prises, dans les ports de l'une des deux parties, les dits vaisseaux publics ou particuliers, de même que leurs prises, ne seront obligés à payer aucun droit, soit aux officiers du lieu, soit aux juges ou à tous autres; les dites prises entrant dans les hâvres ou ports de l'une des deux parties, ne pourront être arrêtées ou saisies, et les officiers des lieux ne pourront pendre connaissance de la validité des dites prises, lesquelles pourront sortir et être conduites en toute franchise et liberté aux lieux portés par les commissions dont les capitaines des dits vaisseaux seront obligées de faire apparoir. Il est toujours entendu que les stipulations de cet article ne s'étendront pas au delà des privilèges des nations les plus favorisées.

ART. 25. Tous corsaires étrangers ayant des commissions d' un état ou prince en guerre avec l'une ou l'autre nation, ne pourront armer leur vaisseaux dans les ports de l'une ou l'autre nation, non plus qu'y vendre leurs prises, ni les échanger en aucune manière: il ne leur sera permis d'acheter des provisions que la quantité nécessaire pour gagner le port le plus voisin de l'état ou prince duquel ils ont reçu leurs commission.

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Pirates not to be received in the ports of either party.

ART. 26. It is further agreed, that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbor, conceal, or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

Vessels, effects, &c. piratically obtained, to be seized, and restored to the right owners.

And all their ships, with the goods or merchandises, taken by them and brought into the port of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners or their factors, or agents duly authorised by them; (proper evidence being first given before competent judges for proving the property;) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew or had good reason to believe, or suspect that they had been piratically taken.

Neither party to interfere in the fisheries of the other.

ART. 27. Neither party will intermeddle in the fisheries of the other on its coasts, nor disturb the other in the exercise of the rights which it now holds or may acquire on the coast of Newfoundland, in the gulf of St. Lawrence, or elsewhere, on the American coast, northward of the United States. But the whale and seal fisheries shall be free to both in every quarter of the world.

Ratifications to be exchanged in six months.

This convention shall be ratified on both sides in due form, and the ratifications exchanged in the space of six months, or sooner if possible.

In faith whereof, the respective plenipotentiaries have signed the above articles both in the French and English languages, and they have thereto affixed their seals: declaring, nevertheless, that the signing in the two languages shall not be brought into precedent, nor in any way operate to the prejudice of either party.

Done at Paris, the eight day of Vendemaire, of the ninth year of the French republic, the thirtieth day of September, anno domini eighteen hundred.

J. BONAPARTE,
C. P. C. FLEURIEU,
ROEDERER,
O. ELLSWORTH,
W. R. DAVIE,
W. V. MURRAY.

1800. September 30.

ART. 26. Il est de plus convenu qu'aucune des deux parties contractantes non seulement ne recevra point de pirates dans ses ports, rades ou villes, et ne permettra pas qu'aucun de ses habitans les reçoive, protège, accueille ou recèle en aucune manière, mais encore livrera àun juste châtiment ceux de ces habitans qui seraient coupables de pareils faits ou délits. Les vaisseaux de ces pirates, ainsi que les effets et marchandises par eux pris et amenés dans les ports de l'une ou l'autre nation, seront saisis par tout où ils seront découverts et restitués à leurs propriétaires, agens ou facteurs duement autorités par eux, après toutefois qu'ils auront prouvé devant les juges competens le droit de propriété.

Que si les dits effets avaient passé, par vente, en d'autres mains, et que les acquereurs fussent ou pussent être instruits ou soupçonnaient que les dits effets avaient été enlevés par des pirates, ils seront également restitués.

ART. 27. Aucune des deux nations ne viendra participer aux pêcheries de l'autre sur ses côtes, ni la troubler dans l'exercice des droits qu'elle a maintenant ou pourrait acquérir sur les côtes de Terreneuve, dans le golfe de St. Laurent, ou par tout ailleurs, sur les côtes d'Amérique au nord des Etats Unis; mais la pêche de la baleine et du veau marin sera libre pour les deux nations dans toutes les parties du monde. Cette convention sera ratifée de part et d'autre en bonne et due forme et les ratifications seront échangées dans l'espace de six mois, ou plutôt, s'il est possible.

En foi de quoi les plénipotentiaires respectifs ont signé les articles ci-dessus, tant en langue Française, qu'en langue Anglaise, et ils y ont apposé leurs sceau, déclarant neanmoins que la signature en deux langues ne sera point citée comme exemple, et ne préjudiciera à aucune des deux parties.

Fait à Paris, le huitième jour de Vendémiarie, de l'an neuf de la république Française, et le trentième jour de Septembre mil huit cent.

J. BONAPARTE,
C. P. C. FLEURIEU,
ROEDERER,
O. ELLSWORTH,
W. R. DAVIE,
W. V. MURRAY.

1800. September 30.

And whereas the senate of the United States did, by their resolution, on the third day of this present month of February, two thirds of the senators then present concurring, consent to and advise the ratification of the said convention: Provided the second article* be expunged, and that the following article be added or inserted: "It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of the ratifications."

[*See page 84.]

Limitation of this convention to eight years.

Provisional ratification by the United States.

Now therefore, I, John Adams, president of the United States of America, having seen and considered the convention and additional article above recited, do, in pursuance of the aforesaid advice and consent of the senate of the said United States, by these presents accept, ratify, and confirm the said convention and additional article, and every clause and article thereof, as the same are herein before set forth, saving and excepting the second article of the said convention, which I hereby declare to be expunged and of no force or validity: and I do moreover hereby declare, that the said convention, saving the second article as aforesaid, and the said additional article, form together one instrument, and are a convention between the United States of America and the French republic, made by the president of the United States, by and with the advice and consent of the senate thereof.

In testimony whereof, I have caused the seal of the [L. S.] United States of America to be hereto affixed.

Given under my hand at the city of Washington, this 18th day of February, in the year of our Lord one thousand eight hundred and one, and of the Independence of the said states the twenty-fifth.

JOHN ADAMS.

By the president,

JOHN MARSHALL,
Acting as secretary of state.

And whereas the said convention was, on the other part, ratified and confirmed by the first consul of France in the form of which the following is a translation from the French language, to wit:

Bonaparte, first consul, in the name of the French people: The consul of the republic, having seen and examined the convention concluded, agreed to, and signed at Paris, the 8th Vendemiaire, 9th year of the French republic, (30th September,

1800,) by the citizens Joseph Bonaparte, Fleurieu, and Roederer, counsellors of state, in virtue of the full powers which have been given to them to this effect, with Messieurs Ellsworth, Davie, and Murray, ministers plenipotentiary of the United States, equally furnished with full powers, the tenor of which convention follows:

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Approves the above convention in all and each of the articles which are therein contained; declares that it is accepted, ratified, and confirmed, and promises that it shall be inviolably observed.

Approuve la convention ci-dessus en tous chacun des articles qui y sont contenus; déclare qu'elle est acceptée ratifiée et confirmée, et promet qu'elle sera inviolablement observée.

Ratification on the part of the French government according to the amendments proposed by the U. States senate.

The government of the United States having added to its ratification, that the convention should be in force for the space of eight years, and having omitted the second article, the government of the French republic consents to accept, ratify, and confirm the above convention, with the addition importing that the convention shall be in force for the space of eight years, and with the retrenchment of the second article: provided that by this retrenchment the two states renounce the respective pretensions which are the object of the said article.

Le gouvernement des Etats Unis ayant ajouté dans sa ratification que la convention sera en vigueur l'espace de huit anneés, et ayant omis l'article second, le gouvernement de la république Française consent à accèpter, ratifier et confirmer la convention ci-dessus, avec l'addition portant que la convention sera en vigueur pendant l'espace de huit années, et avec le retranchement de l'article second: bien entendu que par ce retranchement les deux états renoncent aux prétentions respectives qui sont l'objet du dit article.

In faith whereof these presents are given. Signed, countersigned, and sealed with the great seal of the republic, at Paris, the twelfth Thermidor, ninth year of the republic, (31st July, 1801.)

En foi de quoi sont données les présentes, signées, contresignées, et scellées du grand sceau de la république.

A Paris, *le douze Thermidor, an neuf de la république*, (trente-un Juillet, mil huit cent un.)

BONAPARTE.
The minister of exterior relations,
CH. MAU. TALLEYRAND.
By the first consul:
The secretary of state,
HUGUES B. MARET.

BONAPARTE.
Le ministre des relations exterieures,
CH. MAU. TALLEYRAND.
Par le premier consul:
Le secretaire d'etat,
HUGUES B. MARET.

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La présente convention a été échangée par les ministres soussignés, munis de pleinspouvoirs à cet effet, à Paris, ce douze. Thermidor, an neuf (trente et un Juillet, mille huit cent un.)

W. V. MURRAY,
JOSEPH BONAPARTE,
C. P. CLARET FLEURIEU,
P. L. ROEDERER.

Final ratification, on the part of the U. States

Which ratifications were duly exchanged at Paris, on the 31st day of July, in the present year; and having been so exchanged were again submitted to the senate of the United States, who on the 19th day of the present month, resolved that they considered the said convention as fully ratified, and returned the same to the president for the usual promulgation. Now, therefore, to the end that the said convention 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 convention 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. [L. S.]

Done at the city of Washington, the twenty-first day of December, in the year of our Lord one thousand eight hundred and one, and of the sovereignty and independence of the United States the twenty-sixth.

TH: JEFFERSON.

By the president,

JAMES MADISON,
Secretary of state.

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No. 6.—*Treaty between the United States of America and the French Republic.*

The president of the United States of America, and the first consul of the French republic, in the name of the French people, desiring to remove all source of misunderstanding relative to objects of discussion mentioned in the second and fifth articles of the convention of the 8th Vendemiaire, an 9 (30th September, 1800) relative to the rights claimed by the United States, in virtue of the treaty concluded at Madrid the 27th October, 1795, between his catholic majesty and the said United States, and willing to strengthen the union and friendship which at the time of the said convention was happily reestablished between the two nations, have respectively named their plenipotentiaries, to wit, the president of the United States of America, by and with the advice and consent of the senate of the said states, Robert R. Livingston, minister plenipotentiary of the United States, and James Monroe, minister plenipotentiary and envoy extraordinary of the said states, near the government of the French republic; and the first consul, in the name of the French people, the French citizen Barbé Marbois, minister

Le premier consul de la republique Française, au nom du peuple Français, et le president des Etats Unis d'Amérique, désirant prévenir tout sujet de mesintelligence relativement aux objets de discussion mentionnés dans les articles 2 et 5 de la convention du 8 Vendémiaire, an 9, (30 Septembre 1800,) et relativement aux droits reclamés par les Etats Unis en vertu du traité conclu à Madrid le 27 Octobre, 1793, entre S. M. Catholique et les dits Etats Unis: et voulant fortifier de plus en plus les rapports d'union et d'amitié qui à l'epoque de la dite convention, ont été heureusement rétablis entre les deux états, ont respectivement nommé pour plénipotentiaries, savoir: le premier consul au nom du peuple Français, le citoyen françois Barbé Marbois, ministre du trésor public; et le président des Etats Unis d'Amérique, par et avec l'avis et le consentement du sénat des dits états, Robert R. Livingston, ministre plenipotentiare des Etats Unis, et James Monroe, ministre plenipotentiaire et envoyé extraordinaire des dits états, auprès du gouvernement de la republique Française: Lesquels après avoir fait l'échange

Desire of the parties to remove all source of misunderstanding in relation to the construction of the treaty of Madrid; of the 27th of October 1795, &c.

And, also, to strengthen the friendship and union between the two nations.

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of the public treasury, who, after having respectively exchanged their full powers, have agreed to the following articles:

Retrocession of Louisiana, by Spain to France stated.

ART. 1. Whereas, by the article the third of the treaty concluded at St. Ildefonso, the 9th Vendemiaire, an 9, (1st October, 1800,) between the first consul of the French republic and his catholic majesty, it was agreed as follows: "His catholic majesty promises and engages on his part, to retrocede to the French republic, six months after the full and entire execution of the conditions and stipulations herein relative to his royal highness the duke of Parma, the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it; and such as it should be after the treaties subsequently entered into between Spain and other states." *And whereas*, in pursuance of the treaty, and particularly of the third article, the French republic has an incontestable title to the domain and to the possession of the said territory: The first consul of the French republic desiring to give to the United States a strong proof of his friendship, doth hereby cede to the said United States, in the name of the French republic, forever and in full sovereignty, the said territory, with all its rights and appurtenances, as fully and in the same manner, as they have been acquired by the French republic: in virtue of the abovementioned treaty, concluded with his catholic majesty.

Consideration of the retrocession.

Title of France incontestable.

Cession from France to the United States.

What is included in the cession by the preceding article.

ART. 2. In the cession made by the preceding article are included the adjacent islands belonging to Louisiana, all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices, which are not private property. The archives, papers, and documents, relative to the domain and sovereignty of Louisiana, and its dependencies, will be left in the possession of the commissaries of the United States, and copies will be afterwards given in due form to the magistrates and municipal officers, of such of the said papers and documents as may be necessary to them.

Inhabitants of Louisiana to be incorporated in the union, upon the principles of the federal constitution.

ART. 3. The inhabitants of the ceded territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

de leurs pleinspouvoirs sont convenus des articles suivants: 1803. April 30.

ART. 1. Attendu que par l'article 3 du traité conclu à St. Ildephonse le 9 Vendémiaire an 9, (1r. Octobre, 1800,) entre le premier consul de la république Française et sa majesté catholique, il a été convenu ce qui suit: "Sa majesté catholique promet et s'engage de son côte, à rétrocéder a la république Française, six mois après l'éxécution pleine et entière des conditions et stipulations ci-dessus, relatives à son altesse royale le duc de Parme, la colonie ou province de la Louisiane, avec la même étendue qu'elle a actuellement entre les mains de l'Espagne, et qu'elle avait lorsque la France la possédait, et telle qu'elle doit être d'après les traités passés subséquemment entre l'Espagne et d'autres états."

Et comme par suite du dit traité, et spécialement du dit article 3, la république Française a un titre incontestable au domain et à la possession du dit territoire, le premier consul de la république désirant de donner un témoignage remarquable de son amitié aux dits Etats Unis, il leur fait, au nom de la république Française, cession a toujours et en pleine souveraineté, du dit territoire, avec tous ses droits et appurtenances, ainsi et de la manière qu'ils ont été acquis par la république Française, en vertu du traité susdit, conclu avec sa majesté catholique.

ART. 2. Dans la cession faite par l'article précédent, sont compris les isles adjacentes dépendantes de la Louisiane, les emplacemens et places publiques, les terreins vacans, tous les bâtimens publics, fortifications, cazernes et autres édifices qui ne sont la proprieté d'aucun individu. Les archieves, papiers, et documens directement relatif au domaine et à la soverainété de la Louisiane et dépendances, seront laisses en la possession des commissaires des Etats Unis, et il sera, ensuite, remis des expéditions en bonne forme aux magistrats et administrateurs locaux, de ceux des dits papiers et documents qui leur seront nécessaires.

ART. 3. Les habitans des territoires cédés seront incorporés dans l'union des Etats Unis, et admis, assitôt qu'il sera possible, d'après les principes de la constitution fédérale, à la jouissance de tous les droits, avantages et immunités des citoyens des Etats Unis, et en attendant, ils seront maintenus et protégés dans le jouissance de leurs libertés, propriétés, et dans l'exercice des religions qu'ils professent.

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A commissary to be sent from France to receive Louisiana and its dependencies from the Spanish officers and pass it over to the U. States

ART. 4. There shall be sent by the government of France a commissary to Louisiana, to the end that he do every act necessary, as well to receive from the officers of his catholic majesty the said country and its dependencies, in the name of the French republic, if it has not been already done, as to transmit it in the name of the French republic to the commissary or agent of the United States.

Period of surrendering the military posts, &c. to the U. States.

ART. 5. Immediately after the ratification of the present treaty by the president of the United States, and in case that of the first consul shall have been previously obtained, the commissary of the French republic shall remit all the military posts of New Orleans, and other parts of the ceded territory, to the commissary or commissaries named by the president to take possession, the troops, whether of France or Spain, who may be there, shall cease to occupy any military post from the time of taking possession, and shall be embarked as soon as possible, in the course of three months after the ratification of this treaty.

The U. States to fulfil the treaties of Spain with the Indians

ART. 6. The United States promise to execute such treaties and articles as may have been agreed between Spain and the tribes and nations of Indians, until, by mutual consent of the United States and the said tribes or nations, other suitable articles shall have been agreed upon.

French and Spanish vessels laden with the productions of their respective nations, and entering ports of Louisiana, entitled to the same privileges for twelve years, as vessels of the United States, coming directly from France or Spain, entering the same ports.

ART. 7. As it is reciprocally advantageous to the commerce of France and the United States to encourage the communication of both nations for a limited time in the country ceded by the present treaty, until general arrangements relative to the commerce of both nations may be agreed on; it has been agreed between the contracting parties, that the French ships coming directly from France or any of her colonies, loaded only with the produce or manufactures of France or her said colonies; and the ships of Spain coming directly from Spain or any of her colonies, loaded only with the produce or manufactures of Spain or her colonies, shall be admitted during the space of twelve years in the ports of New Orleans, and in all other legal ports of entry within the ceded territory, in the same manner as the ships of the United States coming directly from France or Spain, or any of their colonies, without being subject to any other or greater duty on merchandise, or other or greater tonnage than those paid by the citizens of the United States.

Other nations not entitled to the same privi-

During the space of time above mentioned, no other nation shall have a right to the same privileges in the ports of the ceded

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ART. 4. Il sera envoyé de la part du gouvernement Français un commissaire à la Louisiane, à l'effet de faire tous les actes nécessaires, tant pour recevoir des officiers de sa majesté catholique, les dits pays, contrées et dépendances, au nom de la république Française, si la chose n'est pas encore faite, que pour les transmettre, au dit nom, aux commissaires ou agens des Etats Unis.

ART. 5. Immédiatement après la ratification du present traité par le président des Etats Unis, et dans le cas où celle du premier consul aurait eu préalablement lieu, le commissaire de la république Française remettra tous les postes militaires de la Nouvelle Orléans, et autres parties du territoire cedé, au commissaire ou aux commissaires nommés par le président, pour la prise de possession. Les troupes Françaises ou Espagnoles qui s'y trouveront, cesseront d'occuper les postes militaires du moment de la prise de possession, et seront embarquées aussitôt que faire se pourra, dans le courant des trois mois qui suivront la ratification du traité.

ART. 6. Les Etats Unis promettent d'exécuter les traités et articles qui pourraient avoir été convenus entre l'Espagne et les tribus et nations Indigènes, jusqu'à ce que, du consentement mutuel des Etats Unis, d'une part, et des Indigènes, de l'autre, il y ait été substitué tels autres articles qui seront jugés convenables.

ART. 7. Comme il est réciproquement avantageux au commerce de la France et des Etats Unis, d'encourager la communication des deux peuples, pour un tems limité, dans les contrées dont il est fait cession, par le présent traité, jusqu'à ce que des arrangemens généraux relatifs au commerce des deux nations, puissent être convenus, il a été arrêté entre les parties contractantes, que les navires Français, venant directement de France ou d'aucune de ses colonies, uniquement chargés des produits des manufactures de la France et de ses colonies et les navires Espagnole venant directement des ports d'Espagne, uniquement chargées des produits des manufactures de l'Espagne et de ses dites colonies, seront admis, pendant l'espace de douze années, dans le port de la Nouvelle Orléans, et dans tous les autres ports légalement ouverts en quelque lieu que ce soit des territoires cedés; ainsi et de la manière que les navires des Etats Unis, venant de France et d'Espagne, ou d'aucune de leur colonies, sans être sujets à d'autres ou plus grand droits sur les marchandises, ou d'autres ou plus grands droits du tonnage, que ceux qui sont payés par les citoyens des Etats Unis. Pendant l'espace de tems ci-dessus mentionné, aucune nation n'aura droit aux mêmes privileges dans les ports du territoire cédé.

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territory: the twelve years shall commence three months after the exchange of ratifications, if it shall take place in France, or three months after it shall have been notified at Paris to the French government, if it shall take place in the United States; it is, however, well understood, that the object of the above article is to favor the manufactures, commerce, freight, and navigation of France and of Spain, so far as relates to the importations that the French and Spanish shall make into the said ports of the United States, without in any sort affecting the regulations that the United States may make concerning the exportation of the produce and merchandise of the United States, or any right they may have to make such regulations.

leges during the said period of twelve years.

Object of this indulgence to the Spanish and French vessels.

After the expiration of twelve years, the vessels of France to be placed on the footing of the most favored nations.

ART. 8. In future and forever after the expiration of the twelve years, the ships of France shall be treated upon the footing of the most favored nations in the ports above mentioned.

A particular convention providing for the payment of debts due to U. States citizens, to be ratified herewith.

ART. 9. The particular convention signed this day by the respective ministers, having for its object to provide for the payment of debts due to the citizens of the United States by the French republic, prior to the 30th of September, 1800, (8th Vendemiaire, 9,) is approved, and to have its execution in the same manner as if it had been inserted in the present treaty, and it shall be ratified in the same form and in the same time, so that one shall not be ratified distinct from the other.

Another convention, relative to a definitive rule between the parties, to be ratified at the same time.

Another particular convention, signed at the same date as the present treaty, relative to a definitive rule between the contracting parties, is in the like manner approved, and will be ratified in the same form, and in the same time and jointly.

Ratifications to be exchanged in six months.

ART. 10. The present treaty shall be ratified in good and due form, and the ratifications shall be exchanged in the space of six months after the date of the signature by the ministers plenipotentiary, or sooner if possible.

In faith whereof, the respective plenipotentiaries have signed these articles in the French and English languages, declaring, nevertheless, that the present treaty was originally agreed to in the French language; and have thereunto put their seals.

Done at Paris, the tenth day of Floreal, in the eleventh year of the French republic, and the 30th April, 1803.

ROBERT R. LIVINGSTON, [L. S.]
JAMES MONROE, [L. S.]
BARBE MARBOIS, [L. S.]

1803. April 30.

Les douze années commenceront trois mois après l'echange des ratifications, si il a lieu en France, ou trois mois après qu'il aura été notifié à Paris au gouvernement Français, s'il a lieu dans les Etats Unis.

Il est bien entendu que le but du présent article est de favoriser les manufactures, le commerce à frêt et la navigation de France et de l'Espagne, en ce qui regarde les importations qui seront faites par les Français et par les Espagnols dans les dits ports des Etats Unis, sans qu'il soit rien innové aux règlemens concernant l'exportation des produits et marchandises des Etats Unis, et aux droits qu'ils ont de faire les dits règlemens.

ART. 8. A l'avenir et pour toujours après l'expiration des douze années susdites, les navires Français seront traités sur le pied de la nation la plus favorisée, dans le ports ci-dessus mentionnés.

ART. 9. La convention particulière signée aujourd'hui par les ministres respectifs ayant pour objet de pourvoir au payement des créances dues aux citoyens des Etats Unis par la république Française anterieurement au 8 Vendemiarie, an 9, (30 Septembre, 1800,) est approuvée pour avoir son éxécution de la même manière que si elle était inserée au present traité, et elle sera ratifié en la même forme et en même tems en sorte que l'une ne puisse l'être sans l'autre.

Un autre acte particulier signé à la même date que le présent traité, relatif à un règlement définitif entre les puissances contractantes, est pareillement approuvé et sera ratifié en la même forme, en même tems et conjointement.

ART. 10. Le présent traité sera ratifié en bonne et due formé et le ratifications seront échangées dans l'espace de six mois après la date de la signature de plénipotentiaires, ou plutôt s'il est possible.

En foi de quoi, les plénipotentiaires respectifs ont signé les articles ci-dessus tant en langue Française qu' en langue Anglaise, déclarant néanmoins que le présent traité a été originairement redigé et arrêté en langue Française, et ils y ont apposé leur sceau.

Fait à Paris, le dixème jour de Floréal, de l'an onze de la république Française, et le trente Avril, 1803.

BARBE MARBOIS, [L. S.]
ROBERT R. LIVINGSTON, [L. S.]
JAMES MONROE. [L. S.]

1803. April 30.

No. 7.—*Convention between the United States of America, and the French Republic.*

Definitive regulations relative to the cession of Louisiana.

The president of the United States of America and the first consul of the French republic, in the name of the French people, in consequence of the treaty of cession of Louisiana, which has been signed this day, wishing to regulate definitively every thing which has relation to the said cession, have authorised to this effect the plenipotentiaries, that is to say: the president of the United States has, by and with the advice and consent of the senate of the said states, nominated for their plenipotentiaries, Robert R. Livingston, minister plenipotentiary of the United States, and James Monroe, minister plenipotentiary and envoy extraordinary of the said United States, near the government of the French republic; and the first consul of the French republic, in the name of the French people, has named as plenipotentiary of the said republic, the French citizen Barbe Marbois; who, in virtue of their full powers, which have been exchanged this day, have agreed to the following articles:

The U. States engage to pay sixty millions of francs to France and to satisfy certain debts to their citizens.

ART. 1. The government of the United States engages to pay to the French government, in the manner specified in the following article, the sum of sixty millions of francs, independent of the sum which shall be fixed by another convention for the payment of the debts due by France to citizens of the United States.

A stock of $11,250,000 to be created, with an interest of 6 per cent. payable in London, Amsterdam, or Paris.

ART. 2. For the payment of the sum of sixty millions of francs, mentioned in the preceding article, the United States shall create a stock of eleven millions two hundred and fifty thousand dollars, bearing an interest of six per cent. per annum, payable half yearly in London, Amsterdam, or Paris, amounting by the half year, to three hundred and thirty-seven thousand five hundred dollars, according to the proportions which shall be determined by the French government to be paid at either place: the principal of the said stock to be reimbursed at the treasury of the United States, in annual payments of not less than three millions of dollars each; of which the first payment shall commence fifteen years after the date of the exchange of ratifications: this stock shall be transferred to the government of France, or to such person or persons as shall be authorised to receive it, in three months at most after the exchange of the ratifications of this treaty, and after Louisiana shall be taken possession of in the name of the government of the United States.

The principal to be reimbursed at the treasury of the United States, in annual payments of not less than 3,000,000; the first payment to be made 15 years after the exchange of ratifications.

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April 30.

Convention entre les Etats Unis d'Amérique, et la République Française.

Le président des Etat Unis d'Amérique, et le premier consul de la republique Français, au nom du peuple Français, par suite du traité de cession de la Louisiane, qui à été signé aujourd'hui. et voulant régler définitivement tout ce qui est relatif à cette affaire, ont autorisé à cet effet, des plenipotentiaires, savoir: le president des Etats Unis, par et avec l'avis et le consentement du senat des dits états, a nommé pour leurs plénipotentiaires Robert R. Livingston, ministre plénipotentiaire des Etats Unis, et James Monroe, ministre plénipotentiaire et envoyé extraordinaire des Etats Unis auprés du gouvernement de la république Française, et le premier consul de la république Française, au nom du peuple Français, a nommé pour plénipotentiaire de la dite république, le citoyen françois Barbé Marbois; lesquels, en vertu de leurs pleinspouvoirs, dont l'échange a été fait au jourd'hui, sont convenus des articles suivans:

Art. 1. Le gouvernement des Etats Unis s'engager à payer au gouvernement Français, de la manière qui sera spécifié en l'article suivant, la somme de soixante millions de francs, indépendamment de ce qui sera fixé par une autre convention, pour le payement des sommes dues par la France à des citoyens des Etats Unis.

Art. 2. Le payement des soixante millions de francs mentionnés au précédent article, sera effectué par les Etats Unis, au moyen de la création d'un fonds de onze millions deux cent cinquante mille piastres, portant un intérêt de six pour cent par an, payable tous les six mois à Londres, à Amsterdam ou Paris, à raison de trois cent trente sept mille cinq cents piastres pour six mois, dans les trois places ci-dessus dites, suivant la proportion qui sera déterminée par le gouvernement Français. Le principal du dits fonds sera remboursé par le trésor des Etats Unis, par des payemens annuels, qui ne pourront être d'une somme moindre que trois millions de piastres par année, et dont le premier commencera quinze ans après la date de l'échange des ratifications. Ce fonds sera transféré au gouvernement de France, ou à telle personnes ou tel nombre de personnes qu'il chargera de le recevoir, dans les trois mois au plus tard après l'échange des ratifications de ce traité et après la prise de possession de la Louisiane, au nom du gouvernement des Etats Unis.

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If the government of France be desirous of selling the stock in Europe, it engages to do it upon the best terms for U. S.

It is further agreed, that if the French government should be desirous of disposing of the said stock to receive the capital in Europe, at shorter terms, that its measures for that purpose shall be taken so as to favor, in the greatest degree possible, the credit of the United States, and to raise to the highest price the said stock.

The value of the dollar of the United States referred to fixed at 5 livres 8 sous tournois.

ART. 3. It is agreed that the dollar of the United States, specified in the present convention, shall be fixed at five francs $\frac{3333}{10000}$ or five livres eight sous tournois.

Ratifications to be exchanged in 6 months.

The present convention shall be ratified in good and due form, and the ratifications shall be exchanged in the space of six months, to date from this day, or sooner, if possible.

In faith of which, the respective plenipotentiaries have signed the above articles both in the French and English languages, declaring, nevertheless, that the present treaty has been originally agreed on and written in the French language; to which they have hereunto affixed their seals.

Done at Paris, the tenth of Floreal, eleventh year of the French republic, (30th April, 1803.)

ROBERT R. LIVINGSTON, [L. S.]
JAMES MONROE, [L. S.]
BARBE MARBOIS. [L. S.]

No. 8.—*Convention between the United States of America and the French republic.*

Convention to secure the payment of the sum due by France to the U. States citizens.

The president of the Uuited Utates of America and the first consul of the French republic, in the name of the French people, having by a treaty of this date terminated all difficulties relative to Louisiana, and established on a solid foundation the friendship which unites the two nations, and being desirous, in compliance with the second and fifth articles of the convention of the 8th Vendemiaire, ninth year of the French republic, (30th September, 1800,) to secure the payment of the sum due by France to the citizens of the United States, have respectively nominated as plenipotentiaries, that is to say: the president of the United States of America, by and with the advice and consent of their senate, Robert R. Livingston,

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Il est en autre convenu que si le gouvernement Français etait dans l'intention de disposer des dit fonds, et d'en toucher le capital en Europe, à des époques rapprochées, les operations qui auront lieu seront conduites de la manière la plus favorable au credit des Etats Unis et la plus propre à maintenir le prix avantageux du fonds qui doit etre crée.

ART. 3. La piastre ayant cours de monnaie dans les Etats Unis, il est convenu que dans les comptes auxquels la présente convention donnera lieu, le rapport de la dite monnoie avec le franc, sera invariablement fixé à cinq francs $\frac{3333}{10000}$ ou cinq livres huit sols tournois.

La présente convention sera ratifié en bonne et due forme, et les ratifications seront échangées dans l'espace de six mois, à dater ce jour, ou plutôt s'il est possible.

En foi de quoi, les plénipotentiaires respectifs ont signé les articles ci-dessus, tant en langue Française qu'en langue Anglaise, déclarant néanmoins, que le présent traité a été originairement redigé et arrêté en langue Française, et ils y ont apposé leurs sceaux.

Fait à Paris, dixième jour de Floréal, de l'an onze de la république Française. et le trente Avril, 1803.

BARBE MARBOIS, [L. S.]
ROBERT R. LIVINGSTON, [L. S.]
JAMES MONROE. [L. S.]

Convention entre la République Française et les Etats Unis d'Amérique.

Le premier consul de la république Française au nom du peuple Française, et le président des Etats Unis de l'Amérique, ayant par une traité en date de ce jour, fait cesser toutes les difficultés relative à la Louisiane, et affermi sur des fondemens solides l'amitié qui unit les deux nations, et voulant en exécution des articles 2 et 5 de la convention du 8 Vendémiaire, an 9, (30 Septembre, 1800,) assurer le payement des sommes dues par la France aux citoyens des Etats Unis, ont respectivement nommé pour plénipotentiaires; savoir: le premier consul, au nom du peuple Française, le citoyen françois Barbé Marbois, ministre du trésor public, et le président des Etats Unis d'Amérique, par et avec l'avis et le consentement du sénat des dits états, Robert R. Livingston,

1803. April 30

minister plenipotentiary, and James Monroe, minister plenipotentiary and envoy extraordinary of the said states, near the government of the French republic; and the first consul, in the name of the French people, the French citizen Barbe Marbois, minister of the public treasury: who, after having exchanged their full powers, have agreed to the following articles:

Debts due from France to U. S. citizens, contracted prior to Sep. 30, 1800, to be paid according to fixed regulations.

ART. 1. The debts due by France to citizens of the United States, contracted before the 8th of Vendemiaire, ninth year of the French republic, (30th September, 1800,) shall be paid according to the following regulations, with interest at six per cent. to commence from the periods when the accounts and vouchers were presented to the French government.

Specification of debts to be provided for.

ART. 2. The debts provided for by the preceding article are those whose result is comprised in the conjectural note annexed to the present convention, and which, with the interest, cannot exceed the sum of twenty millions of francs. The claims comprised in the said note which fall within the exceptions of the following articles, shall not be admitted to the benefit of this provision.

Manner and time of paying the debts due to the citizens of the U. States.

ART. 3. The principal and interest of the said debts shall be discharged by the United States, by orders drawn by their minister plenipotentiary on their treasury; these orders shall be payable sixty days after the exchange of ratifications of the treaty and the conventions signed this day, and after possession shall be given of Louisiana by the commissioners of France to those of the United States.

Specification of debts comprehended by the preceding articles.

ART. 4. It is expressly agreed, that the preceding articles shall comprehend no debts but such as are due to citizens of the United States, who have been and are yet creditors of France, for supplies, embargoes, and for prizes made at sea, in which the appeal has been properly lodged within the time mentioned in the said convention of the 8th Vendemiaire, ninth year, (30th September, 1800.)

Specification as to what cases the articles relative to the payment of debts due to the U. S. citizens are to apply.

ART. 5. The preceding articles shall apply only, 1st, to captures of which the council of prizes shall have ordered restitution, it being well understood that the claimant cannot have recourse to the United States otherwise than he might have had to the government of the French republic, and only in case of the insufficiency of the captors; 2nd, the debts mentioned in the said fifth article of the convention contracted before the 8th Vendemiaire, an 9, (30th September, 1800,) the payment of which has been heretofore claimed of the actual government of France, and for which the creditors have a right to the pro-

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ministre plénipotentiaire des Etats Unis, et James Monroe, ministre plénipotentiaire et envoyé extraordinaire des dits états, auprès du gouvernement de la république Française: lesquels, après avoir fait l'échange de leurs pleinspouvoirs, sont convenus des articles suivans:

Art. 1. Les dettes dues par la France aux citoyens des Etats Unis, contractées avant le 8 Vendémiaire, an 9, (30 Septembre, 1800,) seront payées conformément aux dispositions suivantes, avec les intérêts à six pour cent, à compter de l'époque où la réclamation et les pièces à l'appui ont été remises au gouvernement Français.

Art. 2. Les dettes qui font l'object du présent article, sont celles dont le résultat par apperçu est compris dans la note annexée à la présente convention, et qui ne pourront, y compris les intérêts, excéder la somme de vingt millions.

Les réclamations comprises dans la dite note ne pourront néanmoins être admises qu'autant qu'elles ne seront pas frappées des exceptions mentionnés aux articles suivans.

Art. 3. Le principal et les intérêts seront acquittés par les Etats Unis d'Amérique sur des mandats tirés par le ministre plénipotentiaire des dits Etats Unis sur leur trésor. Ces mandats seront payables soixante jours après l'échange des ratifications du traité et des conventions signées ce jour, et après la remise qui doit être faite de la Louisiane par le commissaire Français aux commissaires des Etats Unis.

Art. 4. Il est expressément convenu que les articles précédens ne comprennent que les créances des citoyens des Etats Unis, ou de leurs représentans, qui ont été et sont encore créanciers de la France pour fournitures, embargos et prizes faites à la mer, et réclamées dans le temps nécessaire, et suivant les formes prescrites par la convention du 8 Vendémiaire, an 9, (30 Septembre, 1800.)

Art. 5. Les articles précédens ne seront appliqués, 1°. Qu'aux captures dont le conseil des prises aurait ordonné la restitution ou main levée, bein entendu que le réclamant ne pourra avoir recours sur les Etats Unis pour son payement que de la même manière qu'il l'aurait eu envers le gouvernement Français, et seulement en cas d'insuffisance de la part des capteurs: 2°. Qu'aux dettes mentionnées dans ce même article 5 de la convention, contractées avant le 8 Vendémiaire, an 9, (30 Septembre, 1800,) dont le payement a été ci-devant réclamé auprès du gouvernement actuel de France, et pour

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tection of the United States; the said fifth article does not comprehend prizes whose condemnation has been or shall be confirmed; it is the express intention of the contracting parties not to extend the benefit of the present convention to reclamations of American citizens, who shall have established houses of commerce in France, England, or other countries than the United States, in partnership with foreigners, and who by that reason and the nature of their commerce ought to be regarded as domiciliated in the places where such houses exist. All agreements and bargains concerning merchandise, which shall not be the property of American citizens, are equally excepted from the benefit of the said convention, saving, however, to such persons their claims in like manner as if this treaty had not been made.

Ministers plenipotentiary of the U. States to appoint 3 commissioners to act provisionally.

Their powers.

ART. 6. And that the different questions which may arise under the preceding article may be fairly investigated, the ministers plenipotentiary of the United States shall name three persons, who shall act from the present and provisionally, and who shall have full power to examine, without removing the documents, all the accounts of the different claims already liquidated by the bureau established for this purpose by the French republic, and to ascertain whether they belong to the classes designated by the present convention and the principles established in it; or if they are not in one of its exceptions, and on their certificate, declaring that the debt is due to an American citizen or his representative, and that it existed before the 8th Vendemiaire, 9th year, (30th September, 1800,) the creditor shall be entitled to an order on the treasury of the United States, in the manner prescribed by the third article.

Commissioners to examine the claims prepared for verification, and to certify those which ought to be admitted.

ART. 7. The same agents shall likewise have power, without removing the documents, to examine the claims which are prepared for verification, and to certify those which ought to be admitted by uniting the necessary qualifications, and not being comprised in the exceptions contained in the present convention.

Also to examine and certify such unprepared claims as ought to be admitted.

ART. 8. The same agents shall likewise examine the claims which are not prepared for liquidation, and certify in writing those which in their judgments ought to be admitted to liquidation.

Debts, with interest, to be paid at the U. States treasury.

ART 9. In proportion as the debts mentioned in these articles shall be admitted, they shall be discharged with interest, at six per cent. by the treasury of the United States.

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lesquelles le créancier a droit à la protection des Etats Unis. Le dit article 5 ne comprend point les prises dont la condamnation a été ou viendrait à être confirmée; l'intention expresse des parties contractantes est pareillement de ne point étendre le bénéfice de la présente convention aux réclamations des citoyens Américains, qui auraient établi des maisons de commerce en France, en Angleterre, ou dans des pays autres que les Etats Unis, en société avec des étrangers, et qui, par cette raison et la nature de leur commerce, doivent être regardés comme domiciliés dans les lieux où existent les dites maisons. Sont pareillement exceptés tous accords et pactes concernant des marchandises qui ne seraient pas la propriété des citoyens Américains. Il n'est d'ailleurs rien préjugé sur le fond des réclamations ainsi exceptées.

Art. 6. Afin que les différentes questions aux quelles l'article précédent pourra donner lieu, puissent être convenablement examinées, les ministres plénipotentiaires des Etats Unis nommeront trois personnes qui dès à present et provisoirement, auront tout pouvoir d'examiner, sans déplacement de pièces tous les comptes des différentes créances déjà liquidées par les bureaux établis à cet effet par la république Française, et de reconnaître si elles appartiennent aux classes désignées dans la présente convention, et aux principes qui y sont établis, ou si elles ne sont pas dans l'une des exceptions, et sur leur certificat portant que la créance est due à un citoyen Américain, ou à son représentant, et qu'elle existait avant le 8 Vendémiaire, an 9, (30 Septembre, 1800,) le créancier aura droit à un mandat sur le trésor des Etats Unis, expédié conformément à l'article 3.

Art. 7. Les mêmes agens pourront également, et dès à présent, prendre connaissance, sans déplacer, des pièces relatives aux réclamations dont le travail et la vérification sont préparés, et délivrer leurs certificats sur celles qui réuniront les caractères nécessaires pour l'admission, et qui ne seront pas comprises dans les exceptions exprimées par la présente convention.

Art. 8. A l'égard des autres réclamations dont les travaux n'ont pas encore été préparés, les mêmes agens en prendront aussi successivement connaissance, et déclareront par écrit celles qui leur paraîtront susceptibles d'être admises en liquidation.

Art. 9. A mesure que les créances mentionnés dans les dits articles auront été admises, elles seront acquittées avec les intérêts à six pour cent, par le trésor des Etats Unis.

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ART. 10. And that no debt which shall not have the qualifications above mentioned, and that no unjust or exorbitant demand may be admitted, the commercial agent of the United States at Paris, or such other agent as the minister plenipotentiary of the United States shall think proper to nominate, shall assist at the operations of the bureau, and co-operate in the examination of the claims; and if this agent shall be of opinion that any debt is not completely proved, or if he shall judge that it is not comprised in the principles of the fifth article above mentioned; and if, notwithstanding his opinion, the bureau established by the French government should think that it ought to be liquidated, he shall transmit his observations to the board established by the United States, who, without removing documents, shall make a complete examination of the debt and vouchers which support it, and report the result to the minister of the United States. The minister of the United States shall transmit his observations, in all such cases, to the minister of the treasury of the French republic, on whose report the French government shall decide definitively in every case.

An agent to be appointed to examine claims.

Manner of settling disagreements respecting claims.

The rejection of any claim shall have no other effect than to exempt the United States from the payment of it, the French government reserving to itself the right to decide definitively on such claim so far as it concerns itself.

The rejection of a claim only to exempt the U. States from paying it.

ART. 11. Every necessary decision shall be made in the course of a year, to commence from the exchange of ratifications, and no reclamation shall be admitted afterwards.

All necessary decisions to be made in a year from the exchange of ratifications.

ART. 12. In case of claims for debts contracted by the government of France with citizens of the United States, since the 8th Vendemiaire, ninth year, (30th September, 1800,) not being comprised in this convention, may be pursued, and the payment demanded in the same manner as if it had not been made.

Claims against the French government, contracted since 30 Sept. not to be affected by this convention.

ART. 13. The present convention shall be ratified in good and due form, and the ratifications from the date of the signature of the ministers plenipotentiary, or sooner if possible.

Six months for the exchange of ratifications.

In faith of which, the respective ministers plenipotentiary have signed the above articles, both in the French and English languages, declaring nevertheless that the present treaty has been originally agreed on and written in the French language; to which they have hereunto affixed their seals.

Done at Paris, the tenth day of Floreal, eleventh year of the French republic; 30th April, 1803.

ROBERT R. LIVINGSTON, [L. S.]
JAMES MONROE, [L. S.]
BARBE MARBOIS. [L. S.]

1803. April 30.

ART. 10. Et afin qu'aucune dette qui n'aura pas les caractères ci-dessus mentionnés, et qu'aucunes demandes injustes ou exhorbitantes ne puissent être admises, l'agent commercial des Etats Unis à Paris, ou tel autre agent que le ministre plenipotentiare des Etats Unis jugera à propos de nommer, pourra assister aux opérations des dits bureaux, et concourir à l'examen de ces créances, et si cet agent n'est pas d'avis que la dette est completement prouvée, ou s'il juge qu'elle n'est pas comprise dans les dispositions du 5me article ci-dessus mentionné et que non obstant son avis les bureaux établis par le gouvernement Française estiment que la liquidation doit avoir lieu, il transmettra ses observations au bureau établi de la part des Etats Unis, qui fera, sans déplacer, l'examen complet de la créance et des pieces au soutien, et fera son rapport au ministre des Etats Unis. Ce ministre transmettra ses observations à celui du trésor de République Française, et sur son rapport le gouvernement Français prononcera definitivement.

Le rejet qui pourra avoir lieu n'ayant d'autre effet que de constater que le payement demandé ne doit pas être fait par les Etats Unis, le gouvernement Français, se réserve de statuer définitivement sur la réclamation, en ce qui pourra le concerner.

ART. 11. Toutes les décisions necessaires seront rendues dans le cours d'une année, à dater de l'échange des ratifications, et aucune réclamation ne sera admise ultérieurement.

ART. 12. Dans le cas où il y aurait des réclamations des Etats Unis à la charge du gouvernement Français, pour des dettes contractées après le 8 Vendémiaire, an 9 (30 Septembre, 1800) elles pourront être suivies, et le payement pourra être demandé, comme n'étant point comprises en cette convention.

ART. 13. La présente convention sera ratifiée en bonne et due forme, et les ratifications seront échangées dans l'éspace de six mois après la date de la signature des ministres plenipotentiaries, ou plutôt s'il est possible.

En foi de quoi, les plenipotentiaires respectifs ont signe les articles ci-dessus, tant en langue Francaise qu'en langue Anglaise, declarant neanmoins que le present traite a ete originairement redige et arrete en langue Francaise, et ils y ont appose leur sceau.

Fait a Paris, le dixieme jour de Floreal, de l'an onze de la republique Francaise, et le 30 Avril, 1803.

BARBE MARBOIS, [L. S.]
ROBERT R. LIVINGSTON, [L. S.]
JAMES MONROE. [L. S.]

1822. June 24.

CONVENTION OF NAVIGATION AND COMMERCE.

By the President of the United States of America,

A PROCLAMATION.

WHEREAS a Convention of Navigation and Commerce between the United States of America and His Majesty the King of France and Navarre, together with two separate articles annexed to the same, was concluded and signed at Washington, on the twenty-fourth day of June last past, by the respective Plenipotentiaries of the two Powers; and whereas the said Convention, and the first separate article annexed to the same, have been duly and respectively ratified by me, and by his Majesty the King of France and Navarre, and the ratifications of the same have this day been exchanged at the City of Washington, by JOHN QUINCY ADAMS, Secretary of State, and Count JULIUS DE MENOU, Charge d'Affairs of France; which Convention, and the first separate article annexed to the same, are in the words following, to wit:

[ORIGINAL.]

No. 9.—*Convention of Navigation and Commerce between the United States of America and his Majesty the King of France and Navarre.*

Preamble.

The United States of America and His Majesty the King of France and Navarre, being desirous of settling the relations of navigation and commerce between their respective nations, by a temporary convention reciprocally beneficial and satisfactory, and thereby of leading to a more permanent and comprehensive arrangement, have respectively furnished their full powers in manner following, that is to say: The President of the United States to JOHN QUINCY ADAMS, their Secretary of State: and His Most Christian Majesty to the Baron HYDE DE NEUVILLE, Knight of the Royal and Military Order of St. Louis, Commander of the Legion of Honor, Grand Cross of the Royal American Order of Isabella the Catholic, his Envoy Extraordinary and Minister Plenipotentiary near the United States; who, after exchanging their full powers, have agreed on the following articles:

John Q. Adams and Baron de Neuville, negotiators.

Exchange of full powers.

Articles, &c. of the U. States imported in American vessels to pay in French 20 francs per ton over what they pay in French vessels.

ART. 1. Articles of the growth, produce. or manufacture, of the United States. imported into France in vessels of the United States, shall pay an additional duty, not exceeding twenty francs per ton of merchandize, over and above the duties paid on the like articles, also of the growth, produce, or manufacture, of the United States, when imported in French vessels.

Articles, &c. of France imported in French vessels to pay in the U. States 3 dolls. 75 cents per ton over what they pay in American vessels.

ART. 2. Articles of the growth, produce, or manufacture, of France, imported into the United States in French vessels, shall pay an additional duty, not exceeding three dollars and seventy-five cents per ton of merchandize over and above the duties collected upon the like articles, also of the growth, produce, or manufacture, of France, when imported in vessels of the United States.

Goods for transit or re-exportation not to pay

ART. 3. No discriminating duty shall be levied upon the productions of the soil or industry of France, imported in

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CONVENTION DE NAVIGATION ET DE COMMERCE.

[ORIGINAL.]

Convention de Navigation et de Commerce entre sa Majesté le Roi de France et de Navarre et les Etats Unis d'Amérique.

Sa Majesté le Roi de France et de Navarre et les Etats Unis d'Amérique, desirant régler les relations de navigation et de commerce entre leur nations respectives par une convention temporaire reciproquement avantageuse et satisfaisante, et arriver ainsi à un arrangement plus étendu et durable, ont respectivement donné leur pleinspouvoirs, savoir: Sa majeste très chrétienne au Baron Hyde de Neuville, Chevalier de l'ordre Royale et Militaire de St. Louis, commandeur de la legion d'honneur, grand croix de l'ordre royale Américain d'Isabelle la catholique, son envoyé extraordinaire et ministre plenipotentiarie près les Etats Unis; et le Président des Etats Unis, à John Quincy Adams, leur Sécrétaire d'Etat; lesquels après avoir échangé leur pleins-pouvoirs, sont convenus des articles suivans:

ART. 1. Les produits naturels ou manufacturés des Etats Unis importés en France sur bâtimens des Etats Unis payeront un droit additionel qui n'excèdera point vingt francs par tonneau de marchandise, en sus des droits payés sur les mêmes produits naturels au manufacturés des Etats Unis quand ils sont importés par navires Français.

ART. 2. Les produits naturels ou manufacturés de France importés aux Etats Unis sur bâtimens Français payeront un droit additionel qui n'excèdera point trois dollars soixante quinze cents par tonneau de marchandise, en sus des droits payés sur les mêmes produits naturels ou manufacturés de France quand ils sont importés par navires des Etats Unis.

ART. 3. Aucun droit differentiel ne sera levé sur les produits du sol et de l'industrie de France qui seront importés

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French bottoms into the ports of the United States for transit or re-exportation: nor shall any such duties be levied upon the productions of the soil or industry of the United States, imported in vessels of the United States into the ports of France for transit or re-exportation.

a discriminating duty in either country.

Quantities composing the ton.

ART. 4. The following quantities shall be considered as forming the ton of merchandize for each of the articles hereinafter specified:

Wines.

Wines—four 61 gallon hogsheads, or 244 gallons of 231 cubic inches, American measure.

Brandies, &c.

Brandies, and all other liquids, 244 gallons.

Silks and Dry goods.

Silks and all other dry goods, and all other articles usually subject to measurement, forty-two cubic feet, French, in France, and fifty cubic feet American measure, in the United States.

Cotton.

Cotton 804 lb. avoirdupois, or 365 kilogrammes.

Tobacco.

Tobacco, 1,600 lbs. avoirdupois, 725 kilogrammes.

Ashes.

Ashes, pot and pearl, 2,240 lb. avoirdupois, or 1,016 kilogs.

Rice, and all weighable articles.

Rice, 1,600 lb. avoirdupois, or 725 kilogrammes; and for all weighable articles, not specified, 2,240 lb. avoirdupois, or 1,016 kilogrammes.

Duties of tonnage, light money, &c. not to exceed in France, five francs per ton on American vessels, and in the U States, 94 cents per ton on French vessels.

ART. 5. The duties of tonnage, light money, pilotage, port charges, brokerage, and all other duties upon foreign shipping, over and above those paid by the national shipping in the two countries respectively, other than those specified in articles 1 and 2 of the present convention, shall not exceed in France, for vessels of the United States, five francs per ton of the vessel's American register; nor for vessels of France in the United States, ninety-four cents per ton of the vessel's French passport.

Consuls and Vice Consuls of either nation, in the other, may cause the arrest of deserters, and detain them for three months.

ART. 6. The contracting parties, wishing to favor their mutual commerce, by affording in their ports every necessary assistance to their respective vessels, have agreed that the consuls and vice consuls may cause to be arrested the sailors, being part of the crews of the vessels of their respective nations, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose the said consuls and vice consuls shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing by an exhibition of the registers of the vessel, or ship's roll, or other official documents, that those men were part of said crews; and on this

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par navires Français dans les ports des Etats Unis pour transit ou re-exportation: Il en sera de même dans les ports de France pour les produits du sol et de l'industrie de l'Union qui seront importes pour transit ou re-exportation par navires des Etats Unis.

ART. 4. Les quantitiés suivantes seront considerées comme formant le tonneau de marchandise pour chacun des articles ci-après specifie:

Vins—quatre barriques de 61 gallons chaque, ou 244 gallons de 231 pouces cube (mésure Américaine.)

Eaux de vie, et tous autres liquides, 244 gallons.

Soieries et toutes autres marchandises séches ainsi que tous autres articles généralement soumis au mésurage quarante deux pieds cubes, mésure Française, en France; et cinquante pieds cubes, mésure Américaine, aux Etats Unis.

Cottons—804 lb. avoir du poids ou 365 kilogrammes.

Tabacs—1600 lb. avoir du poids ou 725 kilogrammes.

Potasse et Perlasse 2240 lb. avoir du poids ou 1016 kilogrammes.

Riz—1600 lb. avoir du poids ou 725 kilog: Et pour tous les articles non specifiés et qui se pesant 2240 lb. avoir du poids ou 1016 kilogrammes.

ART. 5. Les droits de tonnage, de phare, de pilotage, droits de port, courtage, et tous autres droits sur la navigation étrangère en sus de ceux payés respectivement par la navigation nationale dans les deux Pays, autre que ceux specifiés dans les articles 1 et 2 de la presente convention, n'excéderont pas, en France, pour les bâtimens des Etats Unis, cinq francs par tonneau d'après le registre Américain du bâtiment, ni pour les bâtimens Français aux Etats Unis, quatre vingt quatorze cents par tonneau d'après le passeport François du bâtiment.

ART. 6. Les parties contractantes désirant favoriser mutuellement leur commerce, en donnant dans leurs ports toute assistance nécessaire à leurs bâtimens respectifs, sont convenues que les consuls et vice consuls pourront faire arrêter les matelôts faisant partie des équipages des bâtimens de leurs nations respectives qui auraient déserté des dits bâtimens pour les renvoyer et faire transporter hors du pays. Auquel effet les dits consuls et vice-consuls s'adresseront aux tribunaux, juges et officiers compétens, et leur feront, par écrit, la demande des dits déserteurs, en justifiant par l'exhibition des registres du bâtiment ou rôle d'équipage ou autres documens

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demand, so proved, (saving however where the contrary is proved,) the delivery shall not be refused; and there shall be given all aid and assistance to the said consuls and vice consuls for the search, seizure, and arrest of the said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense, until they shall have found an opportunity of sending them back. But if they be not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

Convention to be in force two years from 1st October, 1822.

ART. 7. The present temporary convention shall be in force for two years from the first day of October next, and even after the expiration of that term, until the conclusion of a definitive treaty, or until one of the parties shall have declared its intention to renounce it; which declaration shall be made at least six months before hand.

Extra duties at the end of two years, to be diminished by one fourth, and so on, from year to year, till one of the parties shall declare the intention of renouncing it.

And in case the present arrangement should remain without such declaration of its discontinuance by either party, the extra duties specified in the 1st and 2d articles, shall, from the expiration of the said two years, be, on both sides, diminished by one-fourth of their whole amount, and, afterwards, by one-fourth of the said amount from year to year, so long as neither party shall have declared the intention of renouncing it as above stated.

Ratification in one year.

ART. 8. The present convention shall be ratified on both sides, and the ratifications shall be exchanged within one year from the date hereof, or sooner, if possible. But the execution of the said convention shall commence in both countries on the 1st of October next, and shall be effective, even in case of non-ratification, for all such vessels as may have sailed *bona fide* for the ports of either nation, in the confidence of its being in force.

To take effect from October 1, 1822.

In faith whereof, the respective plenipotentiaries have signed the present convention, and have thereto affixed their seals, at the city of Washington, this 24th day of June, A. D. 1822.

JOHN QUINCY ADAMS, [L. S.]
G. HYDE DE NEUVILLE, [L. S.]

SEPARATE ARTICLE.

Separate article

The extra duties levied on either side before the present day, by virtue of the act of Congress of 15th May, 1820, and

officiels que ces hommes faisaient partie des dits équipages. Et sur cette demande ainsi justifiée, sauf toutefois la preuve contraire, l'extradition ne pourra être refusée, et il sera donné toute aide et assistance aux dits consuls et vice-consuls pour la recherche, saisie et arrestation des susdits deserteurs, lesquels seront même detenus et gardés dans les prisons du pays à leur réquisition, et à leurs frais, jusqu'à ce qu'ils ayent trouvé occasion de les renvoyer; mais s'ils n'étaient renvoye dans le delai de trois mois à compter du jour de leur arrêt, ils seront élargis et ne pourront plus etre arretés pour la même cause. 1822. June 24.

ART. 7. La presente convention temporaire aura son plein effet pendant deux ans á partir du 1er. Octobre prochain, et même après l'expiration de ce terme, elle sera maintenue jusqu'à la conclusion d'un traité définitif, ou jusqu'à ce que l'une des parties ait déclaré à l'autre son intention d'y renoncer, laquelle déclaration devra être fait au moins six mois d'avance.

Et dans le cas où la presente convention viendrait à continuer, sans cette declaration par l'une ou l'autre partie, les droits extraordinaires specifiés dans les 1er et 2d articles, seront à l'expiration des dites deux années, diminués de part et d'autre d'un quart de leur montant, et successivement d'un quart du dit montant d'année en année, aussi longtems qu' aucune des parties n'aura déclaré son intention d'y renoncer, ainsi qu'il est dit ci-dessus.

ART. 8. La presente convention sera ratifiée de part et d'autre, et les ratifications seront échangés dans l'espace d'une année à compter de ce jour, ou plutôt si faire se peut. Mais l'éxécution de la dite convention commencera dans le deux pays le première Octobre prochain, et aura son effet, dans le cas même non-ratification, pour tous bâtimens partis *bonâ fide* pour les ports de l'une ou l'autre nation, dans la confiance qu'elle était en vigueur.

En foi de quoi, les plenipotentiaires respectifs ont signé la presente convention, et y ont apposé leur sceaux, en la ville de Washington, ce 24me jour de Juin, de l'an notre seigneur, 1822.

G. HYDE DE NEUVILLE, [L. S.]
JOHN QUINCY ADAMS. [L. S.]

ARTICLE SEPARE.

Les droits extraordinaires levés de part et d'autre jusqu'à ce jour, en vertu de l'acte du Congres du 15 Mai, 1820, et de

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of the ordinance of 26th July of the same year, and others confirmative thereof, and which have not already been paid back, shall be refunded.

Signed and sealed as above, this 24th day of June, 1822.

JOHN QUINCY ADAMS, [L. S.]
G. HYDE DE NEUVILLE, [L. S.]

Ratification.

Now, therefore, be it known, That I, JAMES MONROE, President of the United States, have caused the said Convention and first separate Article to be made public; to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed. Done at the City of Washington, this twelfth day of February, [L. S.] in the year of our Lord one thousand eight hundred and twenty-three, and of the Independence of the United States the forty-seventh.

JAMES MONROE.

By the President:
JOHN QUINCY ADAMS,
Secretary of State.

NOTE. In addition to the preceding treaties, &c. between the United States and France, there was, in 1783, a contract made for a loan of six millions of livres tournois, with the French government, for the use of the United States, which were advanced in twelve monthly payments of 500,000 livres each, on the receipt of Benjamin Franklin, then American minister. This loan was to bear an interest of five per centum, and to be repaid in Paris, in six equal portions of one million each, and in six periods, commencing from the year 1797, and so on, from year to year, until 1802, when the final payment was to be made. In this contract, as in that of 1782, anticipation of re-payments was stipulated, provided the United States found their finances in a condition to admit of it.—The several treaties with France, up to that of the 30th of September, 1800, have become obsolete, or have expired. The act of the 7th of July, 1798, approved during the presidency of John Adams, which is inserted at large, at page 58, is intended to annul Nos. 1, 2, and 4. The hostilities which succeeded this act, between the United States and the French Republic, were terminated by the convention, which was negotiated at Paris, on the 30th of September, 1800, but not finally ratified at Washington until the 21st of December, 1801. See No. 5, page 82. By that important convention the two treaties of February, 1778, and the convention of the 14th of November, 1778, were annulled, the United States freed from a burdensome alliance with France, and exonerated from the weighty responsibility imposed by that treaty, [see the sixtieth page of this collection] whereby, among other stipulations, the United States agreed to guarantee to the crown of France its possessions in America. The temporary convention No. 9, [page 124] negotiated on the 24th of June, 1822, and ratified on the 12th of February, 1823, was limited to two years, from the 1st day of October, 1822, or until one of the parties shall have declared its intention to renounce it, which declaration shall be made, at least six months beforehand; and if such declaration be not made by either party, the extra duties specified in articles 1 and 2, shall be, on both sides, diminished one fourth; and, afterwards, continue to diminish one fourth, from year to year, so long as neither party shall have declared the intention of renouncing it as above stated.

l'ordonnance du 26 Juillet de la même année et autres la confirmant, qui n'ont point déjà été remboursés, seront restitues. Signé et scellé comme ci-dessus ce 24me jour de Juin, 1822. 1822. June 24.

G. HYDE DE NEUVILLE, [L. S.]
JOHN QUINCY ADAMS. [L. S.]

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TREATIES WITH THE NETHERLANDS.

ORIGINAL.

No. 1.—*A Treaty of amity and commerce between their high mightinesses the states general of the United Netherlands, and the United States of America, to wit: New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.*

Their high mightinesses the states general of the United Netherlands, and the United States of America, to wit: New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, desiring to ascertain in a permanent and equitable manner, the rules to be observed relative to the commerce and correspondence which they intend to establish between their respective states, countries, and inhabitants, have judged that the said end cannot be better obtained, than by establishing the most perfect equality and reciprocity for the basis of their agreement, and by avoiding all those burdensome preferences, which are usually the sources of debate, embarrassment, and discontent; by leaving also each party at liberty to make, respecting commerce and navigation, such ulterior regulations as it shall find most convenient to itself; and by founding the advantages of commerce solely upon reciprocal utility, and the just rules of free intercourse, reserving withal to each party the liberty of admitting at its pleasure other nations to a participation of the same advantages.

Rules to be observed relative to the commerce and correspondence between the two nations.

On these principles their said high mightinesses the states general of the United Netherlands, have named for their plenipotentiaries, from the midst of their assembly, Messieurs, their deputies for the foreign affairs; and the said United States of America, on their part, have furnished with full powers, Mr. John Adams, late commissioner of the United States of America at the court of Versailles, heretofore delegate in congress from the state of Massachusetts Bay, and chief justice of the said state; who have agreed and concluded as follows, to wit:

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ORIGINEEL.

Tractaat van vriendschap en commercie, tusschen haar hoog mogende de staten generaal de Vereenigde Nederlanden, en de Vereenigde Staten van America, te weeten, New Hampshire, Massachusetts, Rhode Island en Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Noord Carolina, Zuyd Carolina, en Georgia.

Haar hoog mogende de staten generaal der Vereenigde Nederlanden en de Vereenigde Staten van America, te weeten: New Hampshire, Massachusetts, Rhode Island en Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Noord Carolina, Zuyd Carolina, en Georgia, geneegen zynde op een bestendige en billy ke wyze te bepalen de regelen, die in acht genomen moeten worden, ten opzigte van de correspondentie en commercie, welke zy verlangen vast te stellen tusschen haare respective landen, staaten, onderdanen en ingezeetenen, hebben geoordeelt, dat het gezegde einde niet beeter kan worden bereikt, dan door te stellen tot een bazis van haar verdrag, de volmaakste egaliteit en reciprociteit, en met vermyding van alle die lastige preferentien, dewelke doorgaans de bronäders zyn van twist, verwarring en misnoegen; door aan iedere party de vryheid te laaten, om weegens de commercie en navigatie, verder zulke reglementen te maken, als die voor zig zelven het gevoeglykst zal oordeelen; en door de voordeelen van commercie, eeniglyk te gronden op weederzyts nut, en de juyste regels van vrye handel over en weer; reserveerende by dat elles aan iedere parthy de vryheid, om, na des zelfs goedvinden andere natien te admitteeren tot het participeeren aan dezelfde voordeelen.

Op deeze grondbeginzelen, hebben voorgemelde haar hoog mogende de staaten generaal der Vereenigde Nederlanden, tot hunne plenipotentiarissen, uit het midden hunner vergadering benoemd de Heeren derselver gedeputeerdeen tot de buitenlandsche zaaken; en de gemelde Vereenigde Staaten van America, van hunne zyde met volmagt vootsien, den Heer John Adams, laatst commissaris van de Vereenigde Staaten van America aan het hof van Versailles, geweezen afgeevaardigde op het congres weegens de staaten van Massachusetts Baay, en opper-regter van den gemelden staat, dewelke zyn overeengekomen, en geaccordeert:

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Firm and inviolable peace and friendship.

ART. 1. There shall be a firm, inviolable, and universal peace and sincere friendship, between their high mightinesses, the lords the states general of the United Netherlands, and the United States of America, and between the subjects and inhabitants of the said parties, and between the countries, islands, cities, and places, situated under the jurisdiction of the said United Netherlands, and the said United States of America, their subjects and inhabitants, of every degree, without exception of persons or places.

Subjects of the Netherlands to pay no higher duties in the U. States, than the most favored nations.

ART. 2. The subjects of the said states general of the United Netherlands, shall pay in the ports, havens, roads, countries, islands, cities, or places, of the United States of America, or any of them, no other nor greater duties or imposts, of whatever nature or denomination they may be, than those which the nations the most favored are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, which the said nations do or shall enjoy, whether in passing from one port to another, in the said states, or in going from any of those ports to any foreign port of the world, or from any foreign port of the world to any of those ports.

Citizens of the U. States not to pay greater duties in the Netherlands than the most favored nations.

ART. 3. The subjects and inhabitants of the said United States of America, shall pay in the ports, havens, roads, countries, islands, cities, or places of the said United Netherlands, or any of them, no other nor greater duties or imposts of whatever nature or denomination they may be, than those which the nations the most favored are or shall be obliged to pay: and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, which the said nations do or shall enjoy, whether in passing from one port to another in the said states, or from any one towards any one of those ports, from or to any foreign port of the world. And the United States of America, with their subjects and inhabitants, shall leave to those of their high mightinesses, the peaceable enjoyment of their rights, in the countries, islands, and seas, in the East and West Indies, without any hindrance or molestation.

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ART. 1. Daar zal een vaste, onverbreekelyke en universeele, vreede, en opregte vriendschap zyn, tuschen haar hoog mogende de heeren staten generaal der Vereenigde Nederlanden, en de Vereenigde Staaten van America, en de onderdanen ingezeetennen van de voornoemde parthyen, en tuschen de landen, eilanden, steeden en plaatzen, geleegen, onder de jurisdictie van de gemelde Vereenigde Nederlanden en de gemelde Vereenigde Staaten van America, en derselver onderdanen en ingezeetenen, van allerley staat, sonder onderscheid van persoonen en plaatzen.

ART. 2. De onderdanen van de gemelde staaten generaal der Vereenigde Nederlanden, zullen in de havens, rheeden, landen, eilanden, steden of plaatzen van de Vereenigde Staaten van America, of eenige van dezelve, geen andere of grootere regten of impositien, van wat natuur die ook mogen zyn, of hoedanig dezelve ook genoemt mogen werden, betaalen, dan die welke de meest gefavoriseerde natien zyn, of zullen worden verpligt aldaar te betaalen. En zy zullen genieten alle de regten, vryheeden privilegien, immuniteiten en exemptien in handel, navigatie en commercie, het zy in het gaan van eene haven in de gemelde staten na een andere, of gaande van eenige van deeze havens na eenige vreemde haven van de wereld, of van eenige vreemde haven van de wereld, of van eenige van deeze havens, welke de gemelde natien reeds genieten of zullen genieten.

ART. 3. Insgelyks zullen de onderdanen en ingezeetenen van de gemelde Vereenigde Staten van America, in de havens, rheeden, landen, eilanden, steeden of plaatsen van de gemelde Vereenigde Nederlanden of eenige van dezelve, geen andere of grootere regten of impositien, van wat natuur die ook mogen zyn, of hoedanig dezelve ook genoemt mogen worden, betaalen, dan die, welke de meest gefavoriseerde natien zyn, of zullen worden verpligt aldaar te betaalen. En zy zullen genieten alle de regten, vryheeden, privilegien, immuniteiten, en exemptien in handel, navigatie en commercie, het zy in het gaan van eene haven in de gemelde staaten na eene andere, of gaande na en van dezelve, van en na eenige vreemde haven van de wereld; welke de meest gefavoriseerde natien reeds genieten of zullen genieten. En zullen de Vereenigde Staten van America, benevens haare onderdanen en ingezeetenen aan die van haar hoog mogende laaten het gerust genot van haare regten, omtrent de landen, eilanden en zeeën, in Oost en West Indien, sonder haar daar in eenig belet, of hindernis te doen.

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Liberty of conscience secured to each party, in the territories of the other.

ART. 4. There shall be an entire and perfect liberty of conscience allowed to the subjects and inhabitants of each party, and to their families, and no one shall be molested in regard to his worship, provided he submits, as to the public demonstration of it, to the laws of the country. There shall be given, moreover, liberty, when any subjects or inhabitants of either party shall die in the territory of the other, to bury them in the usual burying places, or in decent and convenient grounds to be appointed for that purpose, as occasion shall require; and the dead bodies of those who are buried, shall not in any wise be molested. And the two contracting parties shall provide, each one in his jurisdiction, that their respective subjects and inhabitants may henceforward obtain the requisite certificates of deaths, in which they shall be interested.

Both parties to protect vessels of the other in their ports, and to convoy the vessels of each other, in case of a common enemy.

ART. 5. Their high mightiness the states general of the United Netherlands, and the United States of America, shall endeavor, by all the means in their power, to defend and protect all vessels and other effects, belonging to their subjects and inhabitants respectively, or to any of them, in their ports, roads, havens, internal seas, passes, rivers, and as far as their jurisdiction extends at sea, and to recover, and cause to be restored to the true proprietors, their agents or attorneys, all such vessels and effects, which shall be taken under their jurisdiction: and their vessels of war and convoys, in cases when they may have a common enemy, shall take under their protection all the vessels belonging to the subjects and inhabitants of either party, which shall not be laden with contraband goods, according to the description which shall be made of them hereafter, for places, with which one of the parties is in peace and the other at war, nor destined for any place blockaded, and which shall hold the same course or follow the same route; and they shall defend such vessels as long as they shall hold the same course or follow the same route, against all attacks, force, and violence of the common enemy, in the same manner as they ought to protect and defend the vessels belonging to their own respective subjects.

Citizens of both may dispose of their effects by

ART. 6. The subjects of the contracting parties may, on one side and on the other, in the respective countries and states, dispose of their effects, by testament, donation, or otherwise;

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ART. 4. Er zal eene volle, volkomene en geheele vryheid van conscientie worden toegestaen aan de onderdanen en ingezeetenen van iedere parthy, en aan derzelver familien, en zal niemand ter zaake van den Godsdienst, worden gemolesteert, mits hem omtrent publique demonstratie onderwerpende aan de wetten van het land. Daar en boven zal vryheid worden gegeven aan de onderdanen en ingezeetenen van iedere parthye, die in des anderen's territoir overlyden, om begraven te worden in de gewoone begraaf plaatzen of gevoeglyke en decente plaatzen, daar toe te bepaalen, zoo als de geleegendheid zal vereysschen, nogte zullen de doode lighaamen van die geene die begraven zyn, eenigsints werden gemolesteert. En zullen de beide contracteerende mogendheeden ieder onder hun gebied, de nodige voorsieninge doen, ten einde de respective onderdanen en ingezeetenen van behoorlyke bewyzen van sterfgevallen, waar by dezelve zyn geinteresseert, voortaan zullen kunnen worden gedient.

ART. 5. Haar hoog mogende de staten generaal der Vereenigde Nederlanden en de Vereenigde Staten van America, zellen tragten, zoo veel eenigzints in haar vermogen is, te beschermen en defendeeren alle scheepen en andere effecten toebehoorende aan wederzydsche onderdanen en ingezeetenen, of eenige van dezelve, zynde in haare havens of rheën, binnenlandsche zeeën, stroomen, rivieren, en zoo verre haare jurisdictie zeewaards strekt, en wederom te bekomen ente doen restitueeren aan de regte eigenaars, hunne agenten of gevolmagtigden, alle zodanige scheepen en effecten, die onder haare jurisdictie zullen genomen worden: en haare convoyeerende oorlog scheepen zullen, voor zoo verre zy eenen gemeenen vyand mogen hebben, onder haare protectie neemen alle scheepen, toebehoorende aan elkandere onderdanen en ingezetenen, dewelke geene contrebande goederen, volgens de beschryving hier na daar van te doen, zullen hebben ingeladen naar plaatzen, waar meede de eene parthy in vreede, en de andere in oorlog is, en na geen geblocqueerde plaats gedestineert zyn, en zullen houden dezelve cours, of gaan dezelve weg, en zullen zodanige scheepen defendeeren, zoo lang als zy dezelve cours houden, of dezelve weg gaan, teegens alle aanvallen, magt en geweld van den gemeenen vyand, op dezelve wys als zy zouden moeten beschermen en defendeeren de scheepen toebehoorende aan weêdersyds eigen onderdanen.

ART. 6. De onderdanen der contracteerende parthyen zullen over en weeder, in weedersydsche landen en staten, van hunne goederen by testamenten, donatien, of andersints mogen

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will or otherwise, in the territories of the other.

and their heirs, subjects of one of the parties, and residing in the country of the other, or elsewhere, shall receive such successions, even *ab intestato*, whether in person or by their attorney or substitute, even although they shall not have obtained letters of naturalization, without having the effect of such commission contested, under pretext of any rights or prerogatives of any province, city, or private person; and if the heirs, to whom such successions may have fallen, shall be minors, the tutors or curators, established by the judge domiciliary of the said minors, may govern, direct, administer, sell and alienate the effects fallen to the said minors by inheritance, and in general, in relation to the said successions and effects, use all the rights, and fulfil all the functions which belong, by the disposition of the laws, to guardians, tutors, and curators: provided nevertheless, that this disposition cannot take place, but in cases where the testator shall not have named guardians, tutors, curators, by testament, codicil, or other legal instrument.

Regulations relating to the disposition of such effects.

Either party to employ such attornies as they think proper.

ART. 7. It shall be lawful and free for the subjects of each party, to employ such advocates, attorneys, notaries, solicitors, or factors, as they shall judge proper.

Vessels not to be forcibly detained for public or private use

ART. 8. Merchants, masters, and owners of ships, mariners, men of all kinds, ships and vessels, and all merchandises and goods in general, and effects of one of the confederates, or of the subjects thereof, shall not be seized, or detained in any of the countries, lands, islands, cities, places, ports, shores, or dominions whatsoever of the other confederate, for any military expedition, public or private use of any one, by arrests, violence, or any color thereof; much less shall it be permitted

Nothing to be extorted by force.

to the subjects of either party, to take or extort by force, any thing from the subjects of the other party, without the consent of the owner; which, however, is not to be understood of seizures, detentions, and arrests, which shall be made by the command and authority of justice, and by the ordinary methods, on account of debts or crimes; in respect whereof, the proceedings must be by way of law, according to the forms of justice.

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disponeeren, en hunne erfgenamen, zynde onderdanen van een der parthyen in de landen vande andere, of wel elders woonagtig, zullen dezelve nalatenschappen ontfangen, selfs *ob intestato*, het zy in persoon, het zy by hun procureur, of gemagtigde, schoon zy geen brieven van naturalisatie zouden mogen hebben geobtineert, zonder dat het effect van die commissie hun zal kunnen worden betwist, onder pretext van eenige regten, of voorregten von eenige provincie, stad of particulier perzoon: enzoo de erfgenamen, aan welke de erffenissén mogten vervallen zyn, minder jarig waren, zullen de voogden of curateurs by den domiciliairen regter der genoemde minderjarigen aangenstelt, kunnen regeeren, bestieren, administreeren, verkoopen en veralieneeren de goederen, welke de gemelde minderjarigen by erfenissen zullen zyn te beurt gevallen; en generalyk met opsigt tot de voorsz: successien en goederen, waarneemen alle regten en functien, die aan voogden en curateurs, na dispositie der wetten competeeren, behoudens nogthans, dat deeze dispositie geen plaats zal kunnen hebben, dan ingevalle, als wanneer de testateur by testament, codicille, of ander wettig instrument, geene voogden, of curateurs zal hebben genomineert.

Art. 7. Het zal wettig en vry zyn aan de onderdanen van iedere parthye, zodanige advocaten, procureurs, notarissen, solliciteurs of factoors te employeeren, als zy zullen goedvinden.

Art. 8. Kooplieden, schippers, eygenaars, bootsgezellen, lieden van alderhande soort, scheepen en vaartuigen, en alle koopmanschappen en goederen in't generaal, en effecten van een der bondgenooten, of van derselver onderdanen, zullen niet mogen worden in beslag genomen of aangehouden in eenige der landen, gronden, eilanden, steeden, plaatsen, havens, stranden of dominien, hoegenaamt, van den anderen bondgenoot, tot eenige militaire expeditie, publicq of privaat gebruik van iemand, door arrest, geweld, of eenigsints daar na gelykende: veel min zal het gepermitteert zyn aan de onderdanen van iedere parthy iets te neemen, of door geweld te ontvreemden van de onderdanen van de andere parthy, sonder bewilliging van den persoon die het toebehoord: het geen egterniet te verstaan is van die aanhalingen, detentien en arresten, welke zullen worden gedaan op bevel en authoriteit van de justitie, en volgens de ordinaire weegen, ten opzigte van schulden, of misdaden, waar omtrent de procedures moeten geschieden by wege van regten, ingevolge de form van justitie.

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Inhabitants of either party permitted to manage their own concerns in the dominions of the other.

ART. 9. It is further agreed and concluded, that it shall be wholly free for all merchants, commanders of ships, and other subjects and inhabitants of the contracting parties, in every place, subject to the jurisdiction of the two powers respectively, to manage themselves their own business; and moreover, as to the use of interpreters or brokers, as also in relation to the loading or unloading of their vessels, and every thing which has relation thereto, they shall be, on one side and on the other, considered and treated upon the footing of natural subjects, or, at least, upon an equality with the most favored nation.

Free trade allowed to the ports of an enemy.

Merchant vessels compelled to exhibit sea-letters, &c.

Vessels not having contraband allowed to pass; when under convoy the word of the commander to be sufficient.

ART. 10. The merchant ships of either of the parties, coming from the port of an enemy, or from their own, or a neutral port, may navigate freely towards any port of an enemy of the other ally: they shall be, nevertheless, held, whenever it shall be required, to exhibit, as well upon the high seas, as in the ports, their sea-letters and other documents, described in the twenty-fifth article, stating expressly that their effects are not of the number of those which are prohibited, as contraband: and not having any contraband goods for an enemy's port, they may freely and without hindrance, pursue their voyage towards the port of an enemy. Nevertheless, it shall not be required to examine the papers of vessels convoyed by vessels of war, but credence shall be given to the word of the officer who shall conduct the convoy.

In case of contraband hatches not to be broken at sea, but in port only.

Due process of law, before sale of contraband.

ART. 11. If, by exhibiting the sea-letters, and other documents, and described more particularly in the twenty-fifth article of this treaty, the other party shall discover there are any of those sorts of goods, which are declared prohibited and contraband, and that they are consigned for a port under the obedience of his enemy, it shall not be lawful to break up the hatches of such ship, nor to open any chest, coffer, packs, casks, or other vessels found therein, or to remove the smallest parcel of her goods, whether the said vessel belongs to the subjects of their high mightinesses the states general of the United Netherlands, or to the subjects or inhabitants of the said United States of America, unless the lading be brought on shore, in presence of the officers of the court of admiralty, and an inventory thereof made; but there shall be no allowance to sell, exchange, or alienate the same, until after that due and lawful process shall have been had against such prohibited goods of contraband, and the court of admiralty, by a sentence pronoun-

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ART. 9. Verders is overeengekomen en beslooten, dat het volkomen vry zal staan aan alle kooplieden bevelhebbers van scheepen, en andere onderdanen of ingezeetenen der beide contracteerende mogendheeden in alle plaatsen respectivelyk gehoorende onder het gebied en de jurisdictie der weederzydsche mogendheeden hunne eige saaken zelfs te verrigten; zullende dezelve wyders, omtrent het gebruik van tolken, of makelaars, mitsgaders met opzigt tot het laaden, of ontladen hunner scheepen, en al het geen daar toe betrekkelyk is, over en weeder, op den voet van eige onderdanen, of ten minsten inge eykheid met de meest gefavoriseerde natie geconsidereert, en gehandelt worden.

ART. 10. De koopvaardy scheepen van een leder der parthyen, koomende, zoo wel van een vyandelyke, als eige of neutrale haven, zullen vry moogen vaaren naa eenige haven van een vyand van den anderen bondgenoot; dog verpligt zyn, soo dikwils het gevordert word, haare zeebrieven, en verdere bescheiden in het 25ste articul beschreeven, zoo wel op de open zee, als in de havens te exhibeeren, expresselyk aantonende, dat haare goederen niet zyn van het getal dier geene, dewelke als contrabande verbooden zyn, en geene contrabande goederen voor een vyandelyke haven gelaaden hebbende, na de haven van een vyand, haare reize vryelyk, en onverhindert mogen vervolgen; dog sal geen visitatie van papieren gevergt worden van scheepen onder convoy der oorlog scheepen, maar geloof worden gegeeven aan het woord van den officier, het convoy leidende.

ART. 11. Indien by het vertoonen der zee-brieven en andere bescheiden by het 25ste articul van dit tractaat nader beschreeven, de andere parthy ontdekt, dat er eenige van die soort van goederen zyn, dewelke verbooden en contrebande gedeclareert zyn, en geconsigneert naar een haven onder de gehoorsaemheid van den vyand, zal het niet geoorloft zyn de luyken van zodanig schip op te breeken, of eenige kist, koffers, pakken, kassen of ander vaatwerk, daar in gevonden wordende te openen of het geringste gedeelte van haare goederen te verplaatsen, het sy sodanige scheepen toebehooren aan de onderdanen van haar hoog mogende de staten generaal der Vereenigde Nederlanden, of aan onderdanen en ingezeetenen van de gemelde Vereenigde Staaten van America, ten zy de lading aan land gebragt worde in presentie van de officieren van het admiraliteits hoff, en een inventaris van deselve gemaakt, dog sal niet worden toegelaten, om deselve op eenigerhande wyse te verkoopen, verruilen of veralien-

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ced, shall have confiscated the same, saving always as well the ship itself, as any other goods found therein, which are to be esteemed free, and may not be detained on pretence of their being infected by the prohibited goods, much less shall they be confiscated as lawful prize: but, on the contrary, when, by the visitation at land, it shall be found that there are no contraband goods in the vessel, and it shall not appear by the papers that he who has taken and carried in the vessel has been able to discover any there, he ought to be condemned in all the charges, damages, and interests of them, which he shall have caused, both to the owners of vessels, and to the owners and freighters of cargoes with which they shall be loaded, by his temerity in taking and carrying them in; declaring most expressly the free vessels shall assure the liberty of the effects with which they shall be loaded, and that this liberty shall extend itself equally to the persons who shall be found in a free vessel, who may not be taken out of her, unless they are military men actually in the service of an enemy.

Neither the ship nor the free goods to be affected thereby.

Captors ought to be condemned in costs when no contraband is found.

Free ships to make free goods and persons, except those in the service of an enemy.

Goods liable to confiscation unless shipped before declaration of war, or six months thereafter.

Art. 12. On the contrary, it is agreed, that whatever shall be found to be laden by the subjects and inhabitants of either party, on any ship belonging to the enemies of the other, or to their subjects, although it be not comprehended under the sort of prohibited goods, the whole may be confiscated in the same manner as if it belonged to the enemy, except nevertheless such effects and merchandises as were put on board such vessel before the declaration of war, or in the space of six months after it, which effects shall not be, in any manner, subject to confiscation, but shall be faithfully and without delay restored in nature to the owners who shall claim them, or cause them to be claimed, before the confiscation and sale, as also their proceeds, if the claim could not be made but in the space of eight months after the sale, which ought to be public: provided nevertheless, that if the said merchandises are contraband, it shall by no means be lawful to transport them afterwards to any port belonging to enemies.

Proviso, in case of contraband.

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geren, dan na dat behoorlyke en wettige procedures tegens zodanige verbodene contrabande goederen zullen zyn gehouden, en het admiraliteits hof by een gepronuntieerde sententie dezelve zal hebben geconfisqueert, daar van altoos vrylatende, zoo wel het schip zelve, als eenige andere goederen, daar in gevonden wordende, welke voor vry werden gehouden, nogte mogen dezelve worden opgehouden, onder voorgeeven, dat die, als't ware, door de geprohibeerde goederen, zouden zyn geinfecteert, veel min zullen deselve, als wettige prys worden geconfisqueert: maar in tegendeel, wanneer by de visitatie aan land word bevonden, dat er geen contrabande waaren in de scheepen zyn, en uit de papieren niet bleek, dat de neemer en opbrenger het daar uyt niet had konnen ontdekken, zal deselve moeten worden gecondemneert in alle de kosten en schaden, die hy zoo aan de eigenaaren der scheepen als aan de eigenaars en inlaaders der goederen, waar meede de scheepen beladen zullen zyn. door zyne rukelooze aanhouding, en opbrenging der scheepen zal hebben veroorsaakt, met de interessen van dien; wordende wel expresselyk verklaart, dat een vry schip zal vry maaken de waaren daar ingelaaden, en dat die vryheid zig ook zal uitstrekken over de persoonen, die haar zullen bevinden in een vry schip, dewelke daar uyt niet geligt zullen mogen worden, ten zy het waren oorlogsluiden, in effectiven dienst van den vyand.

Art. 12. In tegendeel is overeengekomen, dat al het geen bevonden zal worden geladen te zyn door de onderdanen en ingezeetenen van een der beide parthyen in eenig schip de vyanden van den anderen, of aan deszelfs onderdanen toebehoorende, geheel, of schoon niet zynde van de soort van verbodene goederen, mag worden geconfisqueert, op dezelve wys als of het den vyand toekwam, uitgesondert sodanige goederen en koopmanscappen, als aan boord van zodanig schip gedaan waren voor de oorlogs-declaratie, of binnen ses maanden na deselve, welke goederen in geenendeele confiscatie zullen onderhevig zyn, maar wel en getrouwelyk sonder uytstel aan de eigenaers, die deselve voor de confiscatie en verkoop zullen te rug vragen of doen vragen, in natura zullen worden gerestitueert, gelyk meede het provenu daar van, indien de reclame binnen agt maanden na de verkoping, dewelke publicq zal moeten worden gedaan, eerst konde geschieden, dog zoo, dat, indien de gemelde koopmanscappen contrebande zyn, het geenzints geoorloft zal zyn deselve naderhand te vervoeren na eenige havens, de vyanden toebehoorende.

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Vessels of war not to do injury to either party, if they do, to be punished for it, or make reparation.

ART. 13. And that more effectual care may be taken for the security of subjects and people of either party, that they do not suffer molestation from the vessels of war or privateers of the other party, it shall be forbidden to all commanders of vessels of war, and other armed vessels of the said states general of the United Netherlands, and the said United States of America, as well as to all their officers, subjects, and people, to give any offence or do any damage to those of the other party; and if they act to the contrary, they shall be, upon the first complaint which shall be made of it, being found guilty after a just examination, punished by their proper judges, and moreover obliged to make satisfaction for all damages and interests thereof, by reparation, under pain and obligation of their persons and goods.

Privateer captains, &c. to give bonds for good conduct.

ART. 14. For further determining of what has been said, all captains of privateers, or fitters-out of vessels armed for war, under commission and on account of private persons, shall be held, before their departure, to give sufficient caution, before competent judges, either to be entirely responsible for the malversations which they may commit in their cruises or voyages, as well as for the contraventions of their captains and officers against the present treaty, and against the ordinances and edicts which shall be published in consequence of and conformity to it, under pain of forfeiture and nullity of the said commissions.

Goods rescued from pirates to be restored to the real owners.

ART. 15. All vessels and merchandises of whatsoever nature, which shall be rescued out of the hands of any pirates or robbers, navigating the high seas without requisite commissions, shall be brought into some port of one of the two states, and deposited in the hands of the officers of that port, in order to be restored entire to the true proprietor, as soon as due and sufficient proofs shall be made concerning the property thereof.

In case of shipwreck, friendly aid shall be afforded, and property restored, if claimed within one year and a day.

ART. 16. If any ships or vessels, belonging to either of the parties, their subjects or people, shall, within the coasts or dominions of the other, stick upon the sands, or be wrecked or suffer any other sea damage, all friendly assistance and relief shall be given to the persons shipwrecked, or such as shall be in danger thereof; and the vessels, effects, and merchandises, or the part of them which shall have been saved, or the proceeds of them, if, being perishable, they shall have been sold,

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Art. 13. En ten einde de best mogelyke zorg mag worden gedragen voor de securiteit van de onderdanen en het volk van een der beide parthyen, dat dezelve geen overlast komen te lyden van weegens de oorlog scheepen of kapers van de andere parthy, zullen alle de bevelhebbers van oorlog-scheepen en gewapende vaartuigen van de voorsz: staaten generaal der Vereenigde Nederlanden, en vande gemelde Vereenigde Staaten van America, mitsgaders alle derselver officieren onderdanen en volk, verbooden worden eenige beleediging of schade aan die van de andere zyde, toe te brengen, en zoo zy dien contrarie handelen, zullen zy op de eerste klagten, daar over te doen, na behoorlyk ondersoek schuldig bevonden wordende, door haar eige regters gestraft worden, endaar en boven verplight worden satisfactie te geeven voor alle schade, en den interest daar van, door vergoeding onder pœne en verbintenis van hunne personen en goederen.

Art. 14. Tot meerder verklaring van het geen voorsz: is, zullen alle kaper capiteinen, of rheeders van scheepen op particuliere bestelling en commissie ten oorloguitgerust, voor dezelve gehouden zyn, voor derselver vertrek, goede en suffisante cautie te stellen voor de competente regters, of in het geheel te verantwoorden de malversatien, die zy in haare coursen, of op haare reizen zouden mogen begaan, en voor de contravention van haare capiteinen en officieren, tegen het tegenwoordig tractaat ende ordonnantien en edicten, die gepubliceert zullen worden, in kragte, en conform de dispositie van dien, op pœne van verval, en nulliteit der voors: commissien.

Art. 15. Alle scheepen en koopmanschappen van wat natuur dezelve ook zyn, die hernomen zullen worden uyt handen van piraten en zeerovers, sonder behoorlyke commissie op de open zee varende, zullen gebragt worden in eenige haven van eene der beide staaten, en zullen aan de bewaring der officieren van die haven worden overgeleevert, ten einde geheel, gerestitueert te worden aan den regten eigenaar, zoodra als behoorlyk en genoegsaam bewys, wegens den eigendom der zelve zal gedaan zyn.

Art. 16. Indien eenige scheepen of vaartuigen toebehoorende aan een van beyde de parthyen, hunne onderdanen of ingezeetenen, op de kusten of dominien van den anderen zullen komen to stranden, vergaan, of eenige andere zee-schade te lyden, zal alle vriendelyke assistentie en hulp worden gegeeven aan de persoonen schip-breuk geleeden hebbende, of die zig in gevaar daar van zullen bevinden; en de scheepen, goederen en koopmanschappen, en hat geen daarvan ge-borgen

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being claimed within a year and a day by the masters or owners, or their agents or attorneys, shall be restored, paying only the reasonable charges, and that which must be paid, in the same case, for the salvage, by the proper subjects of the country: there shall also be delivered them, safe conducts or passports for their free and safe passage from thence, and to return, each one, to his own country.

The vessels of either party, if driven by stress of weather into the ports of the other, to be treated with humanity.

ART. 17. In case the subjects or people of either party, with their shipping, whether public and of war, or private and of merchants, be forced through stress of weather, pursuit of pirates or enemies, or any other urgent necessity for seeking of shelter and harbor, to retreat and enter into any of the rivers, creeks, bays, ports, roads, or shores, belonging to the other party, they shall be received with all humanity and kindness, and enjoy all friendly protection and help, and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals, and all things needful for the sustenance of their persons, or reparation of their ships; and they shall no ways be detained or hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

Nine months allowed, in case of war, to either party, residing in the territories of the other, to dispose of their effects.

ART. 18. For the better promoting of commerce on both sides, it is agreed, that if a war should break out between their high mightinesses the states general of the United Netherlands and the United States of America, there shall always be granted to the subjects on each side, the term of nine months after the date of the rupture, or the proclamation of war, to the end that they may retire, with their effects, and to transport them where they please, which it shall be lawful for them to do, as well as to sell or transport their effects and goods, in all freedom and without any hindrance, and without being able to proceed, during the said term of nine months, to any arrest of their effects, much less of their persons; on the contrary, there shall be given them, for their vessels and their effects, which they would carry away, passports and safe conducts for the nearest ports of their respective countries, and for the time necessary

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zal zyn, of het provenu van dien, by aldien die goederen verderffelyk zynde, zullen weezen verkogt, alle door de schippers of door de eigenaars, of van haare gelaste; of volmagt hebbende, binnen jaar en dag gereclameert wordende, worden gerestitueert; mits betalende alleen de reedelyke onkosten, en het geen voor bergloon door de eige onderdanen, in het zelve geval, betaalt moet worden; zullende insgelyks brieven van vrygeley aan hun worden gegeeven, voor hunne vrye en geruste passage van daar, enretour van een ieder na syn eigen land.

Art. 17. Ingevalle de onderdanen of ingezeetenen van een der beide parthyen, met hunne scheepen, het zy publique en ten oorlog varende, of bysondere en ter koopvaardy uitgerust, door onstuimig weer, najaaging van zeerovers of vyanden, of eenige andere dringendg nood, gedwongen zullen worden, ter bekoming van een schuilplaats en haven, zig te retireeren en binnen te loopen in eenige der rivieren, creeken, baayen, havens, rheeden of stranden, toebehoorende aan de andere parthye, zullen dezelve met alle menschlievendheid en goedwilligheid werden ontfangen, en alle vriendelyke protectie en hulp genieten, en zal hun worden toegestaan zig te ververschen en proviandeeren, teegens reedelyke prysen met victuaille, en alle dingen benodigt tot onderhoud van haare personen, of reparatie van hunne scheepen, en zy zullen op geenerley wys worden opgehouden, of verhindert uit de gemelde havens of rheeden te vertrekken, maar mogen verzylen en gaan wanneer en waar het hun behaagt, zonder eenig belet of verhindering.

Art. 18. Tot des te beeter voortzetting der weedersydsche commercie, is overeengekomen, dat indien een oorlog mogt komen te ontstaan, tuschen haar hoog mogende de staten generaal der Vereenigde Nederlanden, en de Vereenigde Staten van America, altyd aan de onderdanen van de een of andere zyde zal worden gegeeven den tyd van neegen gegeeven maanden, na dato van de rupture of proclamatie van oorlog, om haar te mogen retireeren met haare effecten, endeselve te vervoeren, waar het haar gelieven zal, het welk haar geoorloft zal zyn te mogen doen; als meede te mogen verkoopen of transporteeren haare goeden en meubilien in alle vryheid; sonder dat men haar daar in eenig belet zal doen; ook zonder gedurende den tyd van de voorsz: neegen maanden te mogen procedeeren tot eenig arrest van haare effecten, veel min van haare personen, maar sullen inteegendeel voor haare scheepen, en

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for the voyage. And no prize made at sea shall be adjudged lawful, at least if the declaration of war was not or could not be known, in the last port which the vessel taken has quitted, but for whatever may have been taken from the subjects and inhabitants of either party, and for the offences which may have been given them, in the interval of the said terms, a complete satisfaction shall be given them.

The citizens of neither party to take commissions, or letters of marque, from a state with whom the other is at war.

ART. 19. No subject of their high mightinesses the states general of the United Netherlands, shall apply for or take any commission or letters of marque, for arming any ship or ships to act as privateers against the said United States of America, or any of them, or the subjects and inhabitants of the United States or any of them, or against the property of the inhabitants of any of them, from any prince or state with which the said United States of America may happen to be at war; nor shall any subject or inhabitant of the said United States of America, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the high and mighty lords the states general of the United Netherlands, or against the subjects of their high mightinesses, or any of them, or against the property of any one of them, from any prince or state with which their high mightinesses may be at war: and if any person of either nation shall take such commission or letters of marque, he shall be punished as a pirate.

The vessels of either party entering the ports of the other, and unwilling to break bulk, permitted to depart without paying duty.

ART. 20. If the vessels of the subjects or inhabitants of one of the parties come upon any coast belonging to either of the said allies, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, or take in any cargo, they shall not be obliged to pay, neither for the vessels nor the cargoes, any duties of entry in or out, nor to render any account of their cargoes, at least if there is not just cause to presume that they carry to an enemy merchandises of contraband.

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effecten, die zy zullen willen meedevoeren, worden gegeeven pasporten van vry geleide, tot de naeste, havenen, in elkanders landen voor den tyd, tot de reizen nodig. Ook zullen geen prysen op zee genomen voor wettig gehouden mogen worden, ten minsten indien de oorlogs-declaratie niet bekend was geweest, of had kunnen zyn in de haven, die het genomen schip het laast heeft verlaten; maar zal voor al het geen aan de onderdanen ingezeetenen van weedersyden binnen de voorscz: termynen, ontnomen mogt zyn, en de beleedigingen, die hun aangedaan zouden mogen zyn, volkomen satisfactie gegeeven worden.

Art. 19. Geen onderdaan van haar hoog mogende de staten generaal der Vereenigde Nederlanden, zullen mogen versoeken of aanneemen eenige commissien, of lettres de marque, tot het wapenen van eenig schip, of scheepen, ten einde als kapers te ageeren tegens de gemelde Vereenigde Staten van America, of eenige der zelve, of tegens de onderdanen of ingezeetenen der gemelde Verdenigde Staaten, of eenige der zelve, van eenige prins of staat, met wien de voorsez: Vereenigde Staaten van America in oorlog mogen zyn; noch zal eenige onderdaan of ingezeeten van de gemelde Vereenigde Staaten van America, of eenige derselve, eenige commissie of lettres de marque versoeken of aanneemen, tot het wapenen van eenig schip of scheepen, om ter kaap te vaaren tegens de hoog mogende heeren staten generaal der Vereenigde Nederlanden, of tegens de onderdanen of ingezeetenen van gemelde haar hoog mogende, of eenige van deselve, of den eigendom van eenige derzelve, van eenige prins of staat, met wien haar hoog mogende in oorlog zullen zyn; en indien eenig persoon van een van beide natien zodanige commissie of lettres de marque zal aanneemen, zal dezelve als een zeerover worden gestraft.

Art. 20. De scheepen der onderdanen of ingezeetenen van een van beide de parthyen, komende aan eenige kust toebehoorende aan de een of andere der gemelde bondgenooten, doch niet voorneemens zyn de in een haven binnen te loopen, of binnen geloopen zynde, en niet begeerende hunne ladingen te lossen, of last te breeken, of by te laden, zullen niet gehouden zyn voor haare scheepen of ladingen eenige inkomende, of uitgaende regten te betalen, nog eenige reekenschap van haare ladingen te geeven, ten minsten indien er geen wettig vermoeden is dat zy aan een vyand toevoeren koopmanshap van contrebande.

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Consuls allowed residence in each others seaports.

ART. 21. The two contracting parties grant to each other, mutually, the liberty of having each in the ports of the other, consuls, vice consuls, agents, and commissaries of their own appointing, whose functions shall be regulated by particular agreement, whenever either party chooses to make such appointment.

This treaty not to derogate from the 9th, 10th, 17th & 22d articles of the treaty of the 6th Feb. 1778, &c.

ART. 22. This treaty shall not be understood in any manner to derogate from the ninth, tenth, nineteenth, and twenty-fourth articles of the treaty with France, as they were numbered in the same treaty, concluded the 6th of February 1778, and which make the articles ninth, tenth, seventeenth, and twenty-second of the treaty of commerce now subsisting between the United States of America and the crown of France: nor shall it hinder his catholic majesty from acceding to that treaty, and enjoying the advantages of the said four articles.

The United Netherlands, by means of their consuls, to aid the U. States in forming treaties with the Barbary powers.

ART. 23. If at any time the United States of America shall judge necessary to commence negotiations with the king or emperor of Morocco and Fez, and with the regencies of Algiers, Tunis, or Tripoli, or with any of them, to obtain passports for the security of their navigation in the Mediterranean sea, their high mightinesses promise, that upon the requisition which the United States of America shall make of it, they will second such negotiations in the most favorable manner, by means of their consuls, residing near the said king, emperor, and regencies.

Contraband specified.

ART. 24. The liberty of navigation and commerce shall extend to all sorts of merchandises, excepting only those which are distinguished under the name of contraband, or merchandises prohibited, and under this denomination of contraband and merchandises prohibited, shall be comprehended only warlike stores and arms, as mortars, artillery, with their artifices and appurtenances, fusils, pistols, bombs, grenades gunpowder, salt petre, sulphur, match, bullets and balls, pikes, sabres, lances, halberds, casques, cuirasses, and other sorts of arms: as also soldiers, horses, saddles and furniture for horses; all other effects and merchandises not before specified expressly, and even all sorts of naval matters, however proper they may be for the construction and equipment of vessels of war, or for the manufacture of one or another sort of machines of war by land or sea, shall not be judged contraband, neither by the letter, nor according to any pretended interpretation whatever, ought they, or can they be comprehended under the notion of effects prohibited or contraband. So that all effects

Discrimination with respect to goods not contraband.

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ART. 21. De twee contracteerende partyen vergunnen over en weeder aan elkanderen de vryheid, om ieder in de havens van den anderen, consuls, vice consuls, agenten en commissarissen van hunne eigen aanstelling te hebben, welkers functien gereguleert zullen worden by particuliere overeenkomst, wanneer ooit eene der beide partyen goedvind zodanige aanstelling te doen.

ART. 22. Dit tractaat zal in geenerhande opsigten verstaen worden te derogeeren aan de 9, 10, 19en 24ste articulen, van het tractaat met Vrankryk, soo als die genummert zyn geweest in het zelve tractaat den 6 February, 1778, geslooten, zynde de 9, 10, 17en 22ste articulen van het tractaat van commercie, soo als het nu in kragt is tusschen de Vereenigde Staten van America, en de kroon van Vrankryk: en zal meede niet beletten, dat syne catholique majesteit aan t'zelve zoude accedeeren, en van het beneficie der gemelde vier articulen jouisseeren.

ART. 23. By aldien de Vereenigde Staten van America, t'eeniger tyd, nodig mogten vinden, om by den koning of keizer van Marocco of Fez, mitsgaders by de regeeringen van Algiers, Tunis of Tripoli, of by eenige van dezelve, negotiatien te entameeren tot het verkrygen van pasporten ter beveiliging van hunne navigatie op de middelandsche zee, zoo beloven haar hoog mogende, op het aanzoek van hoogstgedagte Vereenigde Staten, die negotiatien, door middel van hunne by den voersz: koning of keizer en regeeringen residеerende consuls op de favorabelste wyze te zullen secondeeren.

ART. 24. De vryheid van navigatie en commercie zal zig uitstrekken tot alle soorten van koopmanschappen, uitgesondert alleen deeze, welke onderscheiden zyn onder den naam van contrabande of verbodene goederen: en onder deeze benoeming van contrabande of verbodene goederen, zullen alleen begreepen zyn de oorlogs ammunitien, of wapenen, als mortieren, geschut met zyne vuurwerken, en het geen daar toebehoort; geweeren, pistoolen, bomben, granaden, buspulver, salpeeter, swavel, lonten, kogels, pieken, zwaarden, lancien, helbaarden, criquetten, cuirassen, en diergelyk soort van wapentuig, ook soldaten, paarden, zadels, en toerusting van paarden. Alle andere goederen en koopmanschappen, hier boven niet uitdrukkelyk gespecificeert, jaa selfs alle soorten van scheepsmaterialen, hoe zeer dezelve ook zouden mogen zyn geschikt, tot het bouwen of equipeeren van oorlogscheepen of tot het maken van het een of ander oorlogstuig te water of te lande, zullen mits dien, nog volgens den letter, nog volgens

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and merchandises, which are not expressly beforenamed, may, without any exception, and in perfect liberty, be transported by the subjects and inhabitants of both allies, from and to places belonging to the enemy; excepting only the places which at the same time shall be besieged, blocked, or invested; and those places only shall be held for such, which are surrounded nearly by some of the belligerent powers.

Blockade defined.

Sea-letter regulations.

ART. 25. To the end that all dissention and quarrel may be avoided and prevented, it has been agreed, that in case that one of the two parties happens to be at war, the vessels belonging to the subjects or inhabitants of the other ally, shall be provided with sea-letters or passports, expressing the name, the property, and the burden of the vessel, as also the name and the place of abode of the master, or commander of the said vessel, to the end, that thereby it may appear, that the vessel really and truly belongs to subjects or inhabitants of one of the parties; which passports shall be drawn and distributed according to the form annexed to this treaty; each time that the vessel shall return, she should have such her passport renewed, or at least, they ought not be of more ancient date than two years, before the vessel has been returned to her own country.

Regulations for the papers of merchant ships.

It has been also agreed, that such vessels, being loaded, ought to be provided not only with the said passports or sea-letters, but also with a general passport, or with particular passports or manifests, or other public documents, which are ordinarily given to vessels outward bound in the ports from whence the vessels have set sail in the last place, containing a specification of the cargo, of the place from whence the vessel departed, and of that of her destination; or, instead of all these, with certificates from the magistrates or governors of cities, places, and colonies, from whence the vessel came, given in the usual form, to the end that it may be known, whether there are any effects prohibited or contraband on board the vessels, and whether they are destined to be carried to an enemy's country or not; and in case any one judges proper to express in the said documents, the persons to whom the effects on board belong, he may do it freely, without, however, being bound to do it; and the omission of such expression cannot and ought not to cause a confiscation.

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eenige voor te wende interpretatie van dezelve, hoe ook genaamt, onder verbodene, of contraband goederen begreepen kunnen of mogen worden: zoo dat alle dezelve goederen, waaren en koopmanschappen, hierboven niet uytdrukkelyk genoemt, sonder eenig onderscheid zullen mogen worden getransporteert, en vervoerd in alle vryheid door de onderdanen en ingezeetenen van beide bondgenooten, van en na plaatsen aan den vyand toebehoorende, zodanige steeden of plaetsen alleen uit gezondert, welke op die tyt beleegert, geblocqueert of geinvesteert zyn, waar voor alleenlyk worden gehouden de zulke, die door een der oorlogvoerende mogendheeden van na by ingeslooten worden gehouden.

Art. 25. Ten einde alle dissentie en twist mag worden vermyd en voorgekomen, is overeengekomen, dat ingeval een van beide de parthyen in oorlog mogt komen te geraken, de scheepen en vaartuigen, toebehoorende aan de onderdanen of ingezeetenen van de andere geallieerde, met zeebrieven of pasporten moeten werden voorsien, expresseerende den naam, eigendom en de groote van het schip of vaartuig, als meede den naam, plaats of woninge van den schipper of bevelhebber van het gemelde schip ef vaartuig, ten einde daar by mag blyken, dat het schip reëel en in waarheid aan de onderdanen of ingezeeteuen van eene der parthyen toebehoord welk paspoort zal worden opgemaakt en uitgegeeven volgens het formulier agter dit tractaat gevoegt. Deselve zullen ieder reise, dat het schip t'huys is geweest, op nieuw verleent moeten zyn, of ten minsten niet ouder mogen zyn, als twee jaar, voor de tyd, dat het schip laast is t'huys geweest.

Het is insgelyks vastgestelt, dat zodanige scheepen of vaartuigen gelaaden zynde, moeten weesen voorsien niet alleen met paspoorten of zeebrieven bovengemeld; maar ook met een generaal paspoort, of particuliere pasporten, of manifesten, of andere publicque documenten, die in de havenen, van waar de scheepen laast gekoomen zyn, gewoonlyk gegeeven worden aan de uitgaende scheepen, inhoudende een specificatie van de landing, de plaats van waar het schip gezeilt is, en waar heenen het gedestineert is, of by gebreeke van alle deselve, met certificaten van de magistraten, of gouverneurs der steeden, plaatsen en colonien, van waar het schip vertrokken is, in de gewoone form gegeeven, op dat geweeten kan werden, of eenige verboode of contraband goederen aan boord van de scheepen zyn, en of zy daar meede na's vyands landen gedestineert zyn, of niet. En by aldien iemand goetdunk, of raadzaam vind, om in de gemelde bescheiden uit te drukken

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Armed vessels visiting a merchantman to remain out of the reach of cannon shot, &c.

ART. 26. If the vessels of the said subjects or inhabitants of either of the parties, sailing along the coasts or on the high seas, are met by a vessel of war or privateer, or other armed vessel of the other party, the said vessels of war, privateers, or armed vessels, for avoiding all disorder, shall remain without the reach of cannon, but may send their boats on board the merchant vessel, which they shall meet in this manner upon which they may not pass more than two or three men, to whom the master or commander shall exhibit his passport, containing the property of the vessel, according to the form annexed to this treaty: and the vessel, after having exhibited such a passport, sealetter, and other documents, shall be free to continue her voyage, so that it shall not be lawful to molest her, or search her in any manner, nor to give her chase, nor to force her to alter her course.

Commanders of of U. S. vessels, may engage American seamen in the ports of Holland.

ART. 27. It shall be lawful for merchants, captains, and commanders of vessels, whether public and of war, or private and of merchants, belonging to the said United States of America, or any of them, or to their subjects and inhabitants, to take freely into their service, and receive on board of their vessels, in any port or place in the jurisdiction of their high mightinesses aforesaid, seamen or others, natives or inhabitants of any of the said states, upon such conditions as they shall agree on, without being subject for this, to any fine, penalty, punishment, process, or reprehension whatsoever.

And commanders of Dutch vessels may engage Dutch seamen in ports of the U. S.

And reciprocally, all merchants, captains, and commanders, belonging to the said United Netherlands, shall enjoy, in all the ports and places under the obedience of the said United States of America, the same privilege of engaging and receiving seamen or others, natives or inhabitants of any country of the denomination of the said states general: provided, that neither on one side nor the other, they may not take into their service such of their countrymen who have already engaged in the service of the other party contracting, whether in war or trade, and whether they meet them by land or sea; at least if the captains or masters under the command of whom

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de persoonen, aan wien de aan boord zynde goederen toekomen, vermag hy zulks vryelyk te doen; sonder egter daar toe gehouden te syn, of dat gebrek van die uitdrukking geleegenheid tot confiscatie kan of mag geeven.

Art. 26. Indien de scheepen of vaartuigen van de gemelde onderdanen of ingezeetenen van een van beide de parthyen, zeilende langs de kusten of in de open zee, ontmoet zullen worden door eenig schip van oorlog, kaper of gewapend vaartuig van de andere parthy, zullen de gemelde oorlog scheepen, kapers of gewapende vaartuigen tot vermyding van alle disordre, buiten bereik van het geschut blyven, dog hunne booten mogen zenden aan boord van koopvaardyscheepen, welke zy op die wys zullon ontmoeten, en op het zelve mogen overgaan ten getalle alleen van twee a drie man, aan wien de schipper of bevelhebber van zodanig schip of vaartuig zyn pasport zal vertoonen, inhoudende den eigendom van het schip of vaartuig, ingevolge het formulier agter dit tractaat gevoegt, en zal het schip of vaartuig na de vertoning van dusdanig pasport, zeebrief en verdere bescheiden, vry en liber zyn om deszelfs reis te vervolgen, zoo dat neit geoorloft zal zyn het zelve op eenigerhande wyse te molesteeren of doorzoeken; nog jagt op haar te maken, of het selve te forceeren haare voorgenomen cours te verlaaten.

Art. 27. Het zal geoorloft zyn aan kooplieden; capiteins, en bevelhebbers van scheepen, het zy publicque en ten oorlog, of particuliere en ter koopvaardy vaarende, toebehoorende aan de gemeldge Vereenigde Staten van America, of eenige van deselve, of aan de onderdanen, en ingezeetenen van eenige der zelve, vryelyk in hunne dienst aan te neemen, en aan boord van haare gemelde scheepen te ontfangen, in iedere der havens of plaatsen onder de jurisdictie van voornoemde haar hoog mogende, eenige bootsgezellen of anderen, zynde inboorlingen of ingezeetenen van eenige der gemelde Staaten, op zulke voorwaarden, als zal werden overeen gekomen, zonder daar voor aan eenige boete, pœne, straffe, proces of berisping hoegenaamt, onderheevig te zyn.

En zullen reciproquelyk alle kooplieden, capiteinen en bevelhebbers van scheepen, behoorende tot de voorsz: Vereenigde Nederlanden, in alle de havens en plaatsen, onder het gebied van de gemelde Vereenigde Staten van America, het zelve voorregt genieten tot aanneeming en ontfangen van bootsgezellen of anderen, zynde inboorlingen of ingezeetenen von eenige der domeinen van de gemelde Staten Generaal, met dien verstande, dat men nog aan de eene, nog aan de an-

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such persons may be found, will not of his own consent discharge them from their service; upon pain of being otherwise treated and punished as deserters.

The refraction [with respect to tobacco] to be properly regulated, in case of complaint.

ART. 28. The affair of the refraction shall be regulated in all equity and justice, by the magistrates of cities respectively, where it shall be judged that there is any room to complain in this respect.

Ratifications to be exchanged in six months.

ART. 29. The present treaty shall be ratified and approved by their high mightinesses the states general of the United Netherlands, and by the United States of America; and the acts of ratification shall be delivered, in good and due form, on one side and on the other, in the space of six months, or sooner if possible, to be computed from the day of the signature.

In faith, we, the deputies and plenipotentiaries of the lords the states general of the United Netherlands, and the minister plenipotentiary of the United States of America, in virtue of our respective authorities and full powers, have signed the present treaty, and apposed thereto the seals of our arms.

Done at the Hague, the eighth of October, one thousand seven hundred and eighty-two.

[L. S.] JOHN ADAMS.

The form of the passport, which shall be given to ships and vessels, in consequence of the 25th article of this treaty.

Form of the passport required by art. 25 of the preceding treaty
See p. 154.

To all who shall see these presents greeting: Be it known, that leave and permission are hereby given to ——, master or commander of the ship or vessel, called ——, of the burden of —— tons, or thereabouts, lying at present in the

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dere zyde zig zal mogen bedienen van sodanige zyner landsgenooten, die zig reeds in dienst van de andere contracteerende parthye, het zy ten oorlog, het zy men deselve aan de vaste wal, dan wel in zee zoude mogen ontmoeten, ten minsten indien de capiteinen of schippers, onder wiens bevel zodanige persoonen zig mogten bevinden, deselve niet vrywillig uit hunnen dienst wilde ontslaan, op pœne dat dezelve andersints op den voet van weglopers zullen worden behandelt en gestraft.

Art. 28. De toeleg voor rèfractie, sal in alle redelykheid en billykheid worden gereguleert, by de magistraten der respective steeden, alwaar men oordeelt, dat eenige bezwaaren desweegens plaets hebben.

Art. 29. Het tegenwoordig tractaat zal werden geratificeert en geapprobeert by Hoogstgemelde staaten generaal der Vereenigde Nederlanden, en Hoog gemelde Vereenigde Staaten van America, en zullen de acten van ratificatien van de eene ende andere syde in goede ende behoorlyke forme werden overgeleevert binnen den tyt van zes maanden, ofte eerder zo het zelve kan geschieden, te reekenen van: dag van de onderteekening.

Ten oirkonde deeses, hebben wy gedeputeerden en plenipotentiarissen van de Heeren staten generaal der Vereenigde Nederlanden en minister plenipotentiaris der Vereenigde Staaten van America, uit kragte van onze respective authorisatie en pleinpouvoir, deeze onderteekent, en met onze gewoone cachetten bekragtigt.

In den Hage, den agtste October, seventien hondert twee en tagtig.

[L. S.] GEORGE VAN RANDWYCK.
[L. S.] B. V. D. SANTHEUVEL,
[L. S.] P. V. BLEISWYK,
[L. S.] W. C. H. VAN LYNDEN,
[L. S.] D. I. VAN HEECKEREN,
[L. S.] JOAN KUFFELER,
[L. S.] F. G. VAN DEDEM,
tot den Gelder.
[L. S.] H. TJASSENS.

Formulier van het pasport dat gegeeven zal worden aan de scheepen of vaartuigen ingevolge het 25e. artieul van dit tractaat.

Aan alle de geenen die deeze teegenwoordige sullen sien salut: doen te weeten, dat by deesen vryheid en permissie gegeeven werd aan ——, schipper en bevelhebber van het chip: of vaartuig genaemt —— van de ——, van ——

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port or haven of ——, bound for ——, and laden with ——, to depart and proceed with his said ship or vessel on his said voyage, such ship or vessel having been visited, and the said master and commander having made oath before the proper officer, that the said ship or vessel belongs to one or more of the subjects, people, or inhabitants of ——, and to him or them only.

In witness whereof, we have subscribed our names to these presents, and affixed the seal of our arms thereto, and caused the same to be countersigned by ——, at ——, this —— day of ——, in the year of our Lord Christ ——.

Form of the certificate which shall given to ships or vessels, in consequence of the 25th article of this treaty.

Form of the certificate required by the 25th article. See p. 154.

We, ——, magistrates, or officers of the customs, of the city or port of ——, do certify and attest, that on the —— day of ——, in the year of our Lord ——, C. D. of ———, personally appeared before us and declared, by solemn oath, that the ship or vessel called ———, of —— tons or thereabouts, whereof ——, of ——, is, at present master or commander, does rightfully and properly belong to him or them only; that she is now bound from the city or port of ———, to the port of ——, laden with goods and merchandises, hereunder particularly described and enumerated, as follows:

In witness whereof, we have signed this certificate, and sealed it with the seal of our office, this ——— day of ——, in the year of our Lord Christ ——.

Form of the sea letter.

Form of the sea-letter, required by the 25th article. See p. 154.

Most serene, serene, most puissant, puissant, high, illustrious, noble, honorable, venerable, wise and prudent lords, emperors, kings, republics, princes, dukes, earls, barons, lords, burgomasters, schepens, councillors; as also judges, officers, justiciaries, and regents, of all the good cities and places, whether ecclesiastical or secular, who shall see these patents or hear them read:

We, burgomasters and regents, of the city of ———, make known that the master of ——, appearing before us, has declared, upon oath, that the vessel called ——, of the bur-

groot tonnen of daar omtrent, leggende teegenswordig in de haven van ——, gedestineert naar ———, en belaaden met ——, om te vertrekken, en met zyn schip of vaartuig deszelfs gemelde reize voorttezetten, zodanig schip of vaartuig gevisiteert zynde, en de voorn: schipper of bevelhebber onder eede, voor den daer toe gestelden officier, verklaart hebbende, dat t'gem: schip of vaartuig aan een of meerder orderdanen volk of ingezeetenen van ——, toebehoort, en aan hem (:of hun:) alleen. 1782. October 8.

In getuigenis waar van wy deeze teegenswoordige met onze naemen hebben onderteckent, en het zeegel van ons waepen daar aan gehegt, en het zelve doen contrasigneeren door ——, tot ——, deezen —— dag van ——, in't yaer onzes heeren Christi ———.

Formulier van het certificaat het welk aan de scheepen of vaartuigen zal werden gegeeven ingevolge het 25e. articul van dit tractaat.

Wy, ——, de magistraat (:of officieren der convoyen:) van de stad of haven van ——, certificeeren en attesteeren dat op den —— dag van ——, in het yaar onzes heeren ———, C. D. van ——, in persoon voor ons is gecompareert, en onder solemneelen eede heekt verklaart, dat het schip of vaartuig genaamt ——, van ——, tonnen of daar omtrent, waar van ——, van ——, teegens woording schipper of bevelhelber is, geregtelyk en behoorlyk aan hem (:ef hun:) alleen is toebehoorende: Dat het zelve thans gedestineert is van de stad of haaven van ——, na de haaven van ——, gelaaden met goederen en koopmanscappen hier onder particulier gespecificeet in opgenvemt als volgt.

In getuigenis waar wan wy dit certificaat hebben onderteekent, en met het zeegel van ons officie bekragtigt deezen —— dag van ——, in het yaar onzes heeren Christi ——.)

Formulier van zee-brief.

Alder doorluchtigste, doorluchtigste, doorluchtigste, grootmachtigste, grootmagtige, hoogh ende wel geboorne, wel edele, erentfeste achtbaare, wyze, voorsienige heeren, keiseren, koningen, republiquen, princen, fursten, hertogen, graeven, baronnen, heeren, burgemeesteren, scheepenen, raden, mitsgaders rechteren, officieren, justicieren ende regenten, aller goede steeden en plaatsen, het zy geestelyke of waereldyke die deeze opene letteren zullen sien of te hooren leesen:

Doen wy burgemeesteren en regeerders der stad ——, te weeten, dat schipper ——, van ——, (:voor ons compareerende:) by solemneelen eede verklaert heeft, dat het schip

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den of about ——— lasts, which he at present navigates, is of the United Provinces, and that no subject of the enemy have any part or portion therein, directly nor indirectly; so may God Almighty help him: And, as we wish to see the said master prosper in his lawful affairs, our prayer is to all the before mentioned, and to each of them separately, where the said master shall arrive with his vessel and cargo, that they may please to receive the said master with goodness, and to treat him in a becoming manner, permitting him, upon the usual tolls and expenses, in passing and repassing, to pass, navigate, and frequent the ports, passes, and territories, to the end to transact his business, where, and in what manner he shall judge proper: whereof we shall be willingly indebted.

In witness, and for cause whereof, we affix hereto the seal of this city.

(In the margin.)

By ordinance of the high and mighty lords the states general of the United Netherlands.

ORIGINAL.

No. 2.—*Convention between the lords the states general of the United Netherlands and the United States of America, concerning vessels recaptured.*

Convention relative to prizes and recaptures.

The lords the states general of the United Netherlands, and the United States of America, being inclined to establish some uniform principles with relation to prizes made by vessels of war, and commissioned by the two contracting powers, upon their common enemies, and to vessels of the subjects of either party, captured by the enemy, and recaptured by vessels of war commissioned by either party, have agreed upon the following articles:

Recapturedvessels not having been 24 hours in possession of an enemy of either party to be restored, on payment of one

ART. 1. The vessels of either of the two nations recaptured by the privateers of the other, shall be restored to the first proprietor, if such vessels have not been four and twenty hours in the power of the enemy, provided the owner of the vessel recaptured, pay therefor one third of the value of the vessel, as also of that of the cargo, the cannons and apparel, which

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genoemd ——, groot omtrent —— lasten, 't welk hy althans voert in de geunieerde provincien t'huys behoord, en dat geen onderdanen van den vyand daer in direct of indirect eenigee portie of deel hebben, soo waarlyk moest hem God Almagtig helpen: Ende want wy den voorsz: schipper gaerne gevordert zagen, in syne rechtvaerdige zaaken, zoo is ons versoek allen voornoemt, ende yder in het bysonder daar den voornoemden schipper met zyn schip ende ingelaadene goederen komen zal, dat dezelve gelieven den voornoemden schipper goedelyken te ontfangen en behoorlyk te tracteeren, gedoogende hem op syne gewoonelyke tollen ende ongelden in het door erde voorby vaaren, havenen, stroomen en gebied te passeeren, vaaren en frequenteeren omme syne negotie te doen, daar en soo hy te raede vinden zal, het welk wy gaerne willen verschuldigen.

Des t'oirconde deeser steede zeegel ter oersaeke hier aan hangende den.

(In margine stont:)

Ter ordonnantie van de hoog ende mogende heeren staaten generaal der Vereenigde Nederlanden.

ORIGINEEL.

Conventie tusschen de heeren staten generaal der Vereenigde Nederlanden ende Vereenigde Staten van America, rakende de hernomen scheepen.

De heeren staten generaal der Vereenigde Nederlanden, en Vereenigde Staten van America, geneegen synde, eenige gelykvormige grond beginzelen vast te stellen, omtrent het opbrengen van prysen, door de oorlogscheepen en commissievaarders van wedersyds contracteerende parthyen, op derselver gemeene vyanden genomen, en omtrent de scheepen van elkanders onderdanen door den vyand genomen, en by de oorlogscheepen en commissievaarders van weedersyden hernomen, zyn met den anderen overeengekomen, omtrent de navolgende articulen.

Art. 1. De scheepen van eene der beide natien door kapers van den andere hernomen, zullen aan den eersten eigenaer wedergegeeven worden, indien die scheepen nog geen vier en twintig uuren in de magt van den vyand geweest zyn, mits door den eigenaer van het hernome schip daar voor betaald worde een derde van de waarde van het schip mitsgaders van

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third shall be valued by agreement, between the parties interested; or, if they cannot agree thereon among themselves to the officers of the admiralty, of the place where the privateer who has retaken the vessel shall have conducted her.

third salvage to the privateersmen.

Vessels recaptured more than 24 hours to be entire prizes to privateersmen.

ART. 2. If the vessel recaptured has been more than twenty-four hours in the power of the enemy, she shall belong entirely to the privateer who has retaken her.

Vessels of either party re-captured by public vessels of the other, to be restored on payment of a 30th part, if 24 hours in possession of an enemy, if longer, a tenth part.

ART. 3. In case a vessel shall have been recaptured by a vessel of war, belonging to the states general of the United Netherlands, or to the United States of America, she shall be restored to the first owner, he paying a thirtieth part of the value of the ship, her cargo, cannons, and apparel, if she has been recaptured in the interval of twentyfour hours, and the tenth part if she has been recaptured after the twenty-four hours; which sums shall be distributed in form of gratifications to the crews of the vessels which shall have retaken her. The valuation of the said thirtieth parts and tenth parts, shall be regulated according to the tenor of the first article of the present convention.

Restitution of re-captured vessels, to be made in a reasonable time on surety being given.

ART. 4. The restitution of prizes, whether they may have been retaken by vessels of war or by privateers, in the mean time and until requisite and sufficient proofs can be given of the property of vessels recaptured, shall be admitted in a reasonable time, under sufficient sureties for the observation of the aforesaid articles.

Vessels of war and privateers, to be admitted, with their prizes, into the ports of both nations, if not inconsistent with the 22d article of the treaty of commerce.

ART. 5. The vessels of war and privateers, of one and the other of the two nations, shall be reciprocally, both in Europe and in the other parts of the world, admitted in the respective ports of each, with their prizes, which may be unloaded and could according to the formalities used in the state where the prize shall have been conducted, as far as may be consistent with the twenty-second article of the treaty of commerce: provided always, that the legality of prizes by the vessels of the Low Countries, shall be decided conformably to the laws and regulations established in the United Netherlands; as likewise, that of prizes made by American vessels, shall be judged according to the laws and regulations determined by the United States of America.

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de lading, canons, en scheepstoerustingen, welk derde in der minne begroot zal worden door de geinteresseerde partyen: of andersints, en zoo zy desweegens niet over een konden komen zullen zy zich addresseeren aan de bedienden der admiraliteit van de plaats alwaar de kaper die het schip hernomen heeft, het zelve zal hebben opgebragt.

Art. 2. Indien het hernomen schip langer dan vier en twintig uuren in's vyands magt geweest is, zal het in't geheel aan den kaper, die het zelve hernomen heeft, toebehooren.

Art. 3. Ingevalle een schip zal hernomen geweest zyn door een oorlog schip of vaartuig, toebehoorende aan de staten generaal der Vereenigde Nederlanden of aan de Vereenigde Staten van America, zal het zelve aan den eersten eigenaer weder tegeeven worden, mits betalende een dertigste gedeelte van de waarde van het schip en deszelfs lading, canons en scheepstoerustingen, by aldien het binnen de vier en twintig uuren hernomen is, en het tiende gedeelte zoo het na de vier en twintig uuren hernomen is: welke sommen als een gratificatie verdeeld zullen worden onder de equipagien van de scheepen die het zelve hernomen zullen hebben. De begroting der bovengemelde dertigste, en tiende gedeeltens zal gereguleerd worden naar luid van het eerste articul der tegenswoordige conventie.

Art. 4. De restitutie der pryzen, het zy door oorlogscheepen of kapers hernomen, zal ondertusschen en tot dat behoorlyk en voldoende bewys van dat eigendom der hernomen scheepen geveeven kan werden, onder suffisante cautie wegens het nakomen der bovenstaande articulen, binnen een reedelyken tyt geadmitteert werden.

Art. 5. De oorlog-en kaper scheepen van de eene en de andere der beide natien zullen wederzyds, zoo in Europa als in de andere weereldsdeelen in elkanders respective havens toegelaten worden met hunne pryzen, welke aldaar zullen mogen ontladen en verkocht worden, naar de formaliteiten gebruikelyk in den staat, alwaar de prys zal weezen opgebracht, soo ver het bestaanbaar is met het 21ste articul van het tractaat van commercie, met dien verstande, dat de wettigheid der pryzen door Nederlandsche scheepen gemaakt zal beslist worden, naar luid der wetten en reglementen, te deezer zake in de Vereenigde Nederlanden, vast gestelt, gelyk ook die der pryzen door Americaansche scheepen gemaakt, zal beoordeelt worden volgens de wetten en reglementen by de Vereenigde Staten van America bepaald.

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Each nation may make regulations respecting captures by privateers, &c.

ART. 6. Moreover, it shall be free for the states general of the United Netherlands, as well as for the United States of America, to make such regulations as they shall judge necessary, relative to the conduct which their respective vessels and privateers ought to hold in relation to the vessels which they shall have taken and conducted into the ports of the two powers.

In faith of which, we, the deputies and plenipotentiaries of the lords the states general of the United Netherlands, and minister plenipotentiary of the United States of America, have, in virtue of our respective authorities and full powers, signed these presents, and confirmed the same with the seal of our arms.

Done at the Hague, the eighth October, 1782.

[L. S.] JOHN ADAMS.

NOTES. There were also, in addition to the preceding, several contracts entered into between the United States and the Netherlands, to wit:

1. The congress of the United States of America, by a contract which was ratified by that body, September 14, 1782, borrowed 5,000,000 of guilders, current money of the Netherlands, loaned to the United States, by certain individuals in Holland, through the negotiation of Messrs. Wilhelm and Jan Willink, Nicolaas and Jacob Van Staphorst, and De la Lande and Fynje, merchants, in Amsterdam. This loan was obtained at five per cent. by John Adams, and was irredeemable for ten years; after which it was to be repaid by installments of one fifth in each succeeding year, the interest lessening in proportion. Ready money, American produce, or good bills of exchange, were to be transmitted in repayment.

2. By a contract, ratified by Congress, February 1, 1785, there was borrowed for the United States, by John Adams, under the negotiation of the same merchants, 2,000,000 of guilders, at an interest of 4 per cent. redeemable in certain specified annual payments, commencing Feb. 1, 1801, and ending Feb. 1, 1807. The repayments were to be made in ready money, good bills of exchange, or American produce.

3. By a contract entered into by John Adams, and ratified by congress on the 11th of Oct. 1787, there was loaned to the U. States, in Holland, 1,000,000 of guilders, at five per cent. interest. which loan was negotiated by Wilhelm, and Jan Willink, and Nicolaas and Jacob Van Staphorst, and was made irredeemable for ten years, at the expiration of which it was to be discharged by annual instalments of one-fifth, commencing on the 1st of June, 1798, and ending June 1, 1802. The payments, as in similar instances, were to be made in ready money, bills of exchange, or American produce.

4. There was a fourth sum borrowed of sundry merchants of Amsterdam, amounting to 1,000,000 of guilders, at five per cent. It was also effected by John Adams, and negotiated through the same mercantile hands, was made irredeemable for ten years, was to be repaid in annual instalments of one-fifth, between June 1, 1799, and June 1, 1803, and was ratified by congress on the 2d day of July, 1788.

In this collection it has not been deemed essential to insert all these contracts at large, although they required the sanction of congress to make them binding; because, being negotiated with individuals, they cannot be regarded as entered into between two sovereign powers.

The good faith of the United States has been inviolably preserved in relation to the fulfillment of all these contracts.

It may also be proper, in this note, to state, that there were several contracts for the sale of Maryland and Virginia tobacco, between the U. States, and the United Company of Farmers General of *France*, the first of which was concluded at Nantes, on the 30th of January, 1777, between Robert Morris and John James Nicholas Guerton, director general of the king's farms; by which it was agreed that every cargo of tobacco, arriving in France from the United States, on their account, should be sold to that company, during the then war with Great Britain. Advances, on these contracts, were occasionally made by the Farmers General to the United States.

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ART. 6. Voor het overige zal het aan de staten generaal der Vereenigde Nederlanden, als meede aan de Vereenigde Staten van America vry staan, zodanige reglementen te maken als zy zullen oordeelen te behooren; met betrekking tot het gedrag't geen hunne scheepen en kapers weedersyds verpligt zullen weezen te houden, ten opzigt der scheepen die zy genomen, en opgebragt zullen hebben in de havens der beide mogendheeden.

Ten oirkonde deeses, hebben wy gedeputeerden en plenipotentiarissen van de heeren staten generaal der Vereenigde Nederlanden, en minister plenipotentiaris der Vereenigde Staten van America, uit kragt van onse respective authorisatie en pleinpouvoir, deeze onderteekent, en met onze gewoone cachetten bekragtigt.

In den Hage, den 8ste October, 1782.

[L. S.] GEORGE VAN RANDWYCK.
[L. S.] B. V. D. SANTHEUVEL,
[L. S.] P. V. BLEISWYK,
[L. S.] W. C. H. VAN LYNDEN.
[L. S.] D. J. VAN HEECKEREN,
[L. S.] JOAN VAN KUFFELER,
[L. S.] F. G. VAN DEDEM,
tot ten Gelder.
[L. S.] H. TJASSENS.

TREATIES WITH SWEDEN.

TRANSLATION.

No. 1.—*A treaty of amity and commerce, concluded between his majesty the king of Sweden, and the United States of North America.*

The king of Sweden, of the Goths and Vandals, &c. &c. &c. and the thirteen United States of North America, to wit: New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the counties of Newcastle, Kent and Sussex, on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, desiring to establish, in a stable and permanent manner, the rules which ought to be observed relative to the correspondence and commerce which the two parties have judged necessary to establish between their respective countries, states, and subjects; his majesty and the United States have thought that they could not better accomplish that end, than by taking for a basis of their arrangements the mutual interest and advantage of both nations, thereby avoiding all those burdensome preferences, which are usually sources of debate, embarrassment and discontent, and by leaving each party at liberty to make, respecting navigation and commerce, those interior regulations which shall be most convenient to itself.

Treaty establishing the rules of correspondence and commerce between the U. States & Sweden.

With his view, his majesty the king of Sweden has nominated and appointed for his plenipotentiary count Gustavus Philip de Creutz, his ambassadore extraordinary to his most christian majesty, and knight commander of his orders; and the United States, on their part, have fully empowered Benjamin Franklin, their minister plenipotentiary to his most christian majesty: the said plenipotentiaries, after exchanging their full powers, and after mature deliberation in consequence thereof, have agreed upon, concluded, and signed the following articles:

Firm and inviolable peace and friendship.

Art. 1. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the king of Sweden, his heirs and successors, and the United States of America, and the subjects of his majesty, and those of the said states, and between the countries, islands, cities, and towns, situated under the jurisdiction of the king and of the said United States, without any exception of persons or places; and the conditions agreed to in this present treaty, shall be perpetual

ORIGINAL.

Traité d' Amitié et de Commerce, conclu entre sa majesté le roi de Suede et les Etats Unis de l'Amérique Septentrionale.

Le roi de Suede, des Goths, et des Vandales, &c. &c. &c. et les treize Etats Unis de l'Amérique Septentrionale, sçavoir: New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pensylvanie, les comtés de Newcastle, de Kent, et de Sussex, sur la Delaware, Maryland, Virginie, Caroline Septentrionale, Caroline Méridionale, et Georgie, desirant d'établir d'une manière stable et permanente les regles qui doivent être suivies relativement à la correspondance et au commerce que les deux parties ont jugé nécessaire de fixer entre leurs pays, états et sujets respectifs, sa majesté et les Etats Unis ont cru ne pouvoir mieux remplir ce but qu'en posant pour base de leurs arrangemens, l'utilité et l'avantage réciproques des deux nations, en évitant toutes les préferences onereuses qui sont ordinairement une source de discussions, d'embarras et de mécontentements; et en laissant à chaque partie la liberté de faire au sujet du commerce et de la navigation, les réglemens interieurs qui seront à sa convenance.

Dans cette vue sa majesté le roi de Suede a nommé et constitué pour son plénipotentiaire le comte Gustave Phillipe de Creutz, son ambassadeur extraordinaire près sa majesté tres chrétienne et chevalier commandeur de ses ordres; et les Etats Unis ont de leur côté pourvû de leurs pleinpouvoirs le sieur Benjamin Franklin, leur ministre plénipotentiaire près sa majesté très chrétienne; les quels plénipotentiaires après avoir échangé leurs pleinpouvoirs et en conséquence d'une mûre déliberation ont arrêté, conclu, et signé les articles suivants:

Art. 1. Il y aura une paix ferme, inviolable et universelle, et une amitié vraie et sincere entre le roi de Suede, ses héritiers et successeurs, et entre les Etats Unis de l'Amérique, ainsi qu'entre les sujets de sa majesté et ceux des dits états, comme aussi entre les pays, isles, villes et places, situées sous la jurisdiction du roi, et des dits Etats Unis, sans exception aucune de personnes et de lieux; les conditions stipulées

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and permanent between the king, his heirs and successors, and the said United States.

Neither party to grant favors in commerce, &c. to other nations that shall not become common to the other party.

ART. 2. The king and the United States engage mutually, not to grant hereafter any particular favor to other nations in respect to commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favor freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

Subjects of Sweden not to pay no higher duties in the U. States, than the most favored nations.

ART. 3. The subjects of the king of Sweden shall not pay in the ports, havens, roads countries, islands, cities, and towns, of the United States, or in either of them, any other nor greater duties or imposts, of what nature soever they may be, than those which the most favored nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, which the said nations do or shall enjoy, whether in passing from one port to another of the United States, or in going to or from the same, from or to any part of the world whatever.

Citizens of the U. States not to pay higher duties in the ports of Sweden than the most favored nations.

ART. 4. The subjects and inhabitants of the said United States shall not pay in the ports, havens, roads, islands, cities, and towns, under the dominion of the king of Sweden, any other or greater duties or imposts of what nature soever they may be, or by what name soever called, than those which the most favored nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, which the said nations do or shall enjoy, whether in passing from one port to another of the dominion of his said majesty, or in going to or from the same, from or to any part of the world whatever.

Liberty of conscience and of burial secured.

ART. 5. There shall be granted a full perfect, and entire liberty of conscience to the inhabitants and subjects of each party, and no person shall be molested on account of his worship; provided he submits so far as regards the public demonstration of it to the laws of the country. Moreover, liberty shall be granted, when any of the subjects or inhabitants of either party die in the territory of the other, to bury them in convenient and decent places, which shall be assigned for the purpose; and the two contracting parties will provide each in its jurisdiction, that the subjects and inhabitants respectively may obtain certificates of the death, in case the delivery of them is required.

Citizens of both may dispose of their effects by will or other-

ART. 6. The subjects of the contracting parties in the respective states, may freely dispose of their goods and effects, either by testament, donation, or otherwise, in favor of such

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dans le présent traité devant être perpetuelles et permanentes entre le roi, ses héritiers et successeurs et les dits Etats Unis.

Art. 2. Le roi et les Etats Unis s'engagent mutuellement à n'accorder par la suite aucune faveur particulière en fait de commerce et de navigation à d'autres nations, qui ne devienne aussitôt commune à l'autre partie; et celle-ci jouira de cette faveur gratuitement si la concession est gratuite; ou en accordant la même compensation si la concession est conditionelle.

Art. 3. Les sujets du roi de Suede ne payeront dans les ports, havres, rades, contrées, isles, villes et places des Etats Unis, ou dans aucun d'iceux, d'autres ni de plus grands droits et impôts de quelque nature qu'ils puissent être que ceux que les nations les plus favorisées sont ou seront tenues de payer; et ils jouiront de tous les droits, libertés, privilèges, immunités et exemptions en fait de négoce, navigation et de commerce dont jouissent ou jouiront les dites nations, soit en passant d'un port à l'autre des dits états soit en y allant ou en revenant de quelque partie ou pour quelque partie du monde que ce soit.

Art. 4. Les sujets et habitants des dits Etats Unis ne payeront dans les ports, havres, rades, isles, villes et places de la domination du roi de Suede, d'autres ni de plus grands droits ou impôts, de quelque nature qu'ils puissent être et quelque nom qu'ils puissent avoir, que ceux que les nations les plus favorisées sont ou seront tenues de payer; et ils jouiront de tous les droits, libertés, priviléges, immunités, et exemptions en fait de négoce, navigation et commerce dont jouissent ou jouiront les dites nations, soit en passant d'un port à un autre de la domination de sa dite majesté, soit en y allant ou en revenant de quelque partie du monde ou pour quelque partie du monde que ce soit.

Art. 5. Il sera accordé une pleine, parfaite et entière liberté de conscience aux habitants et sujets de chaque partie, et personne ne sera molesté à l'égard de son culte, moyennant qu'il de soumette, quant à la demonstration publique, aux loix du pays. De plus on permettra aux habitans et sujets de chaque partie, qui décédent dans le territoire de l'autre partie, d'être enterrés dans les endroits convenables et décents qui seront assignés à cet effet, et les deux puissances contractantes pourvoiront chacune dans sa jurisdiction, à ce que les sujets et habitants respectifs puissent obtenir les certificats de mort en cas qu'il soit requis de les livrer.

Art. 6. Les sujets des parties contractantes pourront dans les états respectifs disposer librement de leurs fonds et biens, soit par testament, donation ou autrement, en faveur de telles

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persons as they think proper; and their heirs, in whatever place they shall reside, shall receive the succession even *ab intestato*, either in person or by their attorney, without having occasion to take out letters of naturalization. These inheritances, as well as the capitals and effects, which the subjects of the two parties, in changing their dwelling, shall be desirous of removing from the place of their abode shall be exempted from all duty called "*droit de détraction*," on the part of the government of the two states respectively. But it is at the same time agreed, that nothing contained in this article shall in any manner derogate from the ordinances published in Sweden against emigrations, or which may hereafter be published, which shall remain in full force and vigor. The United States on their part, or any of them, shall be at liberty to make respecting this matter, such laws as they think proper.

wise, in the territories of the other.

Free trade allowed to the ports of an enemy.

ART. 7. All and every the subjects and inhabitants of the kingdom of Sweden, as well as those of the United States, shall be permitted to navigate with their vessels in all safety and freedom, and without any regard to those to whom the merchandises and cargoes may belong, from any port whatever; and the subjects and inhabitants of the two states shall likewise be permitted to sail and trade with their vessels, and with the same liberty and safety to frequent the places, ports, and havens, of powers, enemies to both or either of the contracting parties, without being in any wise molested or troubled, and to carry on a commerce not only directly from the ports of an enemy to a neutral port, but even from one port of an enemy to another port of an enemy, whether it be under the jurisdiction of the same or of different princes. And as it is acknowledged by this treaty, with respect to ships and merchandises, that free ships shall make merchandise free, and that every thing which shall be on board of ships belonging to subjects of the one or the other of the contracting parties, shall be considered as free, even though the cargo or a part of it should belong to the enemies of one or both; it is nevertheless provided, that contraband goods shall always be excepted; which being intercepted, shall be proceeded against according to the spirit of the following articles. It is likewise agreed, that the same liberty be extended to persons who may be on board a free ship, with this effect, that although they be enemies to both or either of the parties, they shall not be taken out of the free ship, unless they are soldiers in the actual service of the said enemies.

Free ships to make free goods

All persons, except soldiers, in the service of an enemy, to be unmolested in free vessels.

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personnes que bon leur semblera et leurs héritiers dans quelque endroit où ils demeureront, pourront recevoir ces successions, même *ab intestato*, soit en personne, soit par un procureur, sans qu'ils aient besoin d'obtenir des lettres de naturalisation. Ces héritages, aussi bien que les capitaux et fonds que les sujets des deux parties, en changeant de demeure, voudront faire sortir de l'endroit de leur domicile, seront exemts de tout droit de détraction, de la part du gouvernement des deux états respectifs. Mais il est convenu en même tems, que le contenu de cet article ne dérogera en aucune manière aux ordonnances promulguées en Suede contre les emigrations, ou qui pourront par la suite être promulguées, les quelles demeureront dans toute leur force et vigueur. Les Etats Unis de leur côté, ou aucun d'entre eux, seront libres de statuer sur cette matière telle loi qu'ils jugeront à propos.

Art. 7. Il sera permis a tous et un chacun des sujets et habitans du royaume de Suede, ainsi qu'à ceux des Etats Unis; de naviguer avec leurs bâtimens en toute sureté et liberté, et sans distinction de ceux à qui les marchandises et leurs chargemens appartiendront, de quelque port que ce soit. Il sera permis également aux sujets et habitans des deux états de navigeur et de négocier avec leurs vaisseaux et marchandises, et de frequenter avec la même liberté et surete, les places, ports et havres des puissances ennemies des deux parties contractantes, ou de l'une d'elles, sans être aucunement inquiétés ni troublés, et de faire le commerce non seulement directement des ports de l'ennemi à un port neutre, mais encore d'un port ennemi à un autre port ennemi; soit qu'il se trouve sous la jurisdiction d'un même ou de différents princes. Et comme il est reçu par le présent traité par rapport aux navires et aux marchandises, que les vaisseaux libres rendront les marchandises libres, et que l'on regardera comme libre tout ce qui sera à bord des navires appartenants aux sujets d'une ou de l'autre des parties contractantes, quand même le chargement, ou partie d'ice lui appartiendroit aux ennemis de l'une des deux; bien entendu néanmoins que les marchandises de contreband seront toujours exceptées; les quelles étant interceptées, il sera procédé conformement à l'esprit des articles suivants. Il est également convenu que cette même liberté s'étendra aux personnes qui naviguent sur un vaisseau libre; de manière que quoi qu'elles soient ennemies des deux parties ou de l'une d'elles, elles ne seront point tirées du vaisseau libre, si ce n'est que ce fussent des gens de guerre actuellement au service des dits ennemis.

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Free trade in all kinds of merchandise except contraband.

ART. 8. This liberty of navigation and commerce shall extend to all kinds of merchandises, except those only which are expressed in the following article, and are distinguished by the name of contraband goods:

Contraband specified.

ART. 9. Under the name of contraband or prohibited goods, shall be comprehended arms, great guns, cannon balls, arquebuses, muskets, mortars, bombs, petards, granadoes, saucisses, pitch balls, carriages for ordnance, musket rests, bandoliers, cannon powder, matches, salt-petre, sulphur, bullets, pikes, sabres, swords, morions, helmets, cuirasses, halberds, javelins, pistols and their holsters, belts, bayonets, horses with their harness, and all other like kinds of arms and instruments of war for the use of troops.

Discrimination with respect to goods not contraband.

ART. 10. These which follow shall not be reckoned in the number of prohibited goods; that is to say: all sorts of cloths, and all other manufactures of wool, flax, silk, cotton, or any other materials, all kinds of wearing apparel, together with the things of which they are commonly made, gold, silver coined or uncoined, brass, iron, lead, copper, latten, coals, wheat barley, and all sorts of corn or pulse, tobacco, all kinds of spices, salted and smoked flesh, salted fish, cheese, butter, beer, oil, wines, sugar, all sorts of salt and provisions which serve for the nourishment and sustenance of man, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail-cloth, anchors, and any parts of anchors, ship-masts, planks, boards, beams, and all sorts of trees and other things proper for building or repairing ships; nor shall any goods be considered as contraband, which have not been worked into the form of any instrument or thing for the purpose of war by land or by sea, much less such as have been prepared or wrought up for any other use: all which shall be reckoned free goods, as likewise all others which are not comprehended and particularly mentioned in the foregoing article; so that they shall not by any pretended interpretation be comprehended among prohibited or contraband goods; on the contrary, they may be freely transported by the subjects of the king and of the United States, even to places belonging to an enemy, such places only excepted as are besieged, blocked, or invested; and those places only shall be considered as such, which are nearly surrounded by one of the belligerent powers.

Definition of actual blockade.

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ART. 8. Cette liberté de navigation et de commerce s'étendra à toutes sortes de marchandises, à la reserve seulement de celles qui sont exprimées dans l'article suivant et designées sous le nom de marchandises de contrebande.

ART. 9. On comprendra sous ce nom de marchandises de contrebande ou défendues, les armes, canons, boulets, arquebuses, mousquets, mortiers, bombes, petards, grenades, saucisses, cercles poissés, affûts, fourchettes, bandoulières, poudre à canon, méches, salpetre, souffre, balles, piques, sabres, epées, morions, casques, cuirasses, halbardes, javelines, pistolets et leurs fourreaux, baudriers, bayonettes, chevaux avec leurs harnois, et touts autres semblables genres d'armes et d'instruments de guerre servant à l'usage des troupes.

ART. 10. On ne mettra point au nombre des marchandises défendues celles qui suivent, sçavoir, toutes sortes draps, et tous autres ouvrages de manufactures de laine, de lin, de soye, de coton et de toute autre matière, tout genre d'habillement avec les choses qui servent ordinairement à les faire; or, argent monnoyé ou non monnoyé, etain, fer, plomb, cuivre, laiton, charbon à fourneau, bled, orge, et toute autre sorte de grains et de légumes, la nicotiane, vulgairement appellée tabac, toutes sortes d'aromates, chaires salées et fumées, poissons salés, fromage et beurre, bierre, huile, vins, sucres, toutes sortes de sels et de provisions servant à la nourriture et à la subsistance des hommes; tous genres de coton, chanvre, lin, poix, tant liquide que séche, cordages, cables, voiles, toiles, propres à faire des voiles, anchres et parties d'ancres quelles qu'elles puissent être, mats de navire, planches, madriers, poutres et toute sorte d'arbres, et toutes autres choses nécessaires pour construire ou pour radouber les vaisseaux. On ne regardera passon plus comme marchandises de contrebande, celles qui n'auront pas pris la forme de quelque instrument ou attirail, servant à l'usage de la guerre sur terre ou sur mer; encore moins celles qui sont préparées on travaillées pour tout autre usage. Toutes ces choses seront censées marchandises libres, de même que toutes celles qui ne sont point comprises et spécialement designées dans l'article précédent, de sorte qu'elles ne pourront sous aucune interprétation pretendue d'icelles, être comprises sous les effets prohibées, ou de contrebande; au contraire elles pourront être librement transportées par les sujets du roi et des Etats Uuis, même dans les lieux ennemis, excépte seulement dans les places assiegées, bloquées ou investies: et pour telles, seront tenues uniquement

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In case of war with a third power, ships & vessels to be furnished with sea letters and certificates.

ART. 11. In order to avoid and prevent on both sides all disputes and discord, it is agreed, that in case one of the parties shall be engaged in a war, the ships and vessels belonging to the subjects or inhabitants of the other shall be furnished with sealetters or passports, expressing the name, property, and port of the vessel, and also the name and place of abode of the master or commander of the said vessel, in order that it may thereby appear that the said vessel really and truly belongs to the subjects of the one or the other party. These passports, which shall be drawn up in good and due form, shall be renewed every time the vessel returns home in the course of the year. It is also agreed, that the said vessels when loaded shall be provided not only with sealetters, but also with certificates containing a particular account of the cargo, the place from which the vessel sailed, and that of her destination, in order that it may be known whether they carry any of the prohibited or contraband merchandises mentioned in the 9th article of the present treaty; which certificates shall be made out by the officers of the place from which the vessel shall depart.

Merchant vessels compelled to exhibit sealetters, &c.

Vessels not having contraband goods may pass.

And when under convoy the word of the commander to be sufficient.

ART. 12. Although the vessels of the one and of the other party may navigate freely and with all safety, as is explained in the 7th article, they shall nevertheless be bound at all times when required, to exhibit as well on the high sea as in port, their passports and certificates above mentioned. And not having contraband merchandise on board for an enemy's port, they may freely and without hindrance pursue their voyage to the place of their destination. Nevertheless, the exhibition of papers shall not be demanded of merchant ships under the convoy of vessels of war, but credit shall be given to the word of the officer commanding the convoy.

In case of contraband hatches not to be broken at sea, but in port only.

ART. 13. If on producing the said certificates, it be discovered that the vessel carries some of the goods which are declared to be prohibited or contraband, and which are consigned to an enemy's port, it shall not however be lawful to break up the hatches of such ships, nor to open any chest, coffers, packs, casks, or vessels, nor to remove or displace the smallest part of the merchandises, until the cargo has been landed in the presence of officers appointed for the purpose, and until an inventory thereof has been taken; nor shall it be

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les places entourées de près par quelqu'une des puissances belligérantes.

Art. 11. Afin d'écarter et de prévenir de part et d'autre toutes sortes de discussions et de discorde, il a été convenu que dans le cas où l'une des deux parties se trouveroit engagée dans une guerre, les vaisseaux et bâtimens appartenants aux sujets ou habitans de l'autre devront être munis de lettres de mer ou passeports, exprimant le nom, la propriété et le port du navire, ainsi que le nom et la demeure du maître ou commandant du dit vaisseau afin qu'il apparoisse par là, que le dit vaisseau appartient réellement et véritablement aux sujets de l'une ou de l'autre partie. Ces passeports qui seront dressés et expédiés en due et bonne forme, devront également être renouvellés toutes les fois que le vaisseau revient chez lui dans le cours de l'an. Il est encore convenu que ces dits vaisseaux chargés devront être pourvûs non seulement de lettres de mer, mais aussi de certificats contenant les détails de la cargaison, le lieu d'où le vaisseau est parti et celui de sa destination, afin que l'on puisse connoitre s'ils ne portent aucune des marchandises défendues ou de contrebande specifiées dans l'article 9 du présent traité, lesquels certificats seront également expediés par les officiers du lieu d'où le vaisseau sortira.

Art. 12. Quoique les vaisseaux de l'une et de l'autre partie pourront naviguer librement et avec toute sureté comme il est expliqué à l'article 7, ils seront néanmoins tenus toutes les fois qu'on l'exigera, d'exhiber tant en pleine mer que dans les ports, leurs passeports et certificats ci-dessus mentionnés. Et n'ayant pas chargé des marchandises de contrebande pour un port ennemi, ils pourront librement et sans empêchement poursuivre leur voyage vers le lieu de leur destination. Cependant on n'aura point le droit de demander l'exhibition des papiers aux navires marchands convoyés par des vaisseaux de guerre; mais on ajoutera foi à la parole de l'officier commandant le convoi.

Art. 13. Si en produisant les dits certificats il fut découvert que le navire porte quelques une de ces effets qui sont declarés prohibés ou de contrebande, et qui sont consignés pour un port ennemi, il ne sera cependant pas permis de rompre les écoutilles des dits navires, ni d'ouvrir aucune caisse, coffre, malle, ballot et tonneau, ou d'en déplacer, ni d'en détourner la moindre partie des marchandises, jusqu'à ce que la cargaison ait été mise à terre en présence des officiers préposés à cet éffet, et que l'inventaire en ait été fait. Encore ne sera-

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lawful to sell, exchange, or alienate the cargo or any part thereof, until legal process shall have been had against the prohibited merchandises, and sentence shall have passed declaring them liable to confiscation, saving nevertheless as well the ships themselves as the other merchandises which shall have been found therein, which, by virtue of this present treaty, are to be esteemed free, and which are not to be detained on pretence of their having been loaded with prohibited merchandise, and much less confiscated as lawful prize. And in case the contraband merchandise be only a part of the cargo, and the master of the vessel agrees, consents, and offers to deliver them to the vessel that has discovered them, in that case the latter, after receiving the merchandises which are good prize, shall immediately let the vessel go, and shall not by any means hinder her from pursuing her voyage to the place of her destination. When a vessel is taken and brought into any of the ports of the contracting parties, if upon examination she be found to be loaded only with merchandises declared to be free, the owner or he who has made the prize, shall be bound to pay all costs and damages to the master of the vessel unjustly detained.

Neither the ship nor the free goods to be affected thereby.

On delivery of contraband by the master, the vessel may pursue her voyage.

Captors ought to be condemned in costs when no contraband is found.

Goods found in an enemy's ship liable to be confiscated, unless put onboard before the declaration of war, or within 6 months afterwards.

ART. 14. It is likewise agreed, that whatever shall be found to be laden by the subjects of either of the two contracting parties, on a ship belonging to the enemies of the other party, the whole effects, although not of the number of those declared contraband, shall be confiscated as if they belonged to the enemy, excepting nevertheless such goods and merchandises as were put on board before the declaration of war, and even six months after the declaration, after which term none shall be presumed to be ignorant of it; which merchandises shall not in any manner be subject to confiscation, but shall be faithfully and specifically delivered to the owners, who shall claim or cause them to be claimed before confiscation and sale, as also their proceeds, if the claim be made within eight months, and could not be made sooner after the sale, which is to be public: provided nevertheless, that if the said merchandises be contraband, it shall not be in any wise lawful to carry them afterwards to a port belonging to the enemy.

Commanders of public & private armed vessels, to be answerable in their per-

ART. 15. And that more effectual care may be taken for the security of the two contracting parties, that they suffer no prejudice by the men of war of the other party, or by privateers, all captains and commanders, of ships of his Swedish

t-il pas permis de vendre, échanger ou aliéner la cargaison ou quelque partie d'icelle, avant qu'on aura procédé légalement au sujet des marchandises prohibées et qu'elles auront été declarées confiscables par sentence; à la reserve néanmoins, tant des navires même que des autres marchandises qui y auront été trouvées et qui en vertu du présent traité doivent être censées libres; lesquelles ne peuvent être retenues sous prétexte qu'elles ont été chargées avec des marchandises défendues, et encore moins être confisquées comme une prise légitime. Et supposé que les dites marchandises de contrebande, ne faisant qu'une partie de la charge, le patron du navire agréat, consentit et offrit de les livrer au vaisseau qui les aura découvertes; en ce cas, celui-cy, après avoir reçu les marchandises, de bonne prise, sera tenu de laisser aller aussitôt le bâtiment, et en l'empêchera en aucune manière de poursuivre sa route vers le lieu de sa destination. Tout navire pris et amené dans un des ports des parties contractantes, sous prétexte de contrebande, qui se trouve par la visite faite n'être chargé que de marchandises declarées libres, l'armateur ou celui qui aura fait la prise, sera tenu de payer tous les frais et dommages au patron du navire retenu injustement. 1783. April 3.

Art. 14. On est également convenu que tout ce qui se trouvéra chargé par les sujets d'une des deux parties dans un vaisseau appartenant aux ennemis de l'autre partie, sera confisqué en entier, quoique ces effets ne soient pas au nombre de ceux déclarés de contrebande, comme si ces effets appartenoient à l'ennemi même; à l'exception néanmoins des effets et marchandises qui auront été chargées sur des vaisseaux ennemis avant la déclaration de guerre, et même six mois après le déclaration, àpres lequel terme, l'on ne sera pas censé d'avoir pû l'ignorer; les quelles marchandises ne seront en aucune manière sujettes à confiscation, mais seront rendues en nature fidèlement aux propriétaires qui les réclameront ou feront réclamer avant la confiscation et vente; comme aussi leur provenu, si la réclamation ne pouvoit se faire que dans l'intervalle de huit mois après la vente, laquelle doit être publique; bien entendu néanmoins, que si les dites marchandises sont de contrebande, il ne sera nullement permis de les transporter ensuite à aucun port appartenant aux ennemis.

Art. 15. Et afin de pourvoir plus efficacement à la sureté des deux parties contractantes, pour qu'il ne leur soit fait aucun préjudice par les vaisseaux de guerre de l'autre partie ou par des armateurs particuliers, il sera fait défense à tous les cap-

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majesty, and of the United States, and all their subjects, shall be forbidden to do any injury or damage to those of the other party, and if they act to the contrary, having been found guilty on examination by their proper judges, they shall be bound to make satisfaction for all damages and the interest thereof, and to make them good under pain and obligation of their persons and goods.

sons and goods, for injuries done on either side.

Every person fitting out a privateer, before he receives a commission, to give bond to answer all damages.

ART. 16. For this cause, every individual who is desirous of fitting out a privateer, shall, before he receives letters patent, or special commission, be obliged to give bond with sufficient sureties, before a competent judge, for a sufficient sum, to answer all damages and wrongs which the owner of the privateer, his officers or others in his employ, may commit during the cruise, contrary to the tenor of this treaty, and contrary to the edicts published by either party, whether by the king of Sweden or by the United States, in virtue of this same treaty, and also under the penalty of having the said letters patent and special commission revoked and made void.

Vessels, &c. of one of the parties, being neutral, recaptured by the other, to be restored on proof.

ART. 17. One of the contracting parties being at war and the other remaining neuter, if it should happen that a merchant ship of the neutral power be taken by the enemy of the other party, and be afterwards retaken by a ship of war or privateer of the power at war, also ships and merchandises of what nature soever they may be, when recovered from a pirate or sea rover, shall be brought into a port of one of the two powers, and shall be committed to the custody of the officers of the said port, that they may be restored entire to the true proprietor as soon as he shall have produced full proof of the property. Merchants, masters, and owners of ships, seamen, people of all sorts, ships and vessels, and in general, all merchandises and effects of one of the allies or their subjects, shall not be subject to any embargo, nor detained in any of the countries, territories, islands, cities, towns, ports, rivers, or domains whatever, of the other ally, on account of any military expedition, or any public or private purpose whatever, by seizure, by force, or by any such manner; much less shall it be lawful for the subjects of one of the parties to seize or take any thing by force, from the subjects of the other party, without the consent of the owner. This, however, is not to be understood to comprehend seizures, detentions, and arrests, made by order and by the authority of justice, and according to the ordinary course for debts or faults of the subject, for which process shall be had in the way of right according to the forms of justice.

Persons & property not to be detained by force, on either side, any pretext, &c.

This restriction not to extend to arrests, &c. made in furtherance of justice.

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itaines et commandants de vaisseaux de sa majesté Suedoise et des Etats Unis, et tous leurs sujets, de faire aucun dommage ou insulte à ceux de l'autre partie; et au cas où ils y contreviennent, ayant été trouvés coupables, après l'examen fait par leurs propres juges, ils seront tenus de donner satisfaction de tout dommage et interêt; et de les bonifier sous peine et obligation de leurs personnes et biens.

Art. 16. Pour cette cause chaque particulier, voulant armer en course sera obligé, avant que de recevoir les patentes ou ses commissions spéciales, de donner par devant un juge compétent, caution de personnes solvables, chacun solidairement pour une somme suffisante, afin de repondre de tous les dommages et torts que l'armateur, ses officiers, ou autres étant à son service pourroient faire en leurs courses, contre la teneur du présent traité et contre les édits faits de part et d'autre en vertu du même traité par le roi de Suede et par les Etats Unis même sous peine de révocation et cassation des dites patentes et commissions spéciales.

Art. 17. Une des parties contractantes étant en guerre, et l'autre restant neutre, s'il arrivoit qu'un navire marchand de la puissance neutre fut pris par l'ennemi de l'autre partie, et repris ensuite par un vaisseau ou par un armateur de la puissance en guerre; de même que les navires et marchandises de quelle nature qu'elles puissent être lors qu'elles auront été enlevées des mains de quelque pirate ou ecumeur de mer, elles seront emmenées dans quelque port de l'un des deux états, et seront remises a la garde des officiers du dit port, afin d'être rendues en entier à leur veritable propriétaire, aussitôt qu'il aura produit des preuves suffisantes de la propriété. Les marchands, patrons, et propriétaires des navires, matelots, gens de toute sorte, vaisseaux et bâtimens et en général aucunes marchandises ni aucuns effets de chacun des alliés ou de leurs sujets, ne pourront être assujetis à aucun embargo, ni retenus dans aucun des pays, territoires, isles, villes, places, ports, rivages ou domaines quelconques de l'autre allié, pour quelque expedition militaire, usage public ou particulier de qui que ce soit, par saisie, par force, ou de quelque manière semblable. D'autant moins sera-t-il permis aux sujets de chacune des parties de prendre, ou enlever par force, quelque chose aux sujets de l'autre partie, sans le consentement du propriétaire; ce qui néanmoins, ne doit pas s'entendre des saisies, detentions et arrêts qui se feront par ordre et autorité de la justice et selon les voyes ordinaires pour dettes ou delits, au sujet desquels il devra être procédé par voye de droit selon les formes de justice.

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ART. 18. If it should happen that the two contracting parties should be engaged in a war at the same time with a common enemy, the following points shall be observed on both sides:

Regulations respecting recaptures, &c.

Vessels of either party retaken by the other, and not having been more than 24 hours in the possession of an enemy, to be restored on certain conditions.

1. If the ships of one of the two nations, retaken by the privateers of the other, have not been in the power of the enemy more than twenty-four hours, they shall be restored to the original owner, on payment of one third of the value of the ship and cargo. If, on the contrary, the vessel retaken has been more than twenty-four hours in the power of the enemy, it shall belong wholly to him who has retaken it.

Vessels of either party, retaken by men of war, from an enemy, not having had possession 24 hours, to be restored on certain conditions.

2. In case, during the interval of twenty-four hours, a vessel be retaken by a man of war of either of the two parties, it shall be restored to the original owner, on payment of a thirtieth part of the value of the vessel and cargo, and a tenth part if it has been retaken after the twenty-four hours, which sums shall be distributed as a gratification among the crew of the men of war that shall have made the recapture.

Recaptures to be restored on proof and security.

3. The prizes made in manner abovementioned, shall be restored to the owners, after proof made of the property, upon giving security for the part coming to him who has recovered the vessel from the hands of the enemy.

The legality of prizes on each side, to be determined in the ports of the other, according to the laws of the respective countries.

4. The men of war and privateers of the two nations shall reciprocally be admitted with their prizes into each other's ports; but the prizes shall not be unloaded or sold there until the legality of a prize made by Swedish ships shall have been determined according to the laws and regulations established in Sweden, as also that of the prizes made by American vessels shall have been determined according to the laws and regulations established by the United States of America.

Each party may make necessary regulations for men of war, &c. with respect to prizes carried into the ports of the other.

5. Moreover, the king of Sweden and the United States of America shall be at liberty to make such regulations as they shall judge necessary respecting the conduct which their men of war and privateers respectively shall be bound to observe, with regard to vessels which they shall take and carry into the ports of the two powers.

The armed vessels of either party, allowed to enter and freely depart the ports of the other, with their prizes.

ART. 19. The ships of war of his Swedish majesty and those of the United States, and also those which their subjects shall have armed for war, may, with all freedom, conduct the prizes which they shall have made from their enemies into the ports which are open in time of war to other friendly nations; and the said prizes, upon entering the said ports, shall not be subject to arrest or seizure, nor shall the officers of the places take cognizance of the validity of the said prizes, which

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ART. 18. S'il arrivoit que les deux parties contractantes fussent en même tems en guerre contre un ennemi commun, on observera de part et d'autre les points suivants:

1. Si les bâtimens de l'une des deux nations repris par les armateurs de l'autre n'ont pas été au pouvoir de l'ennemi, au delà de vingt-quatre heures, ils seront restitués au premier propriétaire, moyennant le payement du tiers de la valeur du bâtiment et de celle de la cargaison. Si, au contraire, le vaisseau repris a été plus de vingt quatre heures au pouvoir de l'ennemi, il appartiendra en entier à celui qui l'aura repris.

2. Dans les cas que dans l'intervalle de vingt-quatre heures un navire est repris par un vaissean de guerre de l'une des deux parties, il sera rendu au premier propriétaire, moyennant qu'il paye un trentieme de la valeur du navire, et de sa cargaison, et le dixième, s'il a été repris après les vingt-quarte heures, les quelles sommes seront distribuées en guise de gratification aux équipages des vaisseaux qui l'auront repris.

3. Les prises faites de la manière susdite seront restituées aux propriétaires, après les preuves faites de la propriété, en donnant caution pour la part qui en revient à celui qui a tiré le navire des mains de l'ennemi.

4. Les vaisseaux de guerre et armateurs des deux nations seront reciproquement admis avec leurs prises, dans les ports respectifs de chacune, mais ces prises ne pourront y être déchargées ni vendues qu'après que la legitimité de la prise faite par des bâtimens Suedois aura été decidée selon les loix et réglemens établis en Suede; tout comme celle des prises faites par des bâtimens Américains, sera jugée selon les loix et réglemens determinés par les Etats Unis de l'Amérique.

5. Au surplus il sera libre au roi de Suede, ainsi qu'aux Etats Unis de l' Amérique de faire tels réglemens qu'ils jugeront necessaires relativement à la conduite que devront tenir leurs vaisseaux et armateurs respectifs, a l'égard des bâtimens qu'ils auront pris et conduits dans les ports des deux puissances.

ART. 19. Les vaisseaux de guerre de sa majesté Suedoise et ceux des Etats Unis, de même que ceux que leurs sujets auront armés en guerre, pourront, en toute liberté, conduire les prises qu'ils auront faites sur leurs ennemis, dans les ports ouverts en tems de guerre aux autres nations amies, sans que ces prises, entrant dans les dits ports, puissent être arrêtées ou saisies, ni que les officiers des lieux puissent prendre connoissance de la validité de dites prises, les quelles pourront

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may depart and be conducted freely and with all liberty to the places pointed out in their commissions, which the captains of the said vessels shall be obliged to show.

In case of shipwreck, relief shall be afforded, and goods restored, on paying costs of salvage, if claimed in a year & a day.

ART. 20. In case any vessel belonging to either of the two states, or to their subjects, shall be stranded, shipwrecked, or suffer any other damage on the coasts or under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof, and passports shall be granted to them to secure their return to their own country. The ships and merchandises wrecked, or their proceeds, if the effects have been sold, being claimed in a year and a day, by the owners or their attorney, shall be restored, on their paying the costs of salvage, conformable to the laws and customs of the two nations.

When vessels of either party shall be forced by stress of weather, &c. into ports, &c. of the other, they shall be treated with humanity, and freely permitted to depart.

ART. 21. When the subjects and inhabitants of the two parties, with their vessels, whether they be public and equipped for war, or private, or employed in commerce, shall be forced by tempest, by pursuit of privateers and of enemies, or by any other urgent necessity, to retire and enter any of the rivers, bays, roads or ports of either of the two parties, they shall be received and treated with all humanity and politeness, and they shall enjoy all friendship, protection, and assistance, and they shall be at liberty to supply themselves with refreshments, provisions, and every thing necessary for their sustenance, for the repair of their vessels, and for continuing their voyage; provided always that they pay a reasonable price: and they shall not in any manner be detained or hindered from sailing out of the said ports or roads, but they may retire and depart when and as they please, without any obstacle or hindrance.

In case of war, nine months shall be allowed to citizens or subjects to sell, or to transport their effects.

ART. 22. In order to favor commerce on both sides as much as possible, it is agreed, that in case a war should break out between the said two nations, which God forbid, the term of nine months after the declaration of war, shall be allowed to the merchants and subjects respectively on one side and the other, in order that they may withdraw with their effects and moveables, which they shall be at liberty to carry off or to sell where they please, without the least obstacle; nor shall any seize their effects, and much less their persons, during the said nine months; but, on the contrary, passports, which shall be valid for a time necessary for their return, shall be given them for their vessels, and the effects which they shall be willing to carry with them. And if any thing is taken from them, or if any injury is done to them by one of the parties, their people, and subjects, during the term above prescribed, full

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sortir et être conduites franchement et en toute liberté aux lieux portés par les commissions, dont les capitaines des dits vaisseaux seront obligés de faire montre.

Art. 20. Au cas que quelque vaisseau appartenant à l'un des deux états, ou à leurs sujets aura échoué, fait naufrage ou souffert quelque autre dommage sur les côtes ou sous la domination de l'une des deux parties, il sera donné toute aide et assistance aux personnes naufragées ou qui se trouvent en danger, et il leur sera accordé des passeports pour assurer leur retour dans leur patrie. Les navires et marchandises naufragées ou leur provenu, si ces effets eussent été vendus, étant reclamés dans l'an et jour par les propriétaires, ou leur ayant cause, seront restitués, en payant les frais du sauvement, conformément aux loix et coutumes des deux nations.

Art. 21. Lorsque les sujets et habitans de l'une des deux parties avec leurs vaisseaux soit publics, soit équipés en guerre, soit particuliers, ou employés au commerce, seront forcés, par une tempête, par la poursuite des corsaires et des ennemis, ou par quelqu' autre necessité urgente de se retirer et d'entrer dans quelqu'une des rivières, bayes, rades ou ports de l'une des deux parties, ils seront reçus et traités avec humanité, et honnêteté et jouiront de toute amitié, protection et assistance, et il leur sera permis de se pourvoir de rafraichissemens, de vivres, et de toutes choses necessaires pour leur subsistance, pour la reparation de leurs vaisseaux, et pour continuer leur voïage, le tout moyennant un prix raisonable, et ils ne seront retenus en aucune manière, ni empêchés de sortir des dits ports ou rades, mais pourront se retirer et partir quand, et comme il leur plaira, sans aucun obstacle ni empêchement.

Art. 22. Afin de favoriser d'autant plus le commerce des deux côtés, il est convenu que dans le cas où la guerre surviendroit entre les deux nations susdites, ce qu'à Dieu ne plaise, il sera accordé un tems de neuf mois après la déclaration de guerre, aux marchands et sujets respectifs de part et d'autre, pour pouvoir se retirer avec leurs effets et meubles, lesquels ils pourront transporter, ou faire vendre, où ils voudront sans qu'on y mette le moindre obstacle, ni qu'on puisse arrêter les effets, et encore moins les personnes pendant les dits neuf mois, mais qu'au contraire on leur donner, a pour leurs vaisseaux et effets qu'ils voudront prendre avec eux, des passeports valables pour le tems qui sera nécessaire pour leur retour; mais s'il leur est enlevé quelque chose, ou s'il leur a été fait quelque injure, durant le terme prescrit cy-dessus, par l'une des par-

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and entire satisfaction shall be made to them on that account. The abovementioned passports shall also serve as a safe conduct against all insults or prizes which privateers may attempt against their persons and effects.

The citizens or subjects of each party not to take commissions, or letters of marque from any prince or state, with whom the other is at war, to exercise against either party.

ART. 23. No subject of the king of Sweden shall take a commission or letters of marque for arming any vessel to act as a privateer against the United States of America, or any of them, or against the subjects, people, or inhabitants of the said United States, or any of them, or against the property of the inhabitants of the said states, from any prince or state, whatever, with whom the said United States shall be at war. Nor shall any citizen, subject, or inhabitant of the said United States, or any of them, apply for or take any commission, or letters of marque, for arming any vessel to cruise against the subjects of his Swedish majesty, or any of them, or their property, from any prince or state whatever with whom his said majesty shall be at war. And if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

Ships & vessels of either party coming on the coasts, or entering the ports of the other without wishing to unload, shall not be obliged to break bulk, &c.

ART. 24. The vessels of the subjects of either of the parties coming upon any coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or to break bulk, shall not be obliged to do it, but, on the contrary, shall enjoy all the franchises and exemptions which are granted by the rules subsisting with respect to that object.

Armed vessels of either party visiting merchant ships of the other, to remain out of cannon shot.

ART. 25. When a vessel belonging to the subjects and inhabitants of either of the parties, sailing on the high sea, shall be met by a ship of war or privateer of the other, the said ship of war or privateer, to avoid all disorder, shall remain out of cannon shot, but may always send their boat to the merchant ship, and cause two or three men to go on board of her, to whom the master or commander of the said vessel shall exhibit his passport, stating the property of the vessel; and when the said vessel shall have exhibited her passport, she shall be at liberty to continue her voyage, and it shall not be lawful to molest or search her in any manner, or to give her chase, or force her to quit her intended course.

Each party allowed to have consuls, &c. in the ports of the other.

ART. 26. The two contracting parties grant mutually the liberty of having each in the ports of the other, consuls, vice consuls, agents, and commissaries, whose functions shall be regulated by a particular agreement.

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ties, leurs peuples et sujets, il leur sera donné à cet égard pleine et entière satisfaction. Ces passeports susmentionnés serviront également de saufconduits contre toutes insultes ou prises que les armateurs pourront intenter de faire contre leurs personnes et leurs effets.

ART. 23. Aucun sujet du roi de Suede ne prendra de commission ou de lettres de marque pour armer quelque vaisseau, afin d'agir comme corsaire contre les Etats Unis de l'Amérique ou quelques uns d'entre eux, ou contre les sujets, peuples ou habitan d'iceux, ou contre la propriété des habitans de ces états, de quelque prince ou état que ce soit, avec lequel ces dits Etats Unis seront en guerre. De même, aucun citoien, sujet, ou habitant des dits Etats Unis, et de quelqu'un d'entr'eux, ne demandera ni n'acceptera aucune commission ou lettre de marque afin d'armer quelque vaisseau pour courre sus aux sujets de sa majesté Suedoise ou quelque'un d'entre eux, ou leur propriété, de quelque prince ou état que ce soit avec qui sa dite majesté se trouvera en guerre. Et si quelqu'un de l'une ou de l'autre nation prenoit de pareilles commissions ou lettres de marque, il sera puni comme pirate.

ART. 24. Les vaisseaux des sujets ou habitans d'une des deux parties, abordant à quelque côte de la dépendance de l'autre mais n'ayant point dessein d'entrer au port; ou y étant entré, ne desirant pas de décharger leur cargaison ou rompre leur charge, n'y seront point obligés, mais au contraire jouiront de toutes les franchises et exemtions accordées par les réglemens qui subsistent relativement à cet objet.

ART. 25. Lorsqu'un vaisseau appartenant aux sujet et habitans de l'une des deux parties, naviguant en pleine mer, sera rencontré par un vaisseau de guerre ou armateur, de l'autre, le dit vaisseau de guerre ou armateur, pour éviter tout desordre se tiendra hors de la portée du canon, mais pourra toutes fois envoyer sa chaloupe à bord du navire marchand et y faire entrer deux ou trois hommes, auxquels le maitre ou commandant du dit navire, montrera son passeport, qui constate la propriété du navire; et après que le dit bâtiment aura exhibé le passeport, il loi sera libre de continuer son voyage; et il ne sera pas permis de le molester ni de chercher en aucune manière à lui donner la chasse ou à le forcer de quitter la course qu'il s'etoit proposé.

ART. 26. Les deux parties contractantes se sont accordé mutuellement la faculté de tenir dans leurs ports respectifs des consuls, vice consuls, agents et commissaires, dont les fonctions seront réglées par une convention particuliere.

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ART. 27. The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of eight months, or sooner if possible, counting from the day of the signature.

In faith whereof, the respective plenipotentiaries have signed the above articles, and have thereto affixed their seals.

Done at Paris, the third day of April, in the year of our Lord one thousand seven hundred and eighty-three.

[L. S.] GUSTAV PHILIP,
comte de Creutz.

Separate Article.

This treaty to endure for fifteen years from the year 1783.

The king of Sweden and the United States of North America agree, that the present treaty shall have its full effect for the space of fifteen years, counting from the day of the ratification, and the two contracting parties reserve to themselves the liberty of renewing it at the end of that term.

Done at Paris, the third of April, in the year of our Lord one thousand seven hundred and eighty-three.

[L. S.] GUSTAV PHILIP,
comte de Creutz.

Separate Articles.

The king of Sweden to protect vessels and effects of citizens of the U. States within his jurisdiction.

ART. 1. His Swedish majesty shall use all the means in his power to protect and defend the vessels and effects belonging to citizens or inhabitants of the United States of North America, and every of them, which shall be in the ports, havens, roads, or on the seas near the countries, islands, cities, and towns of his said majesty, and shall use his utmost endeavors to recover and restore to the right owners, all such vessels and effects which shall be taken from them within his jurisdiction.

The U. States to protect vessels & effects of the subjects of Sweden, within their jurisdiction.

ART. 2. In like manner the United States of North America shall protect and defend the vessels and effects belonging to the subjects of his Swedish majesty, which shall be in the ports, havens, or roads, or on the seas near to the countries, islands, cities, and towns of the said states, and shall use their utmost efforts to recover and restore to the rights owners, all such vessels and effects which shall be taken from them within their jurisdiction.

ART. 27. Le présent traité sera ratifié de part et d'autre et les ratifications seront échangées dans l'espace de huit mois, ou plutôt, si faire se peut, à compter du jour de la signature. 1783. April 3.

En foi de quoi les plénipotentiaires respectifs ont signé les articles cy-dessus, et y ont apposé le cachet de leurs armes.

Fait à Paris, le trois Avril, l'an de Grâce mil sept cent quatre-vingt-trois.

[L. S.] GUSTAV PHILIP,
comte de Creutz.
[L. S.] B. FRANKLIN.

Article Séparé.

Le roi de Suede et les Etats Unis de l'Amérique Septentrionale sont convenus que le présent traité aura son plein effet pendant l'espace de quinze ans consecutifs, à compter du jour de sa ratification; et les deux parties contractantes se reservent la faculté de le renouveller au bout de ce tems.

Fait a Paris, le trois Avril, l'an de Grâce mil sept cent quatre-vingt-trois.

[L. S.] GUSTAV PHILIP,
comte de Creutz.
[L. S.] B. FRANKLIN.

Articles Séparés.

ART. 1. Sa majesté Suedoise fera usage de tous les moyens qui sont dans son pouvoir pour protéger et défendre les vaisseaux et effets, appartenans aux citoyens ou habitans des Etats Unis de l'Amérique Septentrionale et à chacun d'iceux, qui seront dans les ports, havres ou rades ou dans les mers près des païs, isles, contrées, villes et places de sa dite majesté, et fera tous ses efforts pour récouvrer et faire réstituer aux propriétaires légitimes tous les vaisseaux et effets qui leur seront pris dans l'étendue de sa jurisdiction.

ART. 2. De même les Etats Unis de l'Amérique Septentrionale protégeront et défendront les vaisseaux et effets, appartenans aux sujets de sa majesté Suedoise qui seront dans les ports, havres ou rades, ou dans les mers près des païs, isles, contrées, villes et places des dits états, et feront tous leurs efforts pour recouvrer et faire restituer aux propriétaires legitimes, tous les vaisseaux et effets qui leur seront pris dans l'étendue de leur jurisdiction.

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In case of war between different powers at sea, each party to give convoy to the other, where protection may be required.

ART. 3. If in any future war at sea, the contracting powers resolve to remain neuter, and as such, to observe the strictest neutrality, then it is agreed, that if the merchant ships of either party should happen to be in a part of the sea where the ships of war of the same nation are not stationed, or if they are met on the high sea, without being able to have recourse to their own convoys, in that case, the commander of the ships of war of the other party, if required, shall, in good faith and sincerity, give them all necessary assistance; and in such case, the ships of war and frigates of either of the powers shall protect and support the merchant ships of the other; provided nevertheless, that the ships claiming assistance are not engaged in any illicit commerce contrary to the principles of the neutrality.

Illicit commerce not entitled to neutral convoy.

Regulations concerning the transacting of business by citizens or subjects of either party in the dominions of the other.

ART. 4. It is agreed and concluded that all merchants, captains of merchant ships, or other subjects of his Swedish majesty, shall have full liberty in all places under the dominion or jurisdiction of the United States of America, to manage their own affairs, and to employ in the management of them whomsoever they please; and they shall not be obliged to make use of any interpreter or broker, nor to pay them any reward unless they make use of them. Moreover, the masters of ships shall not be obliged, in loading or unloading their vessels, to employ laborers appointed by public authority for that purpose; but they shall be at full liberty themselves, to load or unload their vessels, or to employ in loading or unloading them whomsoever they think proper, without paying reward under the title of salary to any other person whatever; and they shall not be obliged to turn over any kind of merchandises to other vessels, nor to receive them on board their own, nor to wait for their lading longer than they please; and all and every of the citizens, people, and inhabitants of the United States of America, shall reciprocally have and enjoy the same privileges and liberties in all places under the jurisdiction of the said realm.

Merchandise not to be examined after it has been put on board; examination to take place before lading, except in cases of fraud

ART. 5. It is agreed that when merchandises shall have been put on board the ships or vessels of either of the contracting parties, they shall not be subjected to any examination, but all examination and search must be before lading and the prohibited merchandises must be stopped on the spot before they are embarked, unless there is full evidence or proof of fraudulent practice on the part of the owner of the ship, or of

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ART. 3. Si durant une guerre maritime à venir, les deux puissances contractantes prennent le parti de rester neutres et d'observer, comme telles, la plus exacte neutralité, alors on est convenu que s'il arrivoit que les vaisseaux marchands de l'un des puissances, se trouvassent dans un parage où les vaisseaux de guerre de la même nation ne fussent pas stationnés, ou bien s'ils se rencontrent en pleine mer sans pouvoir avoir recours à leurs propres convois, dans ce cas le commandant des vaisseaux de guerre de l'autre puissance, s'il en est requis, doit de bonne foi et sincèrement leur prêter les secours dont ils pourront avoir besoin, et en tel cas les vaisseaux de guerre et frégates de l'une des puissances serviront de soutien et d'appui aux vaisseaux marchands de l'autre: bien entendu cependant, que les réclamans n'auroient fait aucun commerce illicite ni contraire aux principes de la neutralité.

ART. 4. Il est convenu et arrêté que tous les marchands, capitaines des navires marchands, ou autres sujets de sa majesté Suedoise, auront l'entière liberté dans toutes les places de la domination ou jurisdiction des Etats Unis de l'Amérique, de conduire euxmêmes leurs propres affaires, et d'employer qui il leur plaira pour les conduire, et qu'ils ne seront point obligés de se servir d'aucun interprète ou courtier, ni leur payer aucun honoraire à moins qu'ils ne s'en servent. En outre, les maitres des navires ne seront point obligés, chargeant ou dechargeant leurs navires, de se servir des ouvriers qui peuvent être établis pour cet effet par l'autorité publique; mais ils seront entièrement libres de charger ou de décharger eux-mêmes leurs vaisseaux et d'employer pour charger ou décharger ceux qu'ils croiront propres pour cet effet, sans payer aucuns honoraires à titre de salaire à aucune autre personne que ce soit, et ils ne pourront être forcés de verser aucune espèce de marchandises dans d'autres vaisseaux ou de les recevoir à leur bord, et d'attendre pour être chargés, plus long tems qu'il ne leur plaira; et tous et un chacun des citoyens, peuples et habitans des Etats Unis de l'Amérique auront et jouiront réciproquement des mêmes priviléges et libertés dans toutes les places de la jurisdiction du dit royaume.

ART. 5. Il est convenu que lorsque les marchandises auront été chargées sur les vaisseaux ou bâtimens de l'une des deux parties contractantes, elles ne pourront plus être assujetties à aucune visite; toute visite et recherche devant être faite avant le chargement, et les marchandises prohibées devant être arrêtées sur la plage avant de pouvoir être embarquées, à moins qu'on ait des indices manifestes ou des preuves de versement

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him who has the command of her; in which case only, he shall be responsible and subject to the laws of the country in which he may be. In all other cases, neither the subjects of either of the contracting parties, who shall be with their vessels in the ports of the other, nor their merchandises, shall be seized or molested on account of contraband goods, which they shall have wanted to take on board, nor shall any kind of embargo be laid on their ships, subjects, or citizens of the state whose merchandises are declared contraband, or the exportation of which is forbidden; those only who shall have sold or intended to sell or alienate such merchandise, being liable to punishment for such contravention.

No seizure of ships or merchandise on account of wanting to take on board contraband.

Done at Paris, the third day of April, in the year of our Lord one thousand seven hundred and eighty-three.

[L. S.] GUSTAV PHILIP, *comte de Creutz.*

[L. S.] B. FRANKLIN.

NOTE. By a separate article annexed to the foregoing Treaty [see page 188,] its full effect was limited to fifteen years, counting from the day of the ratification: consequently it expired on the 29th of July, 1798.

TRANSLATION.

No. 2.—*In the name of the most Holy and Indivisible Trinity.*

Stockholm, 4th Sept. 1816.

The United States of America, and his majesty the King of Sweden and Norway, equally animated with a sincere desire to maintain and confirm the relations of friendship and commerce which have hitherto subsisted between the two states, and being convinced that this object cannot be more effectually accomplished than by establishing, reciprocally, the commerce between the two states upon the firm basis of liberal and equitable principles, equally advantageous to both countries, have named, to this end, plenipotentiaries, and have furnished them with the necessary full powers to treat, and, in their name, to conclude a treaty, to wit: The President of the United States, Jonathan Russell, a citizen of the said United States, and now their minister plenipotentiary at the court of Stockholm; and his majesty the King of Sweden and Norway, his excellency the count Laurent d'Engestrom, his minister of state for foreign affairs, chancellor of the university of Lund, knight commander of the orders of the King, knight of the orders of Charles XIII, grand cross of the orders of St. Etienne of Hungary, of the legion of honor of France, of the Black Eagle and of the Red Eagle of Prussia, and the count Adolphe George de Morner, his counsellor of

The parties desirous of maintaining relations of friendship and commerce.

Jonathan Russell, American Plenipotentiary

Laurent d'Engestrom and Adolphe G. de Morner, Swedish Plenipotentiaries.

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frauduleux de la part du propriétaire du navire ou de celui qui en a le commandement. Dans ce cas seul, il en sera responsable et soumis aux loix du pais où il se trouve. Dans aucun autre cas, ni les sujets d'une des parties contractantes, se trouveront avec leurs navires dans les ports de l'autre, ni leurs marchandises, ne pourront être arretés ou molestés pour cause de contrebande, qu'ils auront voulu prendre à leur bord, ni aucune espèce d'embargo mis sur leurs navires; les sujets ou citoyens de l'état où ses marchandises sont declarées de contrebande, ou dont la sortie est defendue, et qui néanmoins auront vendu ou voulu vendre et aliéner les dites marchandises, devant être les seuls qui seront duement punis pour une pareille contravention.

Fait à Paris, le trois Avril, l'an de grâce mil sept cent quatre-vingt-trois.

[L. S.] GUSTAV PHILIP,
comte de Creutz.

[L. S.] B. FRANKLIN.

ORIGINAL.

Au nom de la tres Sainté et Indivisible Trinité.

Les Etats Unis d'Amérique et sa majesté le Roi de Suède et de Norvège, également animés du désir sincère de maintenir et consolider les relations d'amitié et de commerce qui ont subsisté jusqu'ici entre les deux états, et étant convaincus qu'on ne saurait mieux remplir cet objet qu'en établissant réciproquement le commerce entre les deux états, sur la base solide de principes libéraux et équitables également advantageux aux deux pays, ont nommé pour cet effet des plénipotentiaries, et les ont munis des pourvoirs nécessaires pour traiter et conclure en leur nom, savoir: le Président des Etats Unis, Monsieur Jonathan Russell, citoyen des dits Etats Unis, et actuellement leur Ministre Plénipotentiaire à la Cour de Stockholm, et sa Majesté le roi de Suède et de Norvège, son excellence Monsieur le Comte Laurent d'Engeström, son Ministre d'Etat pour les affaires etrangères, Chancelier de l'Université de Lund, Chevalier Commandeur des ordres du Roi, Chevalier de l'ordre du roi Charles XIII. Grand Croix des ordres de St. Etienne de Hongrie, de la Legion d'Honneur de France, de l'Aigle Noir et de l'Aigle Rouge de Prusse, et Monsieur le Compte Adolphe George de Mörner, son Conseiller d'Etat, et Commandeur de l'ordre de l'Etoile Polaire; lesquels Plénipo-

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state, and commander of the order of the Polar Star: and the said plenipotentiaries, after having produced and exchanged their full powers, found in good and due form, have agreed on the following articles:

Full Powers exchanged.

Reciprocal liberty of commerce.

ART. 1. There shall be between all the territories under the dominion of the United States of America, and of his Majesty the King of Sweden and Norway, a reciprocal liberty of commerce. The inhabitants of either of the two countries shall have liberty, with all security for their persons, vessels, and cargoes, to come freely to all ports, places, and rivers, within the territories of the other, into which the vessels of the most favored nations are permitted to enter. They can there remain and reside in any part whatsoever of the said territories; they can there hire and occupy houses and warehouses for their commerce; and generally, the merchants and traders of each of the two nations, shall enjoy in the other the most complete security and protection for the transaction of their business, being bound, alone, to conform to the laws and statutes of the two countries, respectively.

Complete protection for the Merchants and Traders.

No other or higher Duties, &c. on the importation of the produce or manufactures of one party into the ports of the other, than the same articles would be subjected to if they were the growth, &c. of any other country.

ART. 2. No other or higher duties, imposts, or charges, whatsoever, shall be imposed on the importation into the territories of his Majesty the King of Sweden and Norway, of the produce or manufactures of the United States, nor on the importation into the United States of the produce or manufactures of the territories of his Majesty the King of Sweden and Norway, than those to which the same articles would be subjected in each of the two countries, respectively, if these articles were the growth, produce, or manufacture, of any other country.

The same principle as to exports—articles not to be subject to higher Duties than if exported to other countries.

The same principle shall likewise be observed in respect to exportation, in such manner that in each of the two countries, respectively, the articles which shall be exported for the other, cannot be charged with any duty, impost, or charge, whatsoever, higher or other than those to which the same articles would be subjected if they were exported to any other country whatever.

No prohibition on exportation or importation of the productions of each, which does not extend to all other nations.

Nor shall any prohibition be imposed on the exportation or importation of any article, the growth, produce, or manufacture, of the territories of his Majesty the King of Sweden and Norway, or of the United States, to or from the said territories of his Majesty the King of Sweden and Norway, or to or from the said United States, which shall not equally extend to all other nations.

Equalization of Duties as to the vessels and cargoes.

Swedish or Norwegian vessels arriving in ballast, or importing into the United States the produce or manufactures of

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tentiares, après avoir produit et échangés leur plein pouvoirs trouvés en bonne et due forme, sont convenus des articles suivans:

ART. 1. Il y aura liberté réciproque de commerce entre tous les pays de la domination des Etats Unis d'Amérique et de sa Majesté le Roi de Suède et de Norvège. Les habitans de l'un des deux pays pourront avec toute sureté, pour leur personnes, vaisseaux et cargaisons, aborder librement dans les ports, places, et rivières, du territoire de l'autre, partout où l'entrée est permise aux vaisseaux des nations les plus favorisées. Ils pourront s'y arrêter et résider dans quelque partie que ce soit des dits territoires; ils pourront y louer et occuper des maisons et des magasins pour leur commerce, et généralement les négocians ou trafiquans de chacune des deux nations jouiront chez l'autre de la plus entière sécurité et protection pour les affaires de leur négoce, étant seulement tenus à se conformer aux loix et ordonnances des deux pays respectifs.

ART. 2. Il ne sera point imposé de plus forts ou autres droits, impôts, ou charges, quelconques sur l'importation dans les Etats Unis des productions du sol ou des manufactures des états de sa Majesté le Roi de Suède et de Norvège, ni sur l'importation dans états de sa Majesté le Roi de Suède et de Norvège des productions du sol ou des manufactures des Etats Unis, que ceux auxquels seraient assujettis les mêmes articles dans chacun des deux pays respectifs, si ces denrées étaient le produit du sol ou des manufactures de toute autre pays. Le même principe sera aussi observé pour l'exportation, en sorte que dans chacun des deux pays respectifs les articles qui seront exportés pour l'autre ne pourront être chargés d'aucun droit, impôt, au charge quelconque plus fort ou autre que ceux auxquels seraient assujettis les mêmes articles, s'ils étaient exportés pour tout autre pays quelconque.

Il ne sera non plus imposé aucune prohibition, ni sur l'exportation ni sur l'importation d'aucun article provenant du sol ou des manufactures des Etats Unis ou des pays de sa Majesté le Roi de Suède et de Norvège, dans ou hors les dits Etats Unis, et dans ou hors les dits pays de sa Majesté le Roi de Suède et de Norvège, qui en s'étende également à toutes les autres nations.

Les vaisseaux des Etats Unis d'Amérique arrivant sur leur lest ou important dans les états de sa Majesté le Roi de Suède et Norvège des produits du sol ou de l'industrie de leur pays, ou exportant des états de sa Majesté Suèdoise et Norvègienne les produits du sol ou de l'industrie nationale des dits états, ne

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their countries, or exporting from the United States the produce or manufactures of said states, shall not be obliged to pay, either for the vessels or cargoes, any other or higher duties, imposts, or charges, whatsoever, than those which the vessels of the United States would pay in the same circumstances; and, vice versa, the vessels of the United States, arriving in ballast, or importing into the territories under the dominion of his Majesty the King of Sweden and Norway the produce or manufactures of the United States, or exporting form the territories under the dominion of his Majesty the King of Sweden and Norway, the produce or manufactures of these territories, shall not pay, either for the vessels or the cargoes, any other or higher duties, imposts, or charges, whatsoever, than those which would be paid if these articles were transported by Swedish or Norwegian vessels, respectively.

goes of either nation arriving in, or departing from, the ports of the other, the cargoes being of the produce of manufacture of one of them.

The equalization of duties extended to the island of St. Bartholomews.

That which is here above stipulated, shall also extend to the Swedish colony of St. Barthelemy, as well in what relates to the rights and advantages which the vessels of the United States shall enjoy in its ports, as in relation to those which the vessels of the colony shall enjoy in the ports of the United States, provided the owners are inhabitants of St. Barthelemy, and there established and naturalized, and shall have there caused their vessels to be naturalized.

Provided the owners are inhabitants of St. Bart's, &c.

[* This Article not ratified.]

ART. 3. His majesty the King of Sweden and Norway agrees that all articles, the growth, produce, or manufacture, of the West Indies, which are permitted to be imported in Swedish or Norwegian vessels, whether these articles be imported directly or indirectly from said Indies, may likewise be imported into its territories in vessels of the United States, and there shall not be paid, either for said vessels or the cargoes, any higher or other duties, imposts, or charges, whatsoever, than those which would be paid by Swedish or Norwegian vessels in the same circumstances, with an addition only of ten per centum on the said duties, imposts, and charges, and no more.

In order to avoid misapprehension in this respect, it is expressly declared that the term "West Indies," ought to be taken in its most extensive sense, comprising all that portion of the earth, whether main land or islands, which at any time has been denominated the West Indies, in contradistinction to that other portion of the earth denominated the East Indies.

ART. 4. The United States of America, on their part, agree, that all articles the growth, produce or manufacture, of the countries surrounding the Baltic sea, or bordering thereon, which

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seront tenus à payer, ni pour les vaisseaux ni pour les cargaisons aucuns droits, impôts ou charges quelconques, plus forts ou autres que ceux que payeraient dans le même cas les vaisseaux des états de sa Majesté le Roi de Suède et de Norvège, et vice versa, les vaisseaux des états de sa Majesté le Roi de Suède et de Norvège qui arrivent sur leur lest ou qui importent dans les Etats Unis d'Amérique des productions du sol ou de l'industrie nationale de la Suède et de la Norvège, ou qui exportent des Etats Unis des produits du sol ou de l'industrie de ces pays, ne payeront ni pour les vaisseaux ni pour les cargaisons aucuns droits, impôts ou charges quelconqnes, autres ou plus forts que ceux qui seraient payés si ces mêmes denrées etaient transportées par des vaisseaux des Etats Unis respectivement.

Ce qui est statué ci-dessus s'étendra aussi à la colonie Suèdoise de St. Barthélemy, tant par rapport aux droits et avantages dont les vaisseaux des Etats Unis jouiront dans ses ports que par rapport à ceux dont les vaisseaux de la colonie jouiront dans les ports des Etats Unis, bien entendu, que les propriétaires soyent colons etablis et naturalisés à St. Barthélemy, et qu'ils y ayent fait naturaliser leurs vaisseaux.

Art. 3. Sa Majesté le Roi de Suède et de Norvège consent que tous les articles qui sont le produit du sol ou des manufactures des Indes Occidentales et dont l'entrée est permise dans des vaisseaux Suèdois ou Norvègiens, soit que ces marchandises viennent directement ou indirectement des dites Indes, puissent aussi être importés dans ses états par des vaisseaux des Etats Unis, et qu'alors il ne sera payé ni pour les dits vaisseaux, ni pour les cargaisons, de droits, impôts ou charges quelconques, plus forts ou autres que ceux qui seraient payés par des vaisseaux Suèdois ou Norvègiens dans le même cas, avec une addition seulement de dix pour cent sur les dits droits, impôts, ou charges, et pas davantage.

Pour éviter tout mésentendu à cet égard il est ici expressément déclaré, que la dénomination d'Indes Occidentales doit être prise dans le sens le plus étendu en y comprenant toute cette partie du monde, soit iles ou terre ferme, qui de tout tems a été appellée Indes Occidentales. en opposition avec cette autre partie du monde appellée Indes Orientales.

Art. 4. De leur côté les Etats Unis d'Amérique consentent à ce que tous les articles qui sont les produits du sol ou des manufactures des pays qui bordent ou environent la mer Baltique et dont l'entrée est permise dans les vaisseaux des Etats Unis, soit que ces denrées viennent directement ou indirecte-

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are permitted to be imported in vessels of the United States, whether these articles be imported directly or indirectly from the Baltic, may likewise be imported into the United States in Swedish or Norwegian vessels; and there shall not then be paid for the said vessels, or for the cargoes, any higher or other duties, imposts, or charges, whatsoever, than those which would be paid by vessels of the United States in the same circumstances, with an addition only of ten per centum on the said duties, imposts, and charges, and no more.

In order to avoid all uncertainty in respect to the duties, imposts, or charges, whatsoever, which a vessel belonging to the citizens or subjects of one of the contracting parties ought to pay, on arriving in the ports of the other, with a cargo consisting partly of articles, the growth, produce, or manufacture, of the country to which the vessel belongs, and partly of any other merchandise, which the said vessel is permited to import by the preceding articles, it is agreed that, in case a cargo should be thus mixed, the vessel shall always pay the duties, imposts, and charges, according to the nature of that part of the cargo which is subjected to the highest duties, in the same manner as if the vessel imported this sort of merchandise only.

Proceedings against Consuls, &c. offending against the laws.

ART. 5. The high contracting parties grant mutually the liberty of having in the places of commerce and ports of the other, consuls, vice consuls, or commercial agents, who shall enjoy all the protection and assistance necessary for the due discharge of their functions. But it is here expressly declared that in case of illegal or improper conduct in respect to the laws or government of the country to which they are sent, the said consul, vice consul, or agent, may be either punished according to law, dismissed, or sent away, by the offended government, that government assigning to the other the reasons therefor.

Archives, &c. inviolate.

It is, nevertheless, understood, that the archives and documents relative to the affairs of the consulate shall be protected from all examination, and shall be carefully preserved, being placed under the seal of the consul and of the authority of the place where he shall have resided.

Consuls and their Deputies to have the right to act as judges, &c.

Extent of the right.

The consuls and their deputies shall have the right, as such, to act as judges and arbitrators in the differences which may arise between the captains and crews of the vessels of the nation whose affairs are entrusted to their care. The respective governments shall have no right to interfere in matters of this kind, except the conduct of the captain and crew shall disturb the peace and tranquillity of the country in which the

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ment de la Baltique, puissent aussi être importés de même dans les Etats Unis, par des vaisseaux Suèdois ou Norvégiens, et qu'alors il ne sera payé ni pour les dits vaisseaux ni pour les cargaisons de droits, impôts ou charges quelconques plus forts ou autres que ceux qui seraient payés par des vaisseaux des Etats Unis dans le même cas, avec une addition de dix pour cent sur les dits droits, impôts ou charges, et pas davantage.

Afin de prévenir toute incertitude à l'égard des droits, impôts ou charges quelconques, que devrait payer un vaisseau appartenant aux citoyens ou sujets de l'une des parties contractantes et arrivant dans les ports de l'autre avec une cargaison qui consisterait en partie des produits du sol ou des manuactures du pays, auquel le vaisseau appartiendrait, et en partie de buelques autres marchandises, dont l'importation est permise au dit vaisseau par les articles précédens, il est convenu qu'en cas d'une cargaison ainsi mélée, le dit vaisseau payera toujours les droits, impôts ou charges suivant la nature de cette partie de la cargaison qui est sujette aux plas gros droits, tout comme si le vaisseau n'eut apporté que cette seule espèce de marchandises.

Art. 5. Les hautes parties contractantes s'accordent mutuellement la faculté d'entretenir dans les ports et place de commerce d l'autre, des consuls, vice consuls, ou agents de commerce, qui jouiront de toute la protection et assistance nécessaire pour remplir duement leurs fonctions, mais il est ici expressément déclaré, que dans le cas d'une conduite illégale ou impropre envers les lois ou le gouvernement du pays auquel il est envoyé le dit consul, vice consul ou agent, pourra, ou être puni conformément aux lois, ou être mis hors de fonction ou renvoyé par le gouvernement offensé, celui-ci en donnant les raisons à l'autre, bien entendu cependant que les archives et documens relatifs aux affaires du consulat, seront à l'abri de toute recherche et devront être soigneusement conservés, étant mis sous le scellé du dit consul et de l'autorité de l'endroit ou il aura réside.

Les consuls ou leur suppléans auront le droit comme tels de servir de juges et d'arbitres dans les differends qui pourraient s'élever entre les capitaines et les équipages des vaisseaux de la nation dont les affaires sont confiées à lours soins. Les gouvernemens respectifs n'auront le droit de se mêler de ces sortes d'affaires qu'en tant que la conduite des équipages ou du capitaine troublerait l'ordre et la tranquillité dans le pays ou le vaisseau se trouve, ou que le consul du lieu se verrait

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vessel may be, or that the consul of the place shall feel himself obliged to resort to the interposition and support of the executive authority to cause his decision to be respected and maintained. It being, nevertheless, understood, that this kind of judgement or award shall not deprive the contending parties of the right which they shall have, on their return to recur to the judicial authorities of their own country.

Rights reserved to the parties under consular decisions.

[* This Article not ratified.]

ART. 6. In order to prevent all dispute and uncertainty in respect to what may be considered as being the growth, produce, and manufacture, of the contracting parties respectively, it is agreed, that whatever the chief or intendant of the customs shall have designated and specified as such, in the clearance delivered to the vessels which depart from the European ports of his Majesty the King of Sweden and Norway, shall be acknowledged and admitted as such in the United States; and that, in the same manner, whatever the chief or collector of the customs in the ports of the United States shall have designated and specified as the growth, produce, or manufacture, of the United States shall be acknowleged and admitted as such in the territories of his Majesty the King of Sweden and Norway.

The specification or designation given by the chief of the customs in the colonies of his Majesty the King of Sweden and Norway, and confirmed by the governor of the colony, shall be considered as sufficient proof of the origin of the articles thus specified or designated, to obtain from them admission into the ports of the United States accordingly.

Vessels and cargoes may enter ports & depart in pursuance of their voyage, without breaking bulk, on paying pilotage, quayage, &c. if those charges have been incurred.

ART. 7. The citizens or subjects of one of the contracting parties, arriving with their vessels on any coast belonging to the other, but not willing to enter into port, or being entered into port and not willing to unload or break bulk, shall have liberty to depart, and to pursue their voyage, without molestation, and without being obliged to render account of their cargo, or to pay any duties, imposts, or charges, whatsoever, on the vessels or cargo, excepting only the dues of pilotage, when a pilot shall have been employed, or those of quayage, or light money, whenever those dues are paid in the same circumstances by the citizens or subjects of the country. It being, nevertheless, understood, that whenever the vessels belonging to the citizens or subjects of one of the contracting parties shall be within the jurisdiction of the other, they shall conform to the laws and regulations concerning navigation, and the places and ports into which it may be permitted to enter which are in force with regard to the citizens or subjects

Limitation of this privilege.

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obligé d'appeller l'intervention du pouvoir exécutif pour faire respecter ou maintenir sa décision. Bien entendu que cette espece de jugement ou d'arbitrage ne saurait pourtant priver les parties contendantes du droit qu'elles ont à leur retour de recourir aux autorités judiciaires de leur patrie.

ART. 6. Afin de prévenir toute dispute ou incertitude à l'égard de ce qui devra être réputé comme étant le produit du sol ou des manufactures des parties contractantes respectivement, il est convenu que ce qui aura été désigné ou spécifié comme tel dans l'expedition que le chef ou l'intendent de la douane aura donnée aux vaisseaux qui sortiront des ports Européens des états de sa Majesté le Roi de Suède et de Norvège, sera reconnu et admis comme tel dans les Etats Unis, et que de même ce que le chef ou collecteur de la douane dans les ports des Etats Unis aura designé et spécifié comme étant le produit du sol ou des manufactures des Etats Unis, sera admis et reconnu comme tel dans les états de sa Majesté le Roi de Suède et de Norvège. La spécification ou désignation donnée par le chef de la douane dans les colonies de sa Majesté le Roi de Suède et de Norvège et certifiée par le gouverneur de la colonie d'ou l'exportation aura été faite, sera regardée comme preuve suffisante de l'origine des articles ainsi désignés ou spécifiés, pour qu'ils soyent admis à ce titre dans les ports des Etats Unis.

ART. 7. Les citoyens ou sujets de l'une des parties contractantes, arrivant avec leurs vaisseaux à l'une des côtes appartenantes à l'autre, mais ne voulant pas entrer dans le port, ou après y être entrés ne voulant pas décharger quelque partie de la cargaison ou déranger quelque chose du chargement, auront la liberté de partir et de poursuivre leur voyage sans être en quelque sorte molestés ou obligés de rendre compte du contenue de lac argaison, et sans payer d'autres droits, impôts ou charges quelconques pour les vaisseaux ou la cargaison que les droits de pilotage quand on s'est servi d'un pilote, et ceux pour le quayage ou pour l'entretien des fanaux là ou ces memes droits sont percus sur les nationaux dans le même cas. Bien entendu cependant que lorsque des vaisseaux appartenans aux citoyens ou sujets de l'une des parties contractantes se trouveraient dans l'enceinte de la jurisdiction de l'autre, ils se conformeront aux réglémens et ordonnances concernant la navigation et les places ou ports dans lesquels on peut aborder, qui sont en vigueur à l'egard des nations les plus favori-

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of the country; and it shall be lawful for the officers of the customs in the district where the said vessels may be, to visit them, to remain on board, and to take such precautions as may be necessary to prevent all illicit commerce while such vessels remain within the said jurisdiction.

Vessels may land part of their cargoes, and proceed with the remainder, on paying the proportional duties, &c.

ART. 8. It is also agreed, that the vessels of one of the contracting parties, entering the ports of the other, shall be permitted to discharge a part only of their cargoes, whenever the captain or owner shall desire so to do, and they shall be allowed to depart freely with the remainder, without paying any duties, imposts, or charges, whatsoever, except on that part which shall have been landed, and which shall be marked and noted on the list or manifest containing the enumeration of the merchandise which the vessel ought to have on board, and which list ought always to be presented, without reservation, to the officers of the customs at the place where the vessel shall have arrived; and nothing shall be paid on the part of the cargo which the vessel takes away; and the said vessel may proceed therewith to any other port or ports in the same country, into which vessels of the most favored nations are permitted to enter, and there dispose of the same; or the said vessel may depart therewith to the ports of any other country. It is, however, understood, that the duties, imposts, or charges, which are payable on the vessel itself, ought to be paid at the first port where it breaks bulk and discharges a part of the cargo, and that no such duties or impositions shall be again demanded in the ports of the same country where the said vessel may thereafter enter, except the inhabitants of the country be subjected to further duties in the same circumstances.

Exception as to vessels.

Rights and privileges of Entrepot.

ART. 9. The citizens or subjects to one of the contracting parties, shall enjoy in the ports of the other, as well for their vessels as for their merchandise, all the rights and privileges of entrepot which are enjoyed by the most favored nations in the same ports.

Regulations in case of Shipwreck.

ART. 10. In case any vessel, belonging to either of the two states, or to their citizens or subjects, shall be stranded, shipwrecked, or have suffered any other damage on the coasts under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof, and passports shall be granted them to return to their own country. The ships and merchandise wrecked, or the proceeds thereof, if the effects be sold, being

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sées et il sera permis aux officiers de douane dans les districts desquels les dits vaisseaux se trouvent, de les visiter, de rester à bord et de prendre telles précautions que peuvent être nécessaires pour prévenir tout commerce illicite pendant que les mêmes vaisseaux restent dans l'enceinte de cette meme jurisdiction.

ART. 8. Il est aussi convenu, que les vaisseaux de l'une des parties contractantes, étant entrés dans les ports de l'autre, ils pourront se borner á ne décharger qu'une partie de leur cargaison selon que le capitaine ou propriétaire le desire, et qu'ils pourront s'en aller librement avec le reste de la cargaison sans payer de droits, impôts ou chargés quelconques que pour la partie qui aura été mise à terre et qui sera marquée et biffée sur la liste ou le manifeste contenant l'énumération des effets que le vaisseau aura du apporter laquelle liste devra toujours être présentée en entier à la douane au lieu ou le vaisseau aura abordé. Il ne sera rien payé pour la partie de la cargaison que le vaisseau aura emporté et avec laquelle il pourra continuer sa route pour un ou plusieurs autres ports du même pays dans lesquels l'entrée est permise aux vaisseaux des nations les plus favorisées et y disposer du reste de sa cargaison en payant les droits qui y sont attachés, ou bien il pourra s'en aller avec la cargaison qui lui reste pour les ports de quelque autre pays. Il est cependant entendu que les droits, impôts ou chargés quelconques qui sont payables pour le vaisseau même doivent être acquittés dans le premier port ou il rompt le chargement et en decharge une partie et qu'aucuns droits ou impositions pareils ne seront demandés de nouveau dans les ports du même pays, ou le dit vaisseau pourra vouloir entrer après à moins que les nationaux ne soyent sujets à quelques droits ulterieurs pour le même cas.

ART. 9. Les citoyens et sujets de l'une des parties contractantes jouiront dans les ports de l'autre tant pour leurs vaisseaux que pour leurs vaisseaux que pour leurs marchandises de tous les droits et facilitiés d'entrepôt dont jouissent les nations le plus favorisées dans les mêmes ports.

ART. 10. Au cas que quelque vaisseau appartenant à l'un des deux états ou à leurs citoyens et sujets aura échoué, fait naufrage ou souffert quelque autre dommage sur des côtes de la domination de l'une des deux parties contractantes, il sera donné toute aide et assistance aux personnes naufragées, ou qui se trouvent en danger, et il leur sera accordé des passeports pour assurer leur retour dans leur patrie. Les navires et marchandises naufragés ou leur provenu, si les effets eussent été

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claimed in a year and a day, by the owners, or their attorney, shall be restored on paying the same costs of salvage, conformably to the laws and usages of the two nations, which the citizens or subjects of the country would pay in the same circumstances. The respective governments shall watch over the companies which are or may be instituted for saving shipwrecked persons and property, that vexations and abuses may not take place.

Quarantine regulations.

ART. 11. It is agreed that vessels arriving direct from the United States, and a port under the dominion of his Majesty the King of Sweden and Norway, or from the ports of his said Majesty in Europe at a port of the United States, furnished with a certificate of health from the competent health officer of the port whence they took their departure, certifying that no malignant or contagious disease existed at that port shall not be subjected to any other quarantine than such as shall be necessary for the visit of the health officer of the port at which they may have arrived; but shall, after such visit, be permitted immediately to enter and discharge their cargoes: Provided, always, that there may not be found any person on board who has been, during the voyage, afflicted with a malignant or contagious disease, and that the country from which the vessel comes may not be so generally regarded at the time as infected, or suspected, that it has been previously necessary to issue a regulation by which all vessels coming from that country are regarded as suspected, and subjected to quarantine.

The Treaty of Paris, concluded in 1783, revived in part.

ART. 12. The treaty of amity and commerce concluded at Paris, in 1783, by the Plenipotentiaries of the United States and of his Majesty the King of Sweden, is renewed and put in force by the present treaty, in respect to all which is contained in the second, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twenty-first, twenty-second, twenty-third, and twenty-fifth, articles of the said treaty, as well as the separate articles one, two, four, and five, which were signed the same day by the same plenipotentiaries: and the articles specified shall be considered to have as full force and vigor as if they were inserted word for word: Provided, nevertheless, that the stipulations contained in the articles above mentioned shall always be considered as making no change in the conventions previously concluded with other friendly and allied nations.

Exception as to the effect of the Treaty of 1783 in relation to either powers.

Stipulations concerning Blockade.

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vendus, étant réclamés dans l'an et jour par les propriétaires, ou leurs ayant cause, seront restitués en payant les memes frais du sauvement conformément aux lois et coutumes des deux nations que payeraient les nationaux dans le meme cas. Les gouvernemens respectifs veilleront à ce que les compagnies qui sont ou pourront être institutées pour sauver les personnes et effets naufragés, ne se permettent point de vexations ou actes arbitraires.

ART. 11. Il est convenu que les vaisseaux qui arrivent directement des Etats Unis à un port de la domination de sa Majesté la Roi de Suède et de Norvège, ou des pays de sa dite Majesté en Europe, à un port des Etats Unis et qui sont pourvus d'un certificat de santé donné par l'officier compétent à cet égard du port d'ou le vaisseau est sorti et assurant qu'aucune maladie maligne ou contagieuse n'existait dans ce port, ne seront soumis à aucune autre quarantine que celle qui sera nécessaire pour la visite de l'officier de santé du port ou le vaisseau est arrivé après laquelle il sera permis au vaisseau d'entrer immédiatement et de décharger sa cargaison, bien entendu toujours qui il n'y ait eu personne à bord du vaisseau qui s'est trouvé attaqué pendant le voyage d'une maladie maligne ou contagieuse et que la contrée d'ou vient le vaisseau ne soit pas à cette époque si généralement regardée comme infectée ou suspecte, qu'on ait été obligé de donner auparavant une ordonnance par laquelle tous les vaisseaux qui viendraient de ce pays seraint regardés comme suspects et soumis à la quarantine.

ART. 12. Le traité d'amitié et de commerce, conclu à Paris, en 1783, par les Plenipotentiaires des Etats Unis et de sa Majesté le Roi de Suède, est renouvellé et mis en vigueur par le présent Traité pour tout ce qui est convenu dans les articles deux, cinq, six, sept, huit, neuf, dix, onze, douze, treize, quatorze, quinze, seize, dixsept, dixhuit, dixneuf, vingtun, vingt deux, vingt trois et vingt cinq du dit traité, ainsi que les articles séparés un, deux, quatre et cinq, qui furent signés le même jour par les mêmes plénipotentiaires et les articles désignés seront regardés comme ayant force et vigueur tout comme s'ils étaient ici insérés mot à mot. Bien entendu que les stipulations contenues dans les articles precités, seront toujours censées ne rein changer aux conventions précédemment conclues avec d'autres nations amies et alliées.

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ART. 13. Considering the distance of the respective countries of the two high contracting parties, and the uncertainty that results therefrom in relation to the various events which may take place, it is agreed that a merchant vessel, belonging to one of the contracting parties, and destined to a port supposed to be blockaded at that time of her departure, shall not, however be captured or condemned for having a first time attempted to enter the said port, unless it may be proved that the said vessel could and ought to have learned, on her passage, that the place in question continued to be in a state of blockade. But vessels which, after having been once turned away, shall attempt a second time, during the same voyage, to enter the same port of the enemy, while the blockade continues, shall be liable to detention and condemnation.

This Treaty to endure for eight years after the exchange of the ratifications, viz. until 25th Sept. 1826.

ART. 14. The present Treaty, when the same shall have been ratified by the President of the United States, by and with the advice and consent of the Senate, and by his Majesty the King of Sweden and Norway, shall continue in force, and be obligatory on the United States and his Majesty the King of Sweden and Norway, for the term of eight years from the exchange of the ratifications; and the ratifications shall be exchanged in eight months from the signature of this treaty, or sooner if possible *

[* Ratifications exchanged at Stockholm, on the 25th of Sept. 1818.]

In faith whereof, the respective Plenipotentiaries have signed the present Treaty, and have thereunto set the seal of their arms. Done at Stockholm, the fourth day of September, in the year of Grace one thousand eight hundred and sixteen.

JONA. RUSSELL.
LE COMTE D'ENGESTROM.
LE COMTE A. G. DE MORNER.

Now, therefore, be it known, that I, James Monroe, President of the United States, have caused the said treaty to be made public, to the end that the same, and every clause and article thereof, with the exception of the three articles above referred to, may be observed and fulfilled, with good faith, by the United States, and the citizens thereof.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed. Done at city of Washington, this [L. S.] thirty-first day of December, in the year of our Lord one thousand eight hundred and eighteen, and of the Independence of the United Stated the forty-third.

By the President. JAMES MONROE.

JOHN QUINCY ADAMS, *Secretary of State.*

NOTE. This treaty was to continue in force eight years; consequently, it expired on the 25th of September, 1826.

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ART. 13. Vu l'éloignement des pays respectifs des deux hautes parties contractantes et l'incertitude qui en résulte sur les divers événemens qui peuvent avoir lieu, il est convenu qu'un bâtiment marchand appartenant à l'une des parties contractantes et se trouvant destiné pour un port qui serait supposé bloqué au momen du depart de ce bâtiment, ne sera cependant pas capturé ou condamné pour avoir essayé une première fois d'entrer dans le dit port, à moins qu'il ne puisse être prouvé, que le dit bâtiment ait pu et du apprendre, en route, que l'état de blocus de la place en question continuait: mais les bâtimens qui, après avoir été renvoyés une fois, essayeraient pendant le même voyage d'entrer une seconde fois dans le même port ennemi, durant la continuation du blocus, se trouveront alors sujets à être détenus et condamnés.

ART. 14. Le présent Traité dès qu'il aura été ratifié par le Président des Etats Unis par et avec l'avis et le consentement du Sénat, et par sa Majesté le Roi de Suède et de Norvège, restera en vigueur et sera obligatoir pour les Etats Unis et sa Majesté le Roi de Suède et de Norvège, pendant l'espace de huit ans, à compter de l'échange des ratifications et celles-ci seront échangées dans huit mois après la signature de ce Traité, et plutôt si faire se peut.

En foi de quoi les plénipotentiaires respectifs ont signé le present Traité et y ont apposé le cachet de leurs armes. Fait à Stockholm le quatre Septembre, l'an de Grâce, mil huit cent seize.

JONA. RUSSELL,
Le Comte d'ENGESTROM,
Le Comte A. G. de MORNER.

1782.
November 30.

TREATIES AND CONVENTIONS
BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN.

Provisional articles between the U. States and Great Britain.

No. 1.—*Articles agreed upon, by and between Richard Oswald, esquire, the commissioner of his Britannic majesty, for treating of peace with the commissioners of the United States of America, in behalf of his said majesty, on the one part, and John Adams, Benj. Franklin, John Jay, and Henry Laurens, four of the commissioners of the said states for treating of peace with the commissioners of his said majesty, on their behalf, on the other part, to be inserted in, and to constitute the treaty of peace, proposed to be concluded between the crown of Great Britain and the said United States; but which treaty is not to be concluded until terms of a peace, shall be agreed upon between Great Britain and France; and his Britannic majesty shall be ready to conclude such treaty accordingly.*

Equity and reciprocity declared to be the basis of this treaty.

Whereas reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between states; it is agreed to form the articles of the proposed treaty, on such principles of liberal equity and reciprocity, as that partial advantages, (those seeds of discord,) being excluded, such a beneficial and satisfactory intercourse between the two countries may be established, as to promise and secure to both perpetual peace and harmony.

His Britannic majesty acknowledges the U. States to be free, sovereign, & independent.

Art. 1. His Britannic majesty acknowledges the said United States, viz: New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent states; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, propriety, and territorial rights of the same, and every part thereof. And that all disputes which might arise in future, on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are, and shall be their boundaries, viz.

The boundaries of the U. States; & their territories defined and admitted.

Art. 2. From the northwest angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of St. Croix river to the highlands, along the said highlands, which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the At-

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lantic ocean, to the northwesternmost head of Connecticut river, thence down along the middle of that river, to the forty-fifth degree of north latitude; from thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraquy; thence along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie; thence along the middle of said communication into lake Erie, through the middle of said lake until it arrives at the water communication between that lake and lake Huron; thence along the middle of said water communication into the lake Huron; thence through the middle of said lake to the water communication between that lake and lake Superior; thence through lake Superior northward of the isles Royal and Philipeaux, to the Long Lake; thence through the middle of said Long Lake and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. South, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence straight to the head of St. Mary's river; and thence down along the middle of St. Mary's river to the Atlantic ocean. East by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy to its source, and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantic ocean from those which fall into the river St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy and the Atlantic ocean, excepting such islands as now are, or heretofore have been within the limits of the said province of Nova Scotia.

The boundaries of the United States; & their territories defined and admitted.

ART. 3. It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of

The people of the U. States to have the right to take fish on

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Newfoundland; also in the gulf of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island) and also on the coasts, bays and creeks of all other of his Britannic majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

the Grand and other banks of Newfoundland, in the gulf of St. Lawrence, on the coast of Newfoundland, &c. and to dry and cure them, for the present, in the unsettled bays, &c. of Nova Scotia, &c.

No impediment allowed to the recovery of debts on either side.

ART. 4. It is agreed that creditors on either side, shall meet with no lawful impediment to the recovery of the full value in sterling money, of all bona fide debts heretofore contracted.

Congress to recommend to the respectivestates to provide the restitution of confiscated property belonging to real British subjects and others, &c.

ART. 5. It is agreed that the congress shall earnestly recommend it, to the legislatures of the respective states, to provide for the restitution of all estates, rights, and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of his majesty's arms, and who have not borne arms against the said United States. And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties as may have been confiscated; and that congress shall also earnestly recommend to the several states a reconsideration and revision of all acts or laws regarding the premises so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which on the return of the blessings of peace should universally prevail. And that congress shall also earnestly recommend to the several states, that the estates, rights, and properties of such last mentioned persons, shall be restored to them, they refunding to any persons who may be now in possession, the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said

lands, rights or properties, since the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights. 1782. November 30. No lawful impediment in the prosecution of just rights.

ART. 6. That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons for, or by reason of, the part which he or they may have taken in the present war; and that no person shall, on that account, suffer any future loss or damage, either in his person, liberty, or property, and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued. All confiscations, and prosecutions of persons, for the part they may have taken in the war to cease.

ART. 7. There shall be a firm and perpetual peace between his Britannic majesty and the said states and between the subjects of the one and the citizens of the other, wherefore all hostilities both by sea and land shall then immediately cease: all prisoners on both sides shall be set at liberty, and his Britannic majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the said United States, and from every port, place, and harbor within the same; leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds, and papers, belonging to any of the said states, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong. A firm and perpetual peace. Hostilities to cease. Prisioners to be released, &c. Armies & fleets to be withdrawn from the U. S. Artillery to remain. Archives, records, &c. to be restored.

ART. 8. The navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain, and the citizens of the United States. The navigation of the Mississippi to be free to both nations.

ART. 9. In case it should so happen that any place or territory belonging to Great Britain or to the United States should be conquered by the arms of either from the other, before the arrival of these articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation. Conquests on either side, before the arrival of these articles in America, to be restored.

1782. November 30.

Done at Paris, November thirtieth, in the year one thousand seven hundred and eighty-two.

RICHARD OSWALD, [L. S.]
JOHN ADAMS, [L. S.]
B. FRANKLIN, [L. S.]
JOHN JAY, [L. S.]
HENRY LAURENS. [L. S.]

Witness:

CALEB WHITEFORD, secretary to the British commission.
W. T. FRANKLIN, secretary to the American commission.

No. 2.—*Armistice, declaring a cessation of hostilities between the United States and Great Britain.*

Armistice declarant une suspension d'armes entre les EtatsUnis et la Grande Bretagne.

TRANSLATION.

We, the undersigned ministers plenipotentiary of the United States of North America, having received from Mr. Fitz Herbert, minister plenipotentiary of his Britannic majesty, a declaration, relative to a suspension of arms, to be established between his said majesty and the said states, the tenor whereof is as follows:

Reference tothe articles which stipulate a cessation of hostilities between G. Britain, France, and Spain. See post. page 313.

Whereas the preliminary articles agreed upon and signed this day, between his majesty the king of Great Britain and his majesty the most christian king on the one part, and likewise between his said Britannic majesty and his catholic majesty on the other part, contain the stipulation of a cessation of hostilities between those three powers, which is to take place after the exchange of the ratifications of the said preliminary articles: and whereas, by the provisional treaty, sign-

Reference tothe provisional trea-

ORIGINAL.

Nous, soussignés ministres plénipotentiaires des Etats Unis de l'Amérique Septentrionale, aïant reçu de la part de M. Fitz Herbert, ministre plénipotentiaire de sa majesté Britannique, une déclaration relative à une suspension d'armes à établir entre sa dite majesté et les dits etats, dont la teneur s'en suit:

Comme les articles preliminaires arrêtés et signés aujourd'hui entre sa majeste le roi de la Grande Bretagne et sa majesté le roi très chrétien d'une part, et aussi entre sa dite majesté Britannique et sa majesté catholique d'autre part, renferment la stipulation de la cessation des hostilités entre ces trois puissances; laquelle doit commencer après l'échange des ratifications des dits articles préliminaires: et comme par le traité provisionel signé le 30 Novembre

1783. January 20.

ed on the thirtieth day of November last, between his Britannic majesty and the United States of North America, it hath been stipulated that that treaty should take effect as soon as peace should be established between the said crowns: the undersigned minister plenipotentiary of his Britannic majesty, does declare, in the name and by the express order of the king, his master, that the said United States of North America, their subjects, and their possessions, shall be comprehended in the above mentioned suspension of arms, and that, in consequence, they shall enjoy the benefit of the cessation of hostilities, at the same epochs, and in the same manner as the three crowns above mentioned, their subjects, and their respective possessions; the whole upon condition, that on the part and in the name of the said United States of North America, a similar declaration shall be delivered, expressly declaring their assent to the present suspension of arms, and containing the assurance of the most perfect reciprocity on their part.

dernier entre sa majesté Britannique et les Etats Unis de l'Amérique Septentrionale, il a été stipulé, que ce traité sortiroit son effet aussitôt que la paix entre les dites couronnes seroit retablie; le soussigné ministre plénipotentiaire de sa majesté Britannique, declare au nom, et par ordre exprès du roi son maître, que les dits Etats Unis de l'Amérique Septentrionale, leurs sujets, et leurs possessions, seront compris dans la suspension d'armes susmentionné, et qu'ils jouiront en consequence du benefice de la cessation des hostilités aux mêmes époques, et de la même manière que les trois couronnes susdites, leurs sujets et leurs possessions respectives; le tout à condition, que de la part et au nom des dits Etats Unis de l'Amérique Septentrionale, il soit delivré une déclaration semblable qui constate leur assentiment à la présente suspension d'armes et renferme l'assurance de la plus parfaite reciprocité de leur part.

tv of Nov. 30th, 1782. See ante page 208.

This stipulation appears in the title of that treaty. See p. 208.

Declaration by the British minister, that the U. States are included in the armistice between Great Britain, France & Spain.

In faith whereof, we, the minister plenipotentiary of his Britannic majesty, have signed the present declaration, and have caused the seal of our arms to be thereto affixed.

En foi de quoi, nous, ministre plénipotentiaire de sa majesté Britannique, avons signé la présente déclaration, et y avons fait apposer le cachet de nos armes.

Versailles, 20th January, 1783.

[L.S.] ALLEYNE FITZ HERBERT.

A Versailles, le 20 Jan. 1783.

[L. S.] ALLEYNE FITZ HERBERT.

1783. January 20.

Have, in the name of the said United States of North America, and by virtue of the powers with which they have vested us, accepted the abovedeclaration, do, by these presents, merely and simply accept it, and do reciprocally declare that the said states shall cause all hostilities to cease against his Britannic majesty, his subjects, and his possessions, at the terms and epochs agreed upon between his said majesty the king of Great Britain, his majesty the king of France, and his majesty the king of Spain, so and in the same manner as has been agreed between those three crowns, and to produce the same effects.

Acceptance of the British minister's declaration of the armistice, and reciprocal declaration, by the ministers of the U. States, that hostilities shall cease.

Avons au nom des dits Etats Unis de l'Amérique Septentrionale, et en vertu des pouvoirs dont ils nous ont munis, accepté la déclaration ci-dessus, l'acceptons par ces présentes purement et simplement, et declarons reciproquement, que les dits états feront cesser toutes hostilités contre sa majesté Britannique, ses sujets et ses possessions, aux terms et aux époques convenus entre sa dite majesté le roi de la Grande Bretagne, sa majésté le roi de France et S. M. le roi d'Espagne, ainsi, et de la même manière qu'il a été convenu entre ces trois couronnes, et pour produire le même effet.

In faith whereof, we, the ministers plenipotentiary of the United States of North America, have signed the present declaration, and have affixed thereto the seals of our arms.

En foi de quoi, nous, ministres plénipotentiaires des Etats Unis de l'Amérique Septentionale, avons signé la présente déclaration, et y avons apposé les cachets de nos armes.

Versailles, 20th January, one thousand seven hundred eighty-three.

A Versailles, le vingt Janvier, mil sept cent quatre-vingt trois.

JOHN ADAMS, [L. S.]
B. FRANKLIN, [L. S.]

JOHN ADAMS, [L. S.]
B. FRANKLIN. [L. S.]

Copy of the first and twenty-second preliminary articles, between France and Great Britain, signed at Versailles the twentieth January 1783.

Copie du premier et du vingt-deuxieme des articles preliminaires entre la France et la Grande Bretagne, signes a Versailles le 20 *Janvir,* 1783.

TRANSLATION.

ORIGINAL.

Preliminary article, declaring the period which hostilities

ART. 1. As soon as the preliminaries shall be signed and ratified sincere friendship shall

ART. 1. Aussitôt que les preliminaires seront signés et ratifiés, l'amitié sincere sera

1783. January 20.

be re-established between his most christian majesty and his Britannic majesty, their kingdoms, states, and subjects, by sea and by land, in all parts of the world; orders shall be sent to the armies and squadrons, as well as to the subjects of the two powers, to cease all hostilities, and to live in the most perfect union, forgetting the past, according to the order and example of their sovereigns; and for the execution of this article, sea passes shall be given on each side to the ships which shall be despatched to carry the news to the possessions of the said powers.

shall cease between G. Britain and France.

retablie entre sa majesté très chrétienne et sa majesté Britannique, leurs royaumes, états et sujets, par mer et par terre, dans toutes les parties du monde; il sera envoyé des ordres aux armées, et escadres, ainsi qu'aux sujets des deux puissances de cesser toute hostilité, et de vivre dans la plus parfaite union en oubliant le passé, dont leurs souverains leur donnent l'ordre et l'exemple; et pour l'exécution de cet article, il sera donné, de part et d'autre, des passeports de mer aux vaisseaux qui seront expediés pour en porter la nouvelle dans les possessions des dits puissances.

ART. 22. To prevent all the causes of complaint and dispute which might arise on account of the prizes which may be taken at sea after the signing of these preliminary articles, it is reciprocally agreed, that the vessels and effects which may be taken in the Channel and in the North Seas after the space of twelve days, to be computed from the ratification of the present preliminary articles, shall be restored on each side. That the term shall be of one month from the Channel and the North Seas to the Canary Islands inclusively, whether in the ocean or in the Mediterranean; of two months from the said Canary Islands to the equinoxial line or equator; and lastly, of five months in all other parts of the

Preliminary article, declaring the times, beyond which, if captures are made at sea, in different parts of the world, they shall be restored.

ART. 22. Pour prevenir tous les sujets de plaintes et de contestation qui pourroient naître á l'occasion des prises qui pourroient être faites en mer depuis la signature de ces articles préliminaires, on est convenu reciproquement que les vaisseaux et effets qui pourroient être pris dans la Manche et dans les Mers du Nord, après l'espace de douze jours à compter depuis la ratifications des présents articles préliminaires, seront de part et d'autre restitués: Que le terme sera d'un mois depuis la Manche et les Mers du Nord, jusqu'aux Canaries inclusivement, soit dans l'ocean, soit dans la Mediterrannée; de deux mois depuis les dites Isles Canaries, jusqu'à la ligne equinoxiale ou

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world, without any exception, nor other more particular distinction of times and places.

l'equateur; et enfin de cinq mois dans tous les autres endroits du monde, sans aucune exception ni autre distinction plus particulière de tems et de lieux.

PULL POWER OF THE UNITED STATES OF AMERICA.

Full power of the American negotiators.

The United States of America, in Congress assembled, to all to whom these presents shall come, send greeting: Whereas these United States, from a sincere desire of putting an end to the hostilities, between his most Christian Majesty and these United States on the one part, and his Britannic Majesty on the other, and of terminating the same by a peace, founded on such solid and equitable principles as reasonably to promise a permanency of the blessings of tranquillity, did heretofore appoint the honorable John Adams, late a commissioner of the United States of America at the court of Versailles, late delegate in Congress from the state of Massachusetts, and chief justice of the said state, their minister-plenipotentiary, with full powers, general and special, to act in that quality, to confer, treat, agree, and conclude with the ambassadors or plenipotentiaries of his most Christian Majesty, and of his Britannic Majesty and those of any other princes, or states, whom it might concern, relating to the re-establishment of peace and friendship: and whereas the flames of war have since that time been extended, and other nations and states are involved therein: Now know ye that we still continuing earnestly desirous, as far as depends upon us, to put a stop to the effusion of blood, and to convince the powers of Europe, that we wish for nothing more ardently, than to terminate the war by a safe and honourable peace, have thought proper to renew the powers formerly given to the said John Adams, and to join four other persons in commission with him; and having full confidence in the integrity, prudence, and ability of the honourable Benjamin Franklin, our minister plenipotentiary at the court of Versailles, and the honourable John Jay, late president of Congress, and chief justice of the state of New York, and our minister plenipotentiary at the court of Madrid; and the honourable Henry Laurens, formerly president of Congress, and commissionated

and sent as our agent to the United Provinces of the Low Countries; and the honourable Thomas Jefferson, governor of the commonwealth of Virginia; have nominated, constituted, and appointed, and by these presents do nominate, constitute, and appoint, the said Benjamin Franklin, John Jay, Henry Laurens, and Thomas Jefferson, in addition to the said John Adams, giving and granting to them, the said John Adams, Benjamin Franklin, John Jay, Henry Laurens, and Thomas Jefferson, or the majority of them, or of such of them as may assemble; or, in case of the death, absence, indisposition, or other impediment of the others, to any one of them, full power and authority, general and special conjunctly and separately, and general and special command, to repair to such place as may be fixed upon for opening negotiations for peace; and there for us and in our name, to confer, treat, agree, and conclude with the ambassadors, commissioners, and plenipotentiaries of the princes and states whom it may concern, vested with equal powers, relating to the establishment of peace; and whatsoever shall be agreed and concluded, for us, and in our name, to sign, and thereupon make a treaty or treaties; and to transact every thing that may be necessary for completing, securing and strengthening the great work of pacification, in as ample form, and with the same effect, as if we were personally present, and acted therein; hereby promising, in good faith, that we will accept, ratify, fulfil, and execute whatever shall be agreed, concluded, and signed by our said ministers plenipotentiary, or a majority of them, or of such of them as may assemble; or, in case of death, absence, indisposition, or other impediment of the others, by any one of them; and that we will never act, nor suffer any person to act, contrary to the same, in whole, or in any part. In witness whereof, we have caused these presents to be signed by our president, and sealed with his seal.

1781. June 15.

Done at Philadelphia, the fifteenth day of June, in the year of our Lord one thousand seven hundred and eighty-one, and in the fifth year of our independence, by the United States in congress assembled.

(Signed) SAM. HUNTINGTON, *President.*
Attest, (Signed) CHARLES THOMSON, *Secretary.*

HIS BRITANNIC MAJESTY'S FULL POWER.

GEORGE R.

George the Third, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, Duke of Brunswic and Lunenburg, Arch-treasurer and Prince Elector of the Holy Roman Empire, &c.; to all to whom these presents shall come, greeting. Whereas, for the perfecting and estab-

Full power of the British negotiator.

1783. May 16.

lishing the peace, friendship, and good understanding, so happily commenced by the provisional articles, signed at Paris the thirtieth day of November last, by the commissioners of us and our good friends the United States of America, viz. New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in North America; and for opening, promoting, and rendering perpetual, the mutual intercourse of trade and commerce between our kingdoms and the dominions of the said United States, we have thought proper to invest some fit person with full powers, on our part, to meet and confer with the ministers of the said United States, now residing at Paris, duly authorized for the accomplishing of such laudable and salutary purposes; Now, know ye, that we, reposing special trust and confidence in the wisdom, loyalty, diligence, and circumspection of our trusty and well-beloved David Hartley, Esquire, (on whom we have therefore conferred the rank of our minister plenipotentiary) have nominated, constituted, and appointed, and by these presents do nominate, constitute, and appoint him our true, certain, and undoubted commissioner, procurator, and plenipotentiary; giving and granting to him all and all manner of faculty, power, and authority, together with general as well as special order (so as the general do not derogate from the special, nor on the contrary) for us, and in our name, to meet, confer, treat, and conclude with the minister or ministers furnished with sufficient powers on the part of our said good friends the United States of America, of and concerning all such matters and things as may be requisite and necessary for accomplishing and completing the several ends and purposes herein before mentioned; and also for us, and in our name, to sign such treaty or treaties, convention or conventions, or other instruments whatsoever, as may be agreed upon in the premises, and mutually to deliver and receive the same in exchange; and to do and perform all such other acts, matters, and things, as may be any ways proper and conducive to the purposes above mentioned, in as full and ample form and manner, and with the like validity and effect, as we ourself, if we were present, could do and perform the same: engaging and promising, on our Royal word, that we will accept, ratify, and confirm, in the most effectual manner, all such acts, matters, and things, as shall be so transacted and concluded by our aforesaid commissioner, procurator, and plenipotentiary; and that we will never suffer any person to

violate the same, in the whole or in part, or to act contrary thereto. In testimony and confirmation of all which, we have caused our great seal of Great Britain to be affixed to these presents, signed with our Royal hand. Given at our palace at St. James's, the fourteenth day of May, in the year of our Lord one thousand seven hundred and eighty-three, and in the twenty-third year of our reign. 1783. May 14.

No. 3.—*Definitive treaty of peace between the United States of America, and his Britannic majesty.*

Definitive treaty of peace between the U. S. and Great Britain.

In the name of the most holy and undivided Trinity.

It having pleased the Divine Providence to dispose the hearts of the most serene and most potent prince, George the third, by the grace of God king of Great Britain, France, and Ireland, defender of the faith, duke of Brunswick and Luneburg, arch treasurer and prince elector of the holy Roman empire, &c. and of the United States of America, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore; and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony: And having, for this desirable end, already laid the foundation of peace and reconciliation, by the provisional articles, signed at Paris, on the thirtieth of November, one thousand seven hundred and eighty-two, by the commissioners empowered on each part, which articles were agreed to be inserted in, and to constitute the treaty of peace proposed to be concluded between the crown of Great Britain and the said United States, but which treaty was not to be concluded until terms of peace should be agreed upon between Great Britain and France, and his Britannic majesty should be ready to conclude such treaty accordingly; and the treaty between Great Britain and France having since been concluded, his Britannic majesty and the United States of America, in order to carry into full effect the provisional articles abovementioned, according to the tenor thereof, have constituted and appointed, that is to say: his Britannic majesty on his part, David Hartley, esquire, member of the parliament of Great Britain; and the said United States on their part, John

The object of this treaty is to establish a beneficial intercourse, peace, and harmony, between the two countries.

Reference to the provisional articles of peace &c.

1783. September 3.

Adams, esquire, late a commissioner of the United States of America at the court of Versailles, late delegate in congress from the State of Massachusetts, and chief justice of the said state, and minister plenipotentiary of the said United States, to their high mightinesses the states general of the United Netherlands; Benjamin Franklin, esquire, late delegate in congress from the state of Pennsylvania, president of the convention of the said state, and minister plenipotentiary from the United States of America at the court of Versailles; John Jay, esquire, late president of congress, and chief justice of the state of New York, and minister plenipotentiary from the said United States at the court of Madrid, to be the plenipotentiaries for the concluding and signing the present definitive treaty; who, after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles:

His Britannic majesty acknowledges the U. States to be free, sovereign, & independent.

ART. 1. His Britannic majesty acknowledges the said United States, viz: New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent states; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, propriety, and territorial rights of the same, and every part thereof.

The boundaries of the U. States; & their territories defined and admitted.

ART. 2. And that all disputes which might arise in future, on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are, and shall be their boundaries, viz. from the northwest angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of Saint Croix river to the highlands; along the said highlands, which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river, thence down along the middle of that river, to the forty-fifth degree of north latitude; from thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraquy; thence along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie; thence along the middle of said communication into lake Erie, through the middle of said lake until it arrives at the water communication between that lake and lake Huron; thence

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September 3.

along the middle of said water communication into the lake Huron; thence through the middle of said lake to the water communication between that lake and lake Superior; thence through lak- Superior northward of the isles Royal and Philipeaux, to the Long Lake; thence through the middle of said Long Lake and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. South, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence straight to the head of St. Mary's river; and thence down along the middle of St. Mary's river to the Atlantic ocean. East by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy to its source, and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantic ocean from those which fall into the river St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy and the Atlantic ocean, excepting such islands as now are, or heretofore have been within the limits of the said province of Nova Scotia.

The people of the U. States to have the right to take fish on the Grand and other banks of Newfoundland, in the gulf of St. Lawrence, on the coast of Newfoundland, &c. and to dry and cure them, for the present, in the unsettled bays, &c. of Nova Scotia, &c.

ART. 3. It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the gulf of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island) and also on the coasts, bays and creeks of all other of his Britannic majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia,

1783. September 3.

Magdalen islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

No impediment allowed to the recovery of debts on either side.

ART. 4. It is agreed that creditors on either side, shall meet with no lawful impediment to the recovery of the full value in sterling money, of all bona fide debts heretofore contracted.

Congress to recommend to the respective states to provide for the restitution of confiscated property belonging to real British subjects and others, &c.

ART. 5. It is agreed that the congress shall earnestly recommend it, to the legislatures of the respective states, to provide for the restitution of all estates, rights, and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of his majesty's arms, and who have not borne arms against the said United States. And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties as may have been confiscated; and that congress shall also earnestly recommend to the several states a reconsideration and revision of all acts or laws regarding the premises so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which on the return of the blessings of peace should universally prevail. And that congress shall also earnestly recommend to the several states, that the estates, rights, and properties of such last mentioned persons, shall be restored to them, they refunding to any persons who may be now in possession, the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties, since the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

No lawful impediment in the prosecution of just rights.

All confiscations, and prosecutions of persons, for the part they may have taken in the war to cease.

ART. 6. That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons for, or by reason of, the part which he or they may have taken in the present war; and that no person shall, on that account, suffer any future loss or damage, either in his person, liberty, or property, and that those who may be in confine-

ment on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued. 1783. September 3.

ART. 7. There shall be a firm and perpetual peace between his Britannic majesty and the said states and between the subjects of the one and the citizens of the other, wherefore all hostilities both by sea and land shall then immediately cease: all prisoners on both sides shall be set at liberty, and his Britannic majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the said United States, and from every port, place, and harbor within the same; leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds, and papers, belonging to any of the said states, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

A firm and perpetual peace.

Hostilities to cease.

Prisoners to be released, &c.

Armies & fleets to be withdrawn from the U. S.

Artillery to remain.

Archives, records, &c. to be restored.

ART. 8. The navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain, and the citizens of the United States.

The navigation of the Mississippi to be free to both nations.

ART. 9. In case it should so happen that any place or territory belonging to Great Britain or to the United States should be conquered by the arms of either from the other, before the arrival of these articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation.

Conquests on either side, before the arrival of these articles in America, to be restored.

ART. 10. The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties, in the space of six months, or sooner if possible, to be computed from the day of the signature of the present treaty. In witness whereof, we, the undersigned, their ministers plenipotentiary, have, in their name and in virtue of our full powers, signed with our hands the present definitive treaty, and caused the seals of our arms to be affixed thereto.

Ratifications to be exchanged in six months.

Done at Paris, this third day of September, in the year of our Lord one thousand seven hundred and eighty-three.

[L. S.] D. HARTLEY,
[L. S.] JOHN ADAMS,
[L. S.] B. FRANKLIN,
[L. S.] JOHN JAY.

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No. 4. *Treaty of amity, commerce, and navigation, between his Britannic majesty and the United States of America, by their president, with the advice and consent of their senate.*

Treaty of amity, commerce, and navigation, between the U. States and G. Britain.

His Britannic majesty and the United States of America, being desirous, by a treaty of amity, commerce and navigation, to terminate their differences in such a manner, as, without reference to the merits of their respective complaints and and pretensions may be the best calculated to produce mutual satisfaction and good understanding; and also to regulate the commerce and navigation between their respective countries, teritories, and people, in such a manner as to render the same reciprocally beneficial and satisfactory; they have, respectively, named their plenipotentiaries, and given them full powers to treat of, and conclude the said treaty; that is to say: his Britannic majesty has named for his plenipotentiary, the right honorable William Wyndham, baron Grenville, of Wotton, one of his majesty's privy council, and his majesty's principal secretary of state for foreign affairs; and the president of the said United States, by and with the advice and consent of the senate thereof, hath appointed for their plenipotentiary, the honorable John Jay, chief justice of the said United States, and their envoy extraordinary to his majesty; who have agreed on and concluded the following articles:

Commerce and navigation to be reciprocally beneficial.

Firm and inviolable peace.

ART. 1. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship, between his Britannic majesty, his heirs and successors, and the United States of America; and between their respective countries, territories, cities, towns, and people of every degree, without exception of persons or places.

Great Britain to withdraw her troops from certain posts within the boundary line of the U. S. on or before the 1st June, 1796.

ART. 2. His majesty will withdraw all his troops and garrisons from all posts and places within the boundary lines assigned by the treaty of peace to the United States. This evacuation shall take place on or before the first day of June, one thousand seven hundred and ninety six, and all the proper measures shall in the interval be taken by concert between the government of the United States, and his majesty's governor general in America, for settling the previous arrangements which may be necessary respecting the delivery of the said posts: the United States in the meantime, at their discretion, extending their settlements to any part within the said boundary line, except within the precincts or jurisdiction of any of

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the said posts. All settlers and traders, within the precincts or jurisdiction of the said posts, shall continue to enjoy, unmolested, all their property, of every kind, and shall be protected therein. They shall be at full liberty to remain there, or to remove with all or any part of their effects; and it shall also be free to them to sell their lands, houses, or effects, or to retain the property thereof, at their discretion; such of them as shall continue to reside within the said boundary lines, shall not be compelled to become citizens of the United States, or to take any oath of allegiance to the government thereof; but they shall be at full liberty so to do if they think proper, and they shall make and declare their election within one year after the evacuation aforesaid. And all persons who shall continue there after the expiration of the said year, without having declared their intention of remaining subjects of his Britannic majesty, shall be considered as having elected to become citizens of the United States.

Settlers & traders, residing in the precincts of the posts to be surrendered, to enjoy their property unmolested, &c.

These settlers not to be compelled to become citizens of the U. States, nor to take the oath of allegiance, &c.

ART. 3. It is agreed that it shall 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 said boundary line, freely to pass and repass, by land, or inland navigation, into the respective territories and countries of the two 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. But it is understood, that this article does not extend to the admission of vessels of the United States into the seaports, harbors, bays, or creeks of his majesty's said territories; nor into such parts of the rivers in his majesty's said territories as are between the mouth thereof and the highest port of entry from the sea, except in small vessels trading bona fide between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of any frauds in this respect. Nor to the admission of British vessels from the sea into the rivers of the United States, beyond the highest ports of entry for foreign vessels from the sea. The river Mississippi shall, however, according to the treaty of peace, be entirely open to both parties; and it is further agreed, that all the ports and places on its eastern side, to whichsoever of the parties belonging, may freely be resorted to and used by both parties, in as ample a manner as any of the atlantic ports or places of the United States, or any of the ports or places of his majesty in Great Britain.

Freedom of intercourse and trade mutually allowed to citizens and subjects of the two parties, and to the Indians, on the continent of America; the limits of Hudson's bay company excepted.

Exceptions as to the admission of vessels of either party.

The river Mississippi to be open to both parties.

All goods and merchandise whose importation into his majesty's said territories in America, shall not be entirely pro-

Goods & merchandise not wholly pro-

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hibited, may freely, for the purposes of commerce, be carried into the same in the manner aforesaid, by the citizens of the United States, and such goods and merchandise shall be subject to no higher or other duties than would be payable by his majesty's subjects on the importation of the same from Europe into the said territories. And in like manner, all goods and merchandise whose importation into the United States shall not be wholly prohibited, may freely, for the purposes of commerce, be carried into the same, in the manner aforesaid, by his majesty's subjects, and such goods and merchandise shall be subject to no higher or other duties, than would be payable by the citizens of the United States on the importation of the same in American vessels into the Atlantic ports of the said states. And all goods not prohibited to be exported from the said territories respectively, may, in like manner, be carried out of the same by the two parties respectively, paying duty as aforesaid.

hibited, mutually admitted into the territories of each party, &c.

No duty of entry to be levied on peltries brought by land, &c.

No duty of entry shall ever be levied by either party on peltries brought by land, or inland navigation, into the said territories respectively, nor shall the Indians passing or repassing with their own proper goods and effects of whatever nature, pay for the same any impost or duty whatever. But goods in bales, or other large packages, unusual among Indians, shall not be considered as goods belonging bona fide to Indians.

No higher or other tolls, &c. to be demanded than are payable by natives, on either side, &c.

No higher or other tolls or rates of ferriage than what are or shall be payable by natives, shall be demanded on either side; and no duties shall be payable on any goods which shall merely be carried over any of the portages or carrying places on either side, for the purpose of being immediately reimbarked and carried to some other place or places. But as by this stipulation it is only meant to secure to each party a free passage across the portages on both sides, it is agreed, that this exemption from duty shall extend only to such goods as are carried in the usual and direct road across the portage, and are not attempted to be in any manner sold or exchanged during their passage across the same, and proper regulations may be established to prevent the possibility of any frauds in this respect.

As this article is intended to render in a great degree the local advantages of each party common to both, and thereby to promote a disposition favorable to friendship and good neighborhood, it is agreed, that the respective governments will mutually promote this amicable intercourse, by causing speedy and impartial justice to be done, and necessary protection to be extended to all who may be concerned therein.

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ART. 4. Whereas it is uncertain whether the river Mississippi extends so far to the northward, as to be intersected by a line to be drawn due west from the lake of the Woods, in the manner mentioned in the treaty of peace between his majesty and the United States; it is agreed, that measures shall be taken in concert between his majesty's government in America and the government of the United States, for making a joint survey of the said river from one degree of latitude below the falls of St. Anthony, to the principal source or sources of the said river, and also of the parts adjacent thereto; and that if, on the result of such survey, it should appear that the said river would not be intersected by such a line as is abovementioned, the two parties will thereupon proceed, by amicable negotiation, to regulate the boundary line in that quarter, as well as all other points to be adjusted between the said parties, according to justice and mutual convenience, and in conformity to the intent of the said treaty.

A joint survey of the Mississippi to be made, from one degree below the falls of St. Anthony to the principal sources of that river, to ascertain whether a line drawn due west from the lake of the Woods will intersect the Mississippi, &c.

ART. 5. Whereas doubts have arisen what river was truly intended under the name of the river St. Croix, mentioned in the said treaty of peace, and forming a part of the boundary therein described; that question shall be referred to the final decision of commissioners to be appointed in the following manner, viz:

Commissioners to be appointed to identify the river St. Croix, designated in the definitive treaty of peace, as forming part of the boundary line of the U. S.

One commissioner shall be named by his majesty, and one by the president of the United States, by and with the advice and consent of the senate thereof, and the said two commissioners shall agree on the choice of a third; or if they cannot so agree, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot in the same presence of the two original commissioners. And the three commissioners so appointed, shall be sworn, impartially to examine and decide the said question, according to such evidence as shall respectively be laid before them on the part of the British government and of the United States. The said commissioners shall meet at Halifax, and shall have power to adjourn to such other place or places as they shall think fit. They shall have power to appoint a secretary, and to employ such surveyors or other persons as they shall judge necessary. The said commissioners shall, by a declaration, under their hands and seals, decide what river is the river St. Croix, intended by the treaty. The said declaration shall contain a description of the said river, and shall particularize the latitude and longitude of its mouth and of its source. Duplicates of this declaration and of the statements of their accounts, and of the journal of

The commissioners to make a particular and descriptive declaration as to the identity of the river St. Croix, and their decision to be final.

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their proceedings, shall be delivered by them to the agent of his majesty, and to the agent of the United States, who may be respectively appointed and authorized to manage the business on behalf of the respective governments. And both parties agree to consider such decision as final and conclusive, so as that the same shall never thereafter be called into question, or made the subject of dispute or difference between them.

The U. S. to compensate British creditor, for losses occasioned by legal impediments to the collection of debts contracted before the peace of 1783.

ART. 6. Whereas it is alleged by divers British merchants and others his majesty's subjects, that debts, to a considerable amount, which were boni fide contracted before the peace, still remain owing to them by citizens or inhabitants of the United States, and that by the operation of various lawful impediments since the peace, not only the full recovery of the said debts has been delayed, but also the value and security thereof have been in several instances, impaired and lessened, so that by the ordinary course of judicial proceedings, the British creditors cannot now obtain, and actually have and receive full and adequate compensation for such losses and damages which they have thereby sustained, it is agreed that in all such cases, where full compensation for such losses and damages cannot, for whatever reason, be actually obtained, had, and received by the said creditors in the ordinary course of justice, the United States will make full and complete compensation for the same to the said creditors: but it is distinctly understood, that this provision is to extend to such losses only as have been occasioned by the lawful impediments aforesaid and is not to extend to losses occasioned by such insolvency of the debtors, or other causes as would equally have operated to produce such loss, if the said impediments have not existed nor to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

Limitation of this provision to losses sustained by legal impediments only.

Five commissioners to be appointed to ascertain the amount of losses which the U. S. consent to make good to British creditors, &c.

For the purpose of ascertaining the amount of any such losses and damages, five commissioners shall be appointed, and authorised to meet and act in manner following, viz. Two of them shall be appointed by his majesty, two of them by the president of the United States, by and with the advice and consent of the senate thereof, and the fifth by the unanimous voice of the other four; and if they should not agree in such choice, then the commissioners named by the two parties shall respectively propose one person, and if the two names so proposed one shall be drawn by lot, in the presence of the four original commissioners. When the five commissioners thus appointed shall first meet, they shall, before they proceed to act,

Commissioners to take an oath.

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respectively take the following oath, or affirmation, in the presence of each other; which oath, or affirmation, being so taken and duly attested, shall be entered on the record of their proceedings, viz. *I, A. B. one of the commissioners appointed in pursuance of the sixth article of the treaty of amity, commerce, and navigation, between his Britannic majesty and the United States of America, do solemnly swear* (or affirm) *that I will honestly, diligently, impartially, and carefully examine, and to the best of my judgement, according to justice and equity, decide all such complaints, as under the said article shall be preferred to the said commissioners: and that I will forbear to act as a commissioner, in any case in which I may be personally interested.*

Form of the oath to be taken by the commissioners.

Three of the said commissioners shall constitute a board, and shall have power to do any act appertaining to the said commissioners, provided that one of the commissioners named on each side, and the fifth commissioner shall be present, and all decisions shall be made by the majority of the voices of the commissioners then present. Eighteen months from the day on which the said commissioners shall form a board, and be ready to proceed to business, are assigned for receiving complaints and applications; but they are nevertheless authorised, in any particular cases in which it shall appear to them to be reasonable and just, to extend the said term of eighteen months, for any term not exceeding six months, after the expiration thereof. The said commissioners shall first meet at Philadelphia, but they shall have power to adjourn from place to place as they shall see cause.

Three Commissioners to form a board.

Proviso.

Eighteen months allowed for receiving claims, with an extension of the time for six months in just and reasonable cases.

The commissioners to meet at Philadelphia.

The said commissioners in examining the complaints and applications so preferred to them, are empowered and required, in pursuance of the true intent and meaning of this article, to take into their consideration all claims, whether of principal or interest, or balances of principal and interest, and to determine the same respectively, according to the merits of the several cases, due regard being had to all the circumstances thereof, and as equity and justice shall appear to them to require. And the said commissioners shall have power to examine all such persons as shall come before them, on oath or affirmation, touching the premises; and also to receive in evidence, according as they may think most consistent with equity and justice, all written depositions, or books, or papers, or copies, or extracts thereof; every such deposition, book, or paper, or copy, or extract, being duly authenticated, either according to the legal forms now respectively existing in the two

Rules prescribed, and powers vested in the commissioners, for the investigation of claims, &c.

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countries, or in such other manner as the said commissioners shall see cause to require or allow.

Award of the commissioners to be final.

The award of the said commissioners, or of any three of them as aforesaid; shall in all cases, be final and conclusive, both as to the justice of the claim, and to the amount of the sum to be paid to the creditor or claimant. And the United States undertake to cause the sum so awarded to be paid in specie to such creditor or claimant without deduction; and at such time or times, and at such place or places, as shall be awarded by the said commissioners; and on condition of such releases or assignments to be given by the creditor or claimant, as by the said commissioners may be directed: provided always that, no such payment shall be fixed by the said commissioners to take place sooner than twelve months from the day of the exchange of the ratifications of this treaty.

The U. S. to pay in specie, &c.

No payment to British creditors previously to a year after the ratifications of this treaty.

The British government to make compensation to citizens of the U. S. for illegal captures of their vessels by British subjects.

ART. 7. Whereas complaints have been made by divers merchants and other citizens of the United States, that during the course of the war in which his majesty is now engaged, they have sustained considerable losses and damage, by reason of irregular or illegal captures or condemnations of their vessels and other property, under color of authority or commissions from his majesty; and that from various circumstances belonging to the said cases, adequate compensation for the losses and damages so sustained, cannot now be actually obtained, had, and received, by the ordinary course of judicial proceedings; it is agreed, that in all such cases, where adequate compensation cannot, for whatever reason, be now actually obtained, had, and received by the said merchants and others in the ordinary course of justice, full and complete compensation for the same will be made by the British government to the said complainants. But it is distinctly understood, that this provision is not to extend to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

This provision not to extend to losses occasioned by negligence of claimants.

Five commissioners to be appointed with the same powers as those appointed in virtue of the 6th article of this treaty, &c. for adjusting the amount of indemnification for illegal British captures.

That for the purpose of ascertaining the amount of any such losses and damages, five commissioners shall be appointed and authorized to act in London, exactly in the manner directed with respect to those mentioned in the preceding article, and after having taken the same oath or affirmation (mutatis mutandis,) the same term of eighteen months is also assigned for the reception of claims, and they are in like manner authorised to extend the same in particular cases. They shall receive testimony, books, papers, and evidence in the same latitude, and exercise the like discretion and powers respecting that

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subject; and shall decide the claims in question according to the merits of the several cases, and to justice, equity, and the laws of nations. The award of the said commissioners, or any such three of them as aforesaid, shall in all cases, be final and conclusive, both as to the justice of the claim, and the amount of the sum to be paid to the claimant; and his Britannic majesty undertakes to cause the same to be paid to such claimant in specie, without any deduction, at such place or places, and at such time or times, as shall be awarded by the said commissioners, and on condition of such releases or assignments to be given by the claimant, as by the said commissioners may be directed.

And the commissioners appointed also to decide respecting claims to be paid by the U. States to British subjects for losses sustained by captures under the circumstances mentioned in a letter from Mr. Jefferson to Mr. Hammond, of the 5th Sept. 1793.

And whereas certain merchants and others, his majesty's subjects, complain, that in the course of the war they have sustained loss and damage, by reason of the capture of their vessels and merchandise, taken within the limits and jurisdiction of the states, and brought into the ports of the same, or taken by vessels originally armed in ports of the said states: It is agreed that in all such cases, where restitution shall not have been made agreeably to the tenor of the letter from Mr. Jefferson to Mr. Hammond, dated at Philadelphia, September 5, 1793, a copy of which is annexed to this treaty, the complaints of the parties shall be and hereby are referred to the commisioners, to be appointed by virtue of this article, who are hereby authorised and required to proceed in the like manner relative to these as to the other cases committed to them; and the United States undertake to pay to the complainants or claimants, in specie, without deduction, the amount of such sums as shall be awarded to them respectively by the said commissioners, and at the times and places which, in such awards, shall be specified; and on condition of such releases or assignments to be given by the claimants, as in the said awards may be directed: and it is further agreed, that not only the now existing cases of both descriptions, but also all such as shall exist at the time of exchanging the ratifications of this treaty, shall be considered as being within the provisions, intent, and meaning of this article.

The commissioners to be paid according to subsequent agreement.

Art. 8. It is further agreed, that the commissioners mentioned in this and in the two preceding articles, shall be respectively paid in such manner as shall be agreed between the two parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses attending the said commissions shall be defrayed jointly by the two parties, the same being previously ascertained and allowed

Other expenses to be defrayed jointly.

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by the majority of the commissioners. And in the case of death, sickness, or necessary absence, the place of every such commissioner respectively shall be supplied in the same manner as such commissioner was first appointed, and the new commissioners shall take the same oath, or affirmation, and do the same duties.

Vacancies in the commission to be filled in the manner of the first appointments, &c.

American citizens and British subjects holding lands in the territory of either party, to exercise the rights appertaining thereto, as if they were natives.

ART. 9. It is agreed that British subjects who now hold lands in the territories of the United States, and American citizens who now hold lands in the dominions of his majesty, shall continue to hold them according to the nature and tenure of their respective estates and titles therein; and may grant, sell, or devise the same to whom they please, in like manner as if they were natives; and that neither they nor their heirs or assigns shall, so far as may respect the said lands and the legal remedies incident thereto, be regarded as aliens.

No debts, or moneys, vested in funds to be confiscated in the event of war &c.

ART. 10. Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor moneys which they may have in the public funds, or in the public or private banks, shall ever, in any event of war or national differences, be sequestered or confiscated, it being unjust and impolitic that debts and engagements contracted and made by individuals, having confidence in each other and in their respective governments, should ever be destroyed or impaired by national authority, on account of national differences and discontents.

Reciprocity of navigation and commerce under certain limitations.

ART. 11. It is agreed between his majesty and the United States of America, that there shall be a reciprocal and entirely perfect liberty of navigation and commerce between their respective people, in the manner, under the limitations, and on the conditions specified in the following articles:

Trade allowed to the British West Indies, in vessels of the U. States, not exceeding 70 tons, and in such articles as British vessels may carry thither from the U. States.

ART. 12. His majesty consents that it shall and may be lawful, during the time hereinafter limited, for the citizens of the United States to carry to any of his majesty's islands and ports in the West Indies from the United States, in their own vessels, not being above the burden of seventy tons, any goods or merchandises, being of the growth, manufacture, or produce of the said states, which it is or may be lawful to carry to the said islands or ports, from the said states, in British vessels; and that the said American vessels shall be subject there to no other or higher tonnage duties or charges, than shall be payable by British vessels in the ports of the United States; and that the cargoes of the said American vessels shall be subject there to no other or higher duties or charges, than shall be payable on the like articles if imported there from the said states in British vessels.

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And his majesty also consents, that it shall be lawful for the said American citizens to purchase, load, and carry away in their said vessels to the United States from the said islands and ports, all such articles, being of the growth, manufacture, or produce of the said islands, as may now by law be carried from thence to the said states in British vessels, and subject only to the same duties and charges on exportation, to which British vessels and their cargoes are or shall be subject in similar circumstances.

Vessels of the U. States allowed to export from the British West Indies to the U. States, such articles as may be carried thither in British vessels, &c.

Provided always, that the said American vessels do carry and land their cargoes in the United States only, it being expressly agreed and declared, that during the continuance of this article, the United States will prohibit and restrain the carrying any molasses, sugar, coffee, cocoa, or cotton, in American vessels, either from his majesty's islands, or from the United States to any part of the world, except the United States, reasonable sea stores excepted. Provided also, that it shall and may be lawful, during the same period, for British vessels to import from the said islands, into the United States, and to export from the United States, to the said islands, all articles whatever being of the growth, produce, or manufacture of the said islands, or of the United States respectively, which now may, by the laws of the said states, be so imported and exported. And that the cargoes of the said British vessels shall be subject to no other or higher duties, or charges, than shall be payable on the same articles if so imported or exported in American vessels.*

Proviso: restricting the vessels of the United States, to a direct trade with the British WestIndies,&c.

Proviso: allowingimportations and exportations from and to the British West Indies, in British vessels &c.

[*This article thus far annulled.]

It is agreed that this article and every matter and thing therein contained, shall continue to be in force during the continuance of the war in which his majesty is now engaged; and also for two years from and after the day of the signature of the preliminary or other articles of peace, by which the same may be terminated.

Limitation of this art. to the period of 2 years after the signing of preliminary articles of peace between Great Britain and the powers at war with her in 1794

And it is further agreed, that at the expiration of the said term, the two contracting parties will endeavour further to regulate their commerce in this respect, according to the situation in which his majesty may then find himself, with respect to the West Indies and with a view to such arrangements as may best conduce to the mutual advantage and extension of commerce. And the said parties will then also renew their discussions, and endeavour to agree whether in any and what cases neutral vessels shall protect enemy's property; and in what cases provisions and other articles, not generally contraband, may become such. But in the mean time, their conduct

After the expiration of this article further regulations to be the result of future efforts; as well with respect to trade with the British West Indies, as concerning certain neutral rights, &c.

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towards each other in these respects shall be regulated by the articles hereinafter inserted on those subjects.

Vessels belonging to citizens of the U. States, to be admitted into the ports of the British East Indies, &c.

ART. 13. His majesty consents that the vessels belonging to the citizens of the United States of America shall be admitted and hospitably received in all the seaports and harbours of the British territories in the East Indies. And that the citizens of the said United States may freely carry on a trade between the said territories and the said United States in all articles of which the importation or exportation respectively, to or from the said territories, shall not be entirely prohibited. Provided only, that it shall not be lawful for them in any time of war between the British government and any other power or state whatever, to export from the said territories, without the special permission of the British government there, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels when admitted into the said ports, no other or higher tonnage duty than shall be payable on British vessels when admitted into the ports of the United States. And they shall pay no other or higher duties or charges, on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed, that the vessels of the United States shall not carry any of the articles exported by them from the said British territories to any port or place, except to some port or place in America, where the same shall be unladen, and such regulations shall be adopted by both parties, as shall, from time to time, be found necessary to enforce the due and faithful observance of this stipulation. It is also understood that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but vessels going with their original cargoes, or part thereof, from one port of discharge to another, are not to be considerd as carrying on the coasting trade. Neither is this article to be construed to allow the citizens of the said states to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the British government established there; and if any transgression should be attempted against the regulations of the British government in this respect, the observance of the same shall and may be enforced against the citizens of America in the same manner as against British subjects or others transgressing the same rule. And the citizens of the United States, whenever they arrive in any port or harbor in the said territories, or if they should be per-

Proviso: restricting, in time of war, the exportation of military and naval stores and rice from the British ports.

Reciprocity as to tonnage duties, &c. Also, as to duties on cargoes.

The trade from the British East Indies to be direct to the U. States, &c.

American vessels not allowed to carry on the coasting trade in the British East Indies, &c.

The citizens of the U. States not to reside in, or go into the interior parts of the British East Indies, without permission, &c.

mitted in manner aforesaid, to go to any other place therein, shall always be subject to the laws, government, and jurisdiction of what nature established in such harbor, port, or place, according as the same may be. The citizens of the United States may also touch for refreshment at the island of St. Helena, but subject in all respects to such regulations as the British government may from time to time establish there.

Citizens of the U. States may touch at the island of St. Helena for refreshments, &c.

ART. 14. There shall be between all the dominions of his majesty in Europe and the territories of the United States, a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries respectively, shall have liberty freely and securely, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places, and rivers, within the dominions and territories aforesaid, to enter into the same, to resort there, and to remain and reside there, without any limitation of time. Also to hire and possess houses and warehouses for the purposes of their commerce, and generally, the merchants and traders on each side, shall enjoy the most complete protection and security for their commerce, but subject always, as to what respects this article, to the laws and statutes of the two countries respectively.

Reciprocal and perfect liberty of commerce, &c. between the British European dominions and the United States, &c.

ART. 15. It is agreed that no other or higher duties shall be paid by the ships or merchandise of the one party, in the ports of the other, than such as are paid by the like vessels or merchandise of all other nations. Nor shall any other or higher duty be imposed in one country on the importation of any articles, the growth, produce, or manufacture of the other, than are or shall be payable on the importation of the like articles, being of the growth, produce, or manufacture of any other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles, to or from the territories of the two parties respectively, which shall not equally extend to all other nations.

Neither party to pay, in the ports of the other, higher duties than are paid there by other nations on like articles, &c.

But the British government reserves to itself the right of imposing on American vessels entering into the British ports in Europe, a tonnage duty equal to that which shall be payable by British vessels in the ports of America: and also such duty as may be adequate to countervail the difference of duty now payable on the importation of European and Asiatic goods, when imported into the United States in British or in American vessels.

G. Britain reserves the right of equalizing tonnage duties; as also to countervail the difference of duties on European & Asiatic goods, imported in American, or in British vessels.

The two parties agree to treat for the more exact equalization of the duties on the respective navigation of their subjects and

The parties to treat for a more exact equaliza

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people, in such manner as may be most beneficial to the two countries. The arrangements for this purpose shall be made at the same time, with those mentioned at the conclusion of the twelfth article of this treaty, and are to be considered as a part thereof. In the interval, it is agreed that the United States will not impose any new or additional tonnage duties on British vessels, nor increase the now subsisting difference between the duties payable on the importation of any articles in British or in American vessels.

tion of duties, at the time mentioned in the 12th art. hereof.

The U. States, in the interval, not to increase existing duties, nor the differences therein.

Consuls may be reciprocally appointed; to enjoy their proper rights, after being duly admitted as such; and may be dismissed, or sent home, the reasons being assigned therefor, &c.

ART. 16. It shall be free for the two contracting parties, respectively to appoint consuls for the protection of trade, to reside in the dominions and territories aforesaid; and the said consuls shall enjoy those liberties and rights which belong to them by reason of their function. But before any consul shall act as such, he shall be in the usual forms approved and admitted by the party to whom he is sent; and it is hereby declared to be lawful and proper that in case of illegal or improper conduct towards the laws or government, a consul may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back, the offended government assigning to the other their reasons for the same.

Either of the parties may except from the residence of consuls such particular places, as such party shall judge proper to be so excepted.

Vessels captured on suspicion of having contraband, or enemy's property to be sent into the nearest port the contraband, &c. to be taken out and the vessel to be allowed to proceed.

ART. 17. It is agreed, that in all cases where vessels shall be captured or detained on just suspicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war, the said vessel shall be brought to the nearest or most convenient port; and if any property of any enemy should be found on board such vessel, that part only which belongs to the enemy shall be made prize, and he vessel shall be at liberty to proceed with the remainder without any impediment. And it is agreed, that all proper measures shall be taken to prevent delay, in deciding the cases of ships or cargoes so brought in for adjudication; and in the payment or recovery of any indemnification, adjudged or agreed to be paid to the masters or owners of such ships.

Specification of contraband.

ART. 18. In order to regulate what is in future to be esteemed contraband of war, it is agreed, that under the said denomination shall be comprised, all arms and implements serving for the purposes of war, by land or sea, such as cannon, muskets, mortars, petards, bombs, grenades, caracasses, saucisses, carriages for cannon, musket rests, bandoliers, gunpowder, match, saltpetre, ball, pikes, swords, headpieces, cuirasses, halberds, lances, javelins, horse furniture, holsters,

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belts, and generally all other implements of war; as also timber for ship building, tar or rozin, copper in sheets, sails, hemp and cordage, and generally whatever may serve directly to the equipment of vessels, unwrought iron and fir planks only excepted; and all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy.

Contraband goods confiscated.

And whereas the difficulty of agreeing on the precise cases which alone provisions and other articles, not generally contraband, may be regarded as such, renders it inexpedient to provide against the inconveniences and misunderstandings which might thence arise: it is further agreed that whenever any such articles, so becoming contraband according to the existing laws of nations, shall, for that reason be seized, the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified; and the captors, or in their default, the government, under whose authority they act, shall pay to the masters or owners of such vessels, the full value of all such articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to such detention.

Provisions and other articles, when from particular circumstances, they are contraband, to be paid for on seizure.

And whereas it frequently happens, that vessels sail for a port or place belonging to an enemy, without knowing that the same is either besieged, blockaded, or invested; it is agreed, that every vessel so circumstanced, may be turned away from such port or place, but she shall not be detained, nor her cargo, if not contraband, be confiscated, unless, after notice, she shall again attempt to enter; but she shall be permitted to go to any other port or place she may think proper: nor shall any vessel or goods of either party, that may have entered into such port or place, before the same was besieged, blockaded, or invested by the other, and be found therein after the reduction or surrender of such place, be liable to confiscation, but shall be restored to the owners or proprietors thereof.

Vessels of either party, not to be detained, on attempting to enter a blockaded place, unless previously warned off.

Vessels and goods of either party, found in an invested place, after surrender, to be restored to the owners.

ART. 19. And that more abundant care may be taken for the security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injuries by the men of war, or privateers of either party, all commanders of ships of war, and privateers, and all others the said subjects and citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them, and if they act to the contrary they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

Those concerned in private armed vessels, on either side, to be answerable for damages done by them.

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For this cause, all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of fifteen hundred pounds sterling, or if such ships be provided with above one hundred and fifty seamen or soldiers, in the sum of three thousand pounds sterling to satisfy all damages and injuries which the said privateer, or her officers or men, or any of them, may do or commit during their cruise, contrary to the tenor of this treaty, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggressions, the said commissions shall be revoked and annulled.

Commanders of privateers to give bonds, &c. to be answerable for misconduct.

It is also agreed, then whenever a judge of a court of admiralty of either of the parties, shall pronounce sentence against any vessel, or goods, or property, belonging to the subjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required, be delivered to the commander of the said vessel, without the smallest delay, he paying all legal fees and demands for the same.

Authentic copies of process of condemnation in admiralty courts, to be furnished, without delay, on payment of fees.

ART. 20. It is further agreed, that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbor, conceal, or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

Pirates not to be received, nor concealed.

And all their ships, with the goods or merchandises taken by them and brought into the port of either of the said parties, shall be seized, as far as they can be discovered, and shall be restored to the owners, or their factors or agents, duly deputed and authorized in writing by them, (proper evidence being first given in the court of admiralty for proving the property,) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew or had good reason to believe or suspect that they had been piratically taken.

Ships & goods brought into the ports of either party, by pirates to be seized & restored, &c.

ART. 21. It is likewise agreed, that the subjects and citizens of the two nations, shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign prince or state, enemies to the other party; nor shall the enemies of one of the parties be permitted to invite, or endeavor to enlist in their military service, any of the subjects or citizens of the other party; and the laws against all such offences and aggressions shall be punc-

Citizens and subjects not to accept commissions from a third power, to act in a hostile manner against either party.

A third (enemy) power, not allowed to enlist citizens or subjects of either party.

tually executed. And if any subject or citizen of the said parties respectively, shall accept any foreign commission, or letters of marque, for arming any vessel to act as a privateer against the other party, and be taken by the other party, it is hereby declared to be lawful for the said party to treat and punish the said subject or citizen, having such commission, or letters of marque, as a pirate.

Persons taken offending against the provisions of this article, may be treated as pirates.

ART. 22. It is expressly stipulated, that neither of the said contracting parties will order or authorize any acts of reprisal against the other, on complaints of injuries or damages, until the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence, and damanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

Acts of reprisal not to be authorised by either party, without previous demand of satisfaction, &c.

ART. 23. The ships of war of each of the contracting parties shall, at all times, be hospitably received in the ports of the other, their officers and crews paying due respect to the laws and government of the country. The officers shall be treated with that respect which is due to the commissions which they bear, and if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the two countries. And his majesty consents, that in case an American vessel should, by stress of weather, danger from enemies, or other misfortune, be reduced to the necessity of seeking shelter in any of his majesty's ports, into which such vessel could not in ordinary cases claim to be admitted, she shall, on manifesting that necessity to the satisfaction of the government of the place, be hospitably received and be permitted to refit, and to purchase, at the market price, such necessaries as she may stand in need of, conformably to such orders and regulations as the government of the place, having respect to the circumstances of each case, shall prescribe. She shall not be allowed to break bulk or unload her cargo, unless the same shall be bona fide necessary to her being refitted. Nor shall be permited to sell any part of her cargo, unless so much only as may be necessary to defray her expenses, and then not without the express permission of the government of the place. Nor shall she be obliged to pay any duties whatever, except only on such articles as she may be permited to sell for the purpose aforesaid.

The ships of war of each party, to be hospitably received and well treated in the ports of the other.

American vessels, not usually allowed to enter British ports, but compelled to do so by stress of weather, &c. to be kindly received. But not to break bulk, unless indispensably necessary.

ART. 24. It shall not be lawful for any foreign privateers (not being subjects or citizens of either of the said parties) who have commissions from any other prince or state in enmity

Privateers of a third (enemy) power not to arm in the

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with either nation, to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that prince or state from whom they obtained their commissions.

ports of either nation, nor to sell their prizes, &c.

Prizes made by ships of war & privateers of either party allowed to enter and depart from the ports of each other, without examination.

ART. 25. It shall be lawful for the ships of war and privateers belonging to the said parties respectively, to carry whithersoever they please, the ships and goods taken from their enemies, without being obliged to pay any fee to the officers of the admiralty, or to any judges whatever; nor shall the said prizes when they arrive at, and enter the ports of the said parties, be detained or seized, neither shall the searchers or other officers of those places visit such prizes, (except for the purpose of preventing the carrying of any part of the cargo thereof on shore in any manner contrary to the established laws of revenue, navigation, or commerce,) nor shall such officer take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to show. No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but if forced by stress of weather, or the dangers of the sea, to enter therein, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns or states. But the two parties agree, that while they continue in amity, neither of them will in future make any treaty that shall be inconsistent with this or the preceding article.

Nothing in this treaty to operate contrary to existing treaties with other nations, &c.

Neither party to allow the ships or goods belonging to citizens or subjects of the other to be taken within cannon shot of its coast.

Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other, to be taken within cannon shot of the coast, nor in any of the bays, ports, or rivers of the territories, by ships of war, or others having commission from any prince, republic or state whatever. But in case it should so happen, the party whose territorial rights shall thus have been violated, shall use his utmost endeavors to obtain from the offending party, full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war or merchant vessels.

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In case of a rupture, the merchants & others of the two nations during good behaviour, permitted to continue their business, &c.

ART. 26. If at any time a rupture should take place (which God forbid,) between his majesty and the United States, the merchants and others, of each of the two nations, residing in the dominions of the other, shall have the privilege of remaining, and continuing their trade, so long as they behave peaceably, and commit no offence against the laws; and in case their conduct should render them suspected, and the respective governments should think proper to order them to remove, the term of twelve months, from the publication of the order, shall be allowed them for that purpose, to remove with their families, effects and property; but this favor shall not be extended to those who shall act contrary to the established laws; and for greater certainty, it is declared, that such rupture shall not be deemed to exist, while negotiations for accommodating differences shall be depending, nor until the respective ambassadors, or ministers, if such there shall be, shall be recalled, or sent home on account of such differences, and not on account of personal misconduct, according to the nature and degrees of which, both parties retain their rights, either to request the recall or immediately to send home the ambassador or minister of the other; and that without prejudice to their mutual friendship and good understanding.

Merchants, &c. of either party, when suspected and ordered to remove, allowed 12 months to settle their business.

Circumstances which shall determine the period of a rupture.

Persons charged with murder or forgery seeking an asylum in the dominions of either party, to be deliver d up on requisition, &c.

ART. 27. It is further agreed, that his majesty and the United States on mutual requisitions, by them respectively, or by their respective ministers, or officers, authorized to make the same, will deliver up to justice, all persons who, being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other: provided, that this shall only be done on such evidence of criminality, as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expense of such apprehension and delivery shall be borne and defrayed by those who make the requisition and receive the fugitive.

Duration of this treaty.

ART. 28. It is agreed, that the first ten articles of this treaty shall be permanent, and that the subsequent articles, except the twelfth, shall be limited in their duration to twelve years, to be computed from the day on which the ratifications of this treaty shall be exchanged, but subject to this condition, that whereas the said twelfth article will expire by the limitation therein contained, at the end of two years from the signing of the preliminary or other articles of peace, which shall termi-

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nate the present war in which his majesty is engaged, it is agreed, that proper measures shall, by concert, be taken, for bringing the subject of that article into amicable treaty and discussion, so early before the expiration of the said term, as that new arrangements on that head may, by that time, be perfected, and ready to take place. But if it should unfortunately happen, that his majesty and the United States should not be able to agree on such new arrangements, in that case, all the articles of this treaty, except the first ten, shall then cease and expire together.

This treaty, after the mutual exchange of ratifications, to be binding, &c.

Lastly. This treaty, when the same shall have been ratified by his majesty, and by the president of the United States, by and with the advice and consent of their senate, and the respective ratifications mutually exchanged, shall be binding and obligatory on his majesty and on the said states, and shall be by them respectively executed and observed, with punctuality and the most sincere regard to good faith; and whereas it will be expedient in order the better to facilitate intercourse and obviate difficulties, that other articles be proposed and added to this treaty, which articles, from want of time and other circumstances, cannot now be perfected; it is agreed, that the said parties will, from time to time, readily treat of and concerning such articles, and will sincerely endeavor so to form them, as that they may conduce to mutual convenience, and tend to promote mutual satisfaction and friendship; and that the said articles, after having been duly ratified, shall be added to, and make a part of this treaty.

Other articles may be proposed, and added to this treaty.

In faith whereof, we, the undersigned, ministers plenipotentiary of his majesty the king of Great Britain, and the United States of America, have signed this present treaty, and have caused to be affixed thereto the seal of our arms.

Done at London, this nineteenth day of November, one thousand seven hundred and ninety-four.

GRENVILLE, [L. S.]
JOHN JAY. [L. S.]

NOTE.

The first ten articles of this treaty to be permanent; the others, with the exception of the 12th, limited to twelve years; the subject of the 12th article to be discussed anew, before its expiration; but if no further arrangement can be made, then all the articles, except the ten first, to expire together.

PHILADELPHIA, *September* 5, 1793. 1794. November 19.

SIR,

Letter from Thomas Jefferson to George Hammond, on the subject of compensation for British vessels captured by cruisers fitted out in ports of the U. States.

I am honored with yours of August 30. Mine of the 7th of that month assured you that measures were taken for excluding from all further asylum in our ports, vessels armed in them to cruise on nations with which we are at peace, and for the restoration of the prizes the Lovely Lass, Prince William Henry, and the Jane of Dublin; and that should the measures for restitution fail in their effect, the president considered it as incumbent on the United States to make compensation for the vessels.

Obligation of the U. States, in relation to three belligerent nations, to protect their vessels, &c. in American ports &c.

We are bound by our treaties with three of the belligerent nations, by all the means in our power, to protect and defend their vessels and effects in our ports, or waters, or on the seas near our shores, and to recover and restore the same to the right owners when taken from them. If all the means in our power are used, and fail in their effect, we are not bound by our treaties with those nations to make compensation.

The rule extended to Great Britain, altho' not required by treaty.

Though we have no similar treaty with Great Britain, it was the opinion of the president, that we should use towards that nation the same rule, which, under this article, was to govern us with the other nations; and even to extend it to captures made on the high seas, and brought into our ports; if done by vessels which had been armed within them.

The president determined to make compensation for certain vessels, for the restitution of which suitable efforts had not been made by the U. States.

Having, for particular reasons, forbore to use all the means in our power for the restitution of the three vessels mentioned in my letter of August 7th, the president thought it incumbent on the United States to make compensation for them: And though nothing was said in that letter of other vessels taken under like circumstances, and brought in after the 5th of June, and before the date of that letter, yet when the same forbearance had taken place, it was and is his opinion that compensation would be equally due.

Determination of the president as to future similar cases.

As to prizes made under the same circumstances and brought in after the date of that letter, the president determined, that all the means in our power should be used for their restitution. If these fail, as we should not be bound by our treaties to make compensation to the other powers in the analagous case, he did not mean to give an opinion that it ought to be done to Great Britain. But, still, if any cases shall arise subsequent to that date, the circumstances of which shall place them on similar ground with those before it, the president would think compensation equally incumbent on the United States.

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Governors of states instructed to use all the means in their power to restore prizes found in their ports, &c.

Instructions are given to the governors of the different states, to use all the means in their power for restoring prizes of this last description found within their ports. Though they will, of course, take measures to be informed of them, and the general government has given them the aid of the custom house officers for this purpose, yet you will be sensible of the importance of multiplying the channels of their information as far as shall depend on yourself, or any person under your direction, in order that the governors may use the means in their power for making restitution.

Mr. Hammond to communicate with governors of states, &c.

Without knowledge of the capture they cannot restore it. It will always be best to give the notice to them directly; but any information which you shall be pleased to send to me, also, at any time, shall be forwarded to them as quickly as distance will permit.

Intention of the president distinctly stated.

Hence you will perceive, Sir, that the president contemplates restitution or compensation in the case before the 7th of August; and after that date, restitution if it can be effected by any means in our power.

Important for Mr. Hammond to substantiate facts.

And that it will be important that you should substantiate the fact, that such prizes are in our ports or waters.

His list of privateers correct.

Your list of the privateers illicitly armed in our ports, is, I believe, correct.

Losses by detention, &c. to be ascertained by persons to be appointed by collectors and the British consuls.

With respect to losses by detention, waste, spoliation sustained by vessels taken as beforementioned, between the dates of June 5th and August 7th, it is proposed as a provisional measure, that the collectors of the customs of the district, and the British consul, or any other person you please, shall appoint persons to establish the value of the vessel and cargo, at the time of her capture and of her arrival in the port into which she is brought, according to their value in that port. If this shall be agreeable to you, and you will be pleased to signify it to me, with the names of the prizes understood to be of this description, instructions will be given accordingly, to the collector of the customs where the respective vessels are.

I have the honor to be, &c.

THOMAS JEFFERSON.

GEORGE HAMMOND, Esq.

ADDITIONAL ARTICLE.

That part of the 12th art. of the treaty of Nov. 19th, 17 4, relating to the trade between U. States and British W. India Islands, suspended.

It is further agreed between the said contracting parties, that the operation of so much of the twelfth article of the said treaty as respects the trade which his said majesty thereby consents may be carried on between the United States and his islands in the West Indies, in the manner and on the terms and conditions therein specified, shall be suspended.

FIRST EXPLANATORY ARTICLE. 1794. November 19.

Explanation concerning the 3d art. of the treaty of Nov. 1794.

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 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 any of the towns or hunting camps of the said Indian tribes, as a trader, who is not furnished with a license for that purpose, under the authority of the United States: which latter stipulation has excited doubts, whether in its operation it may not interfere with the due execution of the said third article of the treaty of amity, commerce, and navigation: and it being the sincere desire of his Britannic majesty and of the United States, that this point should be so explained, as to remove all doubts, and promote mutual satisfaction and friendship: and for this purpose, his Britannic majesty having named for his commissioner, Phineas Bond, esquire, his majesty's consul general for the middle and southern states of America; (and now his majesty's chargé d'affaires to the United States,) and the president of the United States having named for their commissioner, Timothy Pickering, esquire, secretary of state of the United States, to whom, agreeably to the laws of the United States, he has intrusted this negotiation; they, the said commissioners, having communicated to each other their full powers, have, in virtue of the same, and conformably to the spirit of the last article of the said treaty of amity, commerce, and navigation,

Reference to the rights secured to the British and Indians by that article.

Reference to the 8th art. of the treaty of Greenville, concluded on the 3d of August, 1795, which prohibits the residence of persons, as traders, at the Indian towns, without a license from the U. States.

Doubts concerning the compatibility of the 3d art. of the treaty of Nov. 1794, between the U. States & G. Britain, and the 8th article of the treaty of Greenville, respecting British and Indian rights.

1796. May 4.

entered into the explanatory article, and do by these presents explicitly agree and declare; that no stipulations in any treaty subsequently concluded by either of the contracting parties with any other state or nation, or with any Indian tribe, can be understood to derogate in any manner from the rights of free intercourse and commerce, secured by the aforesaid third article of the treaty of amity, commerce and navigation, to the subjects of his majesty and to the citizens of the United States, and to the Indians dwelling on either side of the boundary line aforesaid; but that all the said persons shall remain at full liberty freely to pass and repass by land, or inland navigation, into the respective territories and countries of the contracting parties, on either side of the said boundary line, and freely to carry on trade and commerce with each other, according to the stipulations of the said third article of the treaty of amity, commerce, and navigation.

The 3d art. of the treaty between the U. States and G. Britain of 19th Nov. 1794, not to be affected by any treaty subsequently concluded with other nations.

This explanatory article, when the same shall have been ratified by his majesty, and by the president of the United States, by and with the advice and consent of their senate, and the respective ratifications mutually exchanged, shall be added to, and make a part of, the said treaty of amity, commerce, and navifiation, and shall be permanently binding upon his majesty and the United States.

This article, after mutual ratification to make part of the treaty, between the U. States and Great Britain, of Nov.19,1794.

In witness whereof, we, the said commissioners of his majesty the king of Great Britain and the United States of America, have signed this present explanatory article, and thereto affixed our seals. Done at Philadelphia, this fourth day of May, in the year of our Lord one thousand seven hundred and ninety-six.

P. BOND, [L. S.]
TIMOTHY PICKERING. [L. S.]

SECOND EXPLANATORY ARTICLE.

Reference tothe 28th art. of the treaty between the U. States & Great Britain of Nov. 19, 1794, which permits additional articles to that treaty.

Whereas, by the twenty-eighth article of the treaty of amity, commerce, and navigation, between his Britannic majesty and the United States, signed at London, on the nineteenth of November, one thousand seven hundred and ninety-four, it was agreed that the contracting parties would, from time to time, readily treat of and concerning such further articles as might be proposed, that they would sincerely endeavor so to form such articles, as that they might conduce to mutual convenience, and tend to promote mutual satisfaction and friendship; and that such articles, after having been duly ratified, should be added to, and make a part of that treaty: and whereas difficulties have arisen with respect to the execution of so

Difficulties in relation to the source of the river St. Croix.

1798. March 15.

much of the fifth article of the said treaty, as requires that the commissioners, appointed under the same, should, in their description, particularize the latitude and longitude of the source of the river, which may be found to be the one truly intended in the treaty of peace, between his Britannic majesty and the United States, under the name of the river St. Croix, by reason whereof it is expedient, that the said commissioners should be released from the obligation of conforming to the provisions of the said article in this respect. The undersigned being respectively named by his Britannic majesty, and the United States of America, their plenipotentiaries for the purpose of treating of and concluding such articles, as may be proper to be added to said treaty, in conformity to the abovementioned stipulation, and having communicated to each other their respective full powers, have agreed and concluded, and do hereby declare, in the name of his Britannic majesty, and of the United States of America, that the commissioners appointed under the 5th article of the said treaty, shall not be obliged to particularize, in their description, the latitude and longitude of the source of the river, which may be found to be the one truly intended in the aforesaid treaty of peace, under the name of the river St. Croix, but they shall be at liberty to describe the said river in such other manner as they may judge expedient, which description shall be considered as a complete execution of the duty required of the said commissioners in this respect, by the article aforesaid. And to the end that no uncertainty may hereafter exist on this subject, it is further agreed, that as soon as may be, after the decision of the said commissioners, measures shall be concerted between the government of the United States, and his Britannic majesty's governors, or lieutenant governors, in America, in order to erect and keep in repair a suitable monument, at the place ascertained and described to be the source of the said river St. Croix, which measures shall immediately thereupon, and as often afterwards as may be requisite, be duly executed on both sides, with punctuality and good faith.

The commissioners appointed in virtue of the 5th article of the treaty between the U. States & Great Britain, of Nov. 19, 1794, not obliged to particularize the latitude and longitude of the source of the St. Croix.

A monument to be erected at the source of the St. Croix.

This explanatory article, when the same shall have been ratified by his majesty, and by the president of the United States, by and with the advice and consent of their senate, and the respective ratifications mutually exchanged, shall be added to and make a part of the treaty of amity, commerce, and navigation, between his majesty and the United States, signed at London, on the nineteenth day of November, one thousand

This article, after mutual ratification to make part of the treaty of Nov. 19 1794.

1798. March 15.

seven hundred and ninety-four, and shall be permanently binding upon his majesty and the United States.

In witness whereof, we, the said undersigned plenipotentiaries of his Britannic majesty, and the United States of America, have signed this present article, and have caused to be affixed thereto the seal of our arms. Done at London this fifteenth day of March, one thousand seven hundred and ninety-eight.

GRENVILLE, [L. S.]
RUFUS KING. [L. S.]

No. 5.—*Convention between the United States and Great Britain.*

Difficulties in the execution of the 6th article of the treaty between the U. States & Great Britain of the 19th Nov. 1794; consequent suspension of proceedings under the 7th article of the same treaty, &c.

Difficulties having arisen in the execution of the sixth article of the treaty of amity, commerce, and navigation, concluded at London, on the fourth day of November, one thousand seven hundred and ninety-four, between his Britannic majesty and the United States of America, and in consequence thereof the proceedings of the commissioners under the seventh article of the same treaty, having been suspended; the parties to the said treaty being equally desirous, as far as may be, to obviate such difficulties, have respectively named plenipotentiaries to treat and agree respecting the same, that is to say: his Britannic majesty has named for his plenipotentiary, the right honorable Robert Banks Jenkinson, commonly called lord Hawkesbury, one of his majesty's most honorable privy council and his prinpal secretary of state for foreign affairs: and the president of the United States, by and with the advice and consent of the senate thereof, has named for their plenipotentiary, Rufus King, esquire, minister plenipotentiary of the said United States to his Britannic majesty, who have agreed to and concluded the following articles:

The 6th article of the treaty between the U. States & Great Britain, of Nov. 19, 1794, annulled; except, &c. In lieu of the obligations imposed by the 6th art. the U. States agree to pay £.600,000 sterling at Washington, in three annual instalments of £200,000 each.

Art. 1. In satisfaction and discharge of the money which the United States might have been liable to pay in pursuance of the provisions of the said sixth article, which is hereby declared to be cancelled and annulled, except so far as the same may relate to the execution of the said sixth article, the United States of America hereby engage to pay, and his Britannic majesty consents to except, for the use of the people described in the said sixth article, the sum of six hundred thousand pounds sterling, payable at the time and places, and in the manner following, that is to say: the said sum of six hundred thousand pounds sterling, shall be paid at the city of Washington, in three annual instalments of two hundred thousand

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pounds sterling each, and to such person or persons, as shall be authorized by his Britannic majesty to receive the same; the first of the said instalments to be paid at the expiration of one year, the second instalment at the expiration of two years, and the third and last instalment at the expiration of three years next following the exchange of the ratifications of this convention. And to prevent any disagreement concerning the rate of exchanges, the said payments shall be made in the money of the said United States, reckoning four dollars and forty-four cents to be equal to one pound sterling.

Mode of payment.

ART. 2. Whereas it is agreed by the fourth article of the definitive treaty of peace, concluded at Paris on the third day of September, one thousand seven hundred and eighty-three, between his Britannic majesty and the United States, that creditors on either side should meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts theretofore contracted; it is hereby declared, that the said fourth article, so far as respects its future operation, is hereby recognized, confirmed, and declared to be binding and obligatory on his Britannic majesty and the said United States, and the same shall be accordingly observed with punctuality and good faith, and so as that the said creditors shall hereafter meet with no lawful impediment to the recovery of the full value in sterling money of their bona fide debts.

The 4th art. of the definitive treaty of peace, concluded at Paris on the 3d Septem. 1783, which declares there shall be no lawful impediment to the recovery of debts on each side, recognized and confirmed anew.

ART. 3. It is furthermore agreed and concluded that the commissioners appointed in pursuance of the seventh article of the said treaty of amity, commerce, and navigation, and whose proceedings have been suspended as aforesaid, shall, immediately after the signature of this convention, reassemble and proceed in the execution of their duties, according to the provisions of the said seventh article; except only, that instead of the sums awarded by the said commissioners being made payable at the time or times by them appointed, all sums of money by them awarded to be paid to American or British claimants, according to the provisions of the said seventh article, shall be made payable in three equal instalments, the first whereof to be paid at the expiration of one year, the second at the expiration of two years, and the third and last at the expiration of three years, next after the exchange of the ratification of this convention.

The commissioners appointed in pursuance of the 7th art. of the treaty of November 19, 1794, to proceed in the execution of their duties.

All sums awarded by the commissioners acting under the 7th art. of the treaty of Nov. 19, 1794, to be made payable in three equal instalments.

ART. 4. This convention, when the same shall have been ratified by his majesty and by the president of the United States, by and with the advice and consent of the senate thereof, and the respective ratifications duly exchanged, shall

This convention after mutual ratification to be binding.

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be binding and obligatory upon his majesty and the said United States.

In faith whereof, we, the undersigned plenipotentiaries of his Britannic majesty and of the United States of America, by virtue of our respective full powers, have signed the present convention, and have caused the seals of our arms to be affixed thereto.

Done at London, the eighth day of January, one thousand eight hundred and two.

HAWKESBURY, [L. S.]
RUFUS KING. [L. S.]

Treaty of peace between the U. States and G. Britain. Negotiated 24 Dec. 1814. Ratified Feb. 17, 1815.

No. 6.—*Treaty of peace and amity between his Britannic majesty and the United States of America.*

His Britannic majesty, and the United States of America, desirous of terminating the war which has unhappily subsisted between the two countries, and of restoring, upon principles of perfect reciprocity, peace, friendship, and good understanding, between them, have, for that purpose, appointed their respective plenipotentiaries, that is to say: His Britannic majesty, on his part, has appointed the right honorable James lord Gambier, late admiral of the white, now admiral of the red squadron of his majesty's fleet, Henry Goulburn, Esquire, a member of the imperial parliament, and under secretary of state, and William Adams, Esquire, doctor of civil laws: And the president of the United States, by and with the advice and consent of the senate thereof, has appointed John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin, citizens of the United States, who, after a reciprocal communication of their respective full powers, have agreed upon the following articles:

Firm and universal peace.

ART. 1. There shall be a firm and universal peace between his Britannic majesty and the United States, and between their respective countries, territories, cities, towns and people, of every degree, without exception of places or persons. All hostilities, both by sea and land, shall cease as soon as this treaty shall have been ratified by both parties, as hereinafter

Territory, &c. to be restored; except, &c.

mentioned. All territory, places, and possessions whatsoever, taken by either party from the other, during the war, or which may be taken after the signing of this treaty, excepting only, the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property original-

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ly captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property. And all archives, records, deeds, and papers, either of a public nature, or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong. Such of the islands in the Bay of Passamaquoddy as are claimed by both parties, shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this treaty, until the decision respecting the title to the said islands shall have been made in conformity with the fourth article of this treaty. No disposition made by this treaty, as to such possession of the islands and territories claimed by both parties, shall, in any manner whatever, be construed to affect the right of either.

Archives, records, &c. to be restored.

Islands in the Passamaquoddy to remain in the hands of the party occupying, &c.

ART. 2. Immediately after the ratifications of this treaty by both parties, as hereinafter mentioned, orders shall be sent to the armies, squadrons, officers, subjects, and citizens, of the two powers, to cease from all hostilities: and to prevent all causes of complaint which might arise on account of the prizes which may be taken at sea after the said ratifications of this treaty, it is reciprocally agreed, that all vessels and effects which may be taken after the space of twelve days from the said ratifications, upon all parts of the coast of North America, from the latitude of twenty-three degrees to the north latitude of fifty degrees north, and as far eastward in the Atlantic ocean as the thirty-sixth degree of west longitude from the meridian of Greenwich, shall be restored on each side: That the time shall be thirty days in all other parts of the Atlantic ocean, north of the equinoctial line or equator, and the same time for the British and Irish channels, for the Gulf of Mexico, and all parts of the West Indies: forty days for the north Seas, for the Baltic, and for all parts of the Mediterranean: sixty days for the Atlantic ocean south of the equator, as far as the latitude of the Cape of Good Hope: ninety days for every other part of the world south of the equator: and one hundred and twenty days for all other parts of the world, without exception.

Orders to be sent to the armies, &c. to cease hostilities.

Limitation of time for captures in different latitudes.

ART. 3. All prisoners of war taken on either side, as well by land as by sea, shall be restored as soon as practicable after the ratifications of this treaty, as hereinafter mentioned, on their paying the debts which they may have contracted

Prisoners of war to be restored, &c.

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during their captivity. The two contracting parties respectively engage to discharge, in specie, the advances which may have been made by the other for the sustenance and maintenance of such prisoners.

Reference to the boundary established by the treaty of 1783.

ART. 4. Whereas it was stipulated by the second article in the treaty of peace, of one thousand seven hundred and eighty-three, between his Britannic majesty and the United States of America, that the boundary of the United States should comprehend all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries, between Nova Scotia, on the one part, and East Florida, on the other, shall respectively touch the Bay of Fundy, and the Atlantic ocean, excepting such islands as now are, or heretofore have been, within the limits of Nova Scotia; and whereas the several islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the island of Grand Menan, in the said Bay of Fundy, are claimed by the United States, as being comprehended within their aforesaid boundaries, which said islands are claimed as belonging to his Britannic majesty, as having been at the time of, and previous to, the aforesaid treaty of one thousand seven hundred and eighty-three, within the limits of the province of Nova Scotia: in order therefore, finally to decide upon these claims, it is agreed that they shall be referred to two commissioners to be appointed in the following manner, viz: one commissioner shall be appointed by his Britannic majesty, and one by the president of the United States, by and with the advice and consent of the senate thereof, and the said two commissioners so appointed, shall be sworn *impartially to examine and decide upon the said claims, according to such evidence as shall be laid before them on the part of his Britannic majesty and of the United States, respectively.* The said commissioners shall meet at St. Andrews, in the province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said commissioners shall, by a declaration or report, under their hands and seals, decide to which of the two contracting parties the several islands aforesaid do respectively belong, in conformity with the true intent of the said treaty of peace of one thousand seven hundred and eighty-three. And if the said commissioners shall agree in their decision, both parties shall consider such decision as final and conclusive. It is further agreed, that in the event of the two commissioners differing upon all or any of the matters so referred to them, or in the event of both

Conflicting claims to islands in the bays of Passamaquoddy, Fundy, &c. to be referred to commissioners, &c.

Mode of appointing the commissioners.

Meeting and duties of the commissioners.

In case of the commissioners' differing, &c.

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or either of said commissioners refusing, or declining, or wilfully omitting, to act as such, they shall make, jointly or separately, a report or reports, as well to the government of his Britannic majesty as to that of the United States, stating, in detail, the points on which they differ, and the grounds upon which their respective opinions have been formed, or the grounds upon which they, or either of them, have so refused, declined, or omitted to act. And his Britannic majesty, and the government of the United States, hereby agree to refer the report or reports of the said commissioners, to some friendly sovereign or state, to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said report or reports, or upon the report of one commissioner, together with the grounds upon which the other commissioner shall have refused, declined, or omitted to act, as the case may be. And if the commissioner so refusing, declining or omitting to act, shall also wilfully omit to state the grounds upon which he has so done, in such manner that the said statement may be referred to such friendly sovereign or state, together with the report of such other commissioner, then such sovereign or state shall decide, ex parte, upon the said report alone. And his Britannic majesty and the government of the United States engage to consider the decision of such friendly sovereign or state to be final and conclusive on all the matters so referred.

Reference to the arbitration of a friendly sovereign or state, &c.

whose decision is to be final.

ART. 5. Whereas neither that point of the highlands lying due north from the source of the river St. Croix, and designated, in the former treaty of peace between the two powers, as the northwest angle of Nova Scotia, nor the northwesternmost head of Connecticut river, has yet been ascertained; and whereas that part of the boundary line between the dominions of the two powers which extends from the source of the river St. Croix directly north to the abovementioned northwest angle of Nova Scotia, thence along the said highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river; thence, down along the middle of that river, to the forty-fifth degree of north latitude; thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraguy, has not yet been surveyed; it is agreed, that for those several purposes, two commissioners shall be appointed, sworn, and authorized, to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in

Commissioners to settle other boundaries.

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the present article. The said commissioners shall meet at St. Andrews, in the province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said commissioners shall have power to ascertain and determine the points abovementioned, in conformity with the provisions of the said treaty of peace of one thousand seven hundred and eighty three, and shall cause the boundary aforesaid, from the source of the river St. Croix to the river Iroquois or Cataraguy, to be surveyed and marked according to the said provisions. The said commissioners shall make a map of the said boundary, and annex to it a declaration under their hands and seals, certifying it to be the true map of the said boundary, and particularizing the latitude and longitude of the northwest angle of Nova Scotia, of the northwesternmost head of Connecticut river, and of such other points of the said boundary as they may deem proper. And both parties agree to consider such map and declaration as finally and conclusively fixing the said boundary. And, in the event of the said two commissioners differing, or both, or either of them, refusing, or declining, or wilfully omitting to act, such reports, declarations, or statements, shall be made by them, or either of them, and such reference to a friendly sovereign or state shall be made, in all respects, as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

Meeting and duties of commissioners.

Commissioners to make a map.

In case of commissioners' differing, &c. reference, &c.

ART. 6. Whereas, by the former treaty of peace, that portion of the boundary of the United States, from the point where the forty-fifth degree of north latitude strikes the river Iroquois or Cataraguy to the lake Superior, was declared to be "along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie, thence along the middle of said communication into lake Erie, through the middle of said lake, until it arrives at the water communication into the lake Huron, thence through the middle of said lake to the water communication between that lake and lake Superior." And whereas doubts have arisen what was the middle of the said river, lakes, and water communications, and whether certain islands lying in the same were within the dominions of his Britannic majesty or of the United States: in order, therefore, finally to decide these doubts, they shall be referred to two commissioners, to be appointed, sworn, and authorized to act, exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in

Doubts as to another part of the boundary, &c. to be referred to commissioners, &c.

this present article. The said commissioners shall meet, in the first instance, at Albany, in the state of New York, and shall have power to adjourn to such other place or places as they shall think fit: the said commissioners shall, by a report or declaration, under their hands and seals, designate the boundary through the said river, lakes, and water communications, and decide to which of the two contracting parties the several islands lying within the said river, lakes, and water communications, do respectively belong, in conformity with the true intent of the said treaty of one thousand seven hundred and eighty-three. And both parties agree to consider such designation and decision as final and conclusive. And, in the event of the said two commissioners differing, or both, or either of them, refusing, declining, or wilfully omitting to act, such reports, declarations, or statements, shall be made by them, or either of them, and such reference to a friendly sovereign or state shall be made, in all respects, as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

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Meeting and duties of commissioners.

In case of commissioners differing, &c.

Art. 7. It is further agreed, that the said two last mentioned commissioners, after they shall have executed the duties assigned to them in the preceding article, shall be, and they are hereby authorized, upon their oaths, impartially to fix and determine accordingly the true intent of the said treaty of peace of one thousand seven hundred and eighty-three, that part of the boundary between the dominions of the two powers, which extends from the water communication between lake Huron and lake Superior, to the most northwestern point of the lake of the Woods, to decide to which of the two parties the several islands lying in the lakes water communications, and rivers, forming the said boundary, do respectively belong, in conformity with the true intent of the said treaty of peace of one thousand seven hundred and eighty-three; and to cause such parts of the said boundary as require it, to be surveyed and marked. The said commissioners shall, by a report or declaration under their hands and seals, designate the boundary aforesaid, state their decision on the points thus referred to them, and particularize the latitude and longitude of the most northwestern point of the lake of the Woods, and of such other parts of the said boundary as they may deem proper. And both parties agree to consider such designation and decision as final and conclusive. And in the event of the said two commissioners differing, or both, or either of them, refusing, declining, or wilfully omitting to act, such reports,

Commissioners to fix the boundary from the water communication between lakes Huron and Superior to the lake of the Woods.

In case of commissioners' differing, &c.

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declarations, or statements, shall be made by them, or either of them, and such reference to a friendly sovereign or state, shall be made, in all respects, as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

The several boards of commissioners may appoint a secretary, employ surveyors, &c.

ART. 8. The several boards of two commissioners mentioned in the four preceeding articles, shall, respectively, have power to appoint a secretary, and to employ such surveyors or other persons as they shall judge necessary. Duplicates of all their respective reports, declarations, statements, and decisions, and of their accounts, and of the journal of their proceedings, shall be delivered by them to the agents of his Britannic majesty, and to the agents of the United States, who may be respectively appointed and authorized to manage the business on behalf of their respective governments.

Pay of the commissioners, &c.

The said commissioners shall be, respectively, paid in such manner as shall be agreed between the two contracting parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses attending the said commission shall be defrayed, equally by the two parties. And in the case of death, sickness, resignation, or necessary absence, the place of every such commissioner, respectively, shall be supplied in the same manner as such commissioner was first appointed, and the new commissioner shall take the same oath or affirmation, and do the same duties. It is further agreed between the two contracting parties, that in case any of the islands mentioned in any of the preceding articles, which were in the possession of one of the parties prior to the commencement of the present war between the two countries, should, by the decision of any of the boards of commissioners aforesaid, or of the sovereign or state so referred to, as in the four next preceding articles contained, fall within the dominions of the other party, all grants of land made previous to the commencement of the war by the party having had such possession, shall be as valid as if such island or islands had, by such decision or decisions, been adjudged to be within the dominions of the party having had such possession.

Grants of land in islands changing jurisdiction under this treaty, to be valid.

Reciprocal pacification of the Indian tribes.

ART. 9. The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of indians, with whom they may be at war at the time of such ratification; and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed or been entitled to in one thousand eight hundred and

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eleven, previous to such hostilities: provided always, that such tribes or nations shall agree to desist from all hostilities against the United States of America, their citizens and subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly. And his Britannic majesty engages, on his part, to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of indians with whom he may be at war at the time of such ratification, and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed or been entitled to, in one thousand eight hundred and eleven, previous to such hostilities; provided always, that such tribes or nations shall agree to desist from all hostilities against his Britannic majesty, and his subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

Both parties to use their endeavors to effect the abolition of the slave trade.

ART. 10. Whereas the traffic in slaves is irreconcileable with the principles of humanity and justice, and whereas both his majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed, that both the contracting parties shall use their best endeavors to accomplish so desirable an object.

The treaty binding when ratified.

ART. 11. This treaty, when the same shall have been ratified on both sides, without alteration by either of the contracting parties, and the ratifications mutually exchanged, shall be binding on both parties, and the ratifications shall be exchanged at Washington, in the space of four months from this day, or sooner, if practicable.

Ratifications to be exchanged at Washington.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done, in triplicate, at Ghent, the twenty-fourth day of December, one thousand eight hundred and fourteen.

[L. S.] GAMBIER,
[L. S.] HENRY GOULBOURN,
[L. S.] WILLIAM ADAMS,
[L. S.] JOHN QUINCY ADAMS,
[L. S.] J. A. BAYARD,
[L. S.] H. CLAY,
[L. S.] JONA. RUSSELL,
[L. S.] ALBERT GALLATIN.

1815. July 3.

No. 7. *A Convention to regulate Commerce between the Territories of the United States and his Britannic Majesty.*

Convention of London, of 3d July, 1815.

The United States of America and his Britannic majesty being desirous, by a convention, to regulate the commerce and navigation between their respective countries, territories, and people, in such a manner as to render the same reciprocally beneficial and satisfactory, have respectively named plenipotentiaries and given them full powers to treat of and conclude such convention; that is to say, the president of the United States, by and with the advice and consent of the senate thereof, hath appointed for their plenipotentiaries John Quincy Adams, Henry Clay, and Albert Gallatin, citizens of the United States; and his royal highness the prince regent, acting in the name and on behalf of his majesty, has named for his plenipotentiaries the right honorable Frederick John Robinson, vice-president of the committee of privy council for trade and plantations, joint pay-master of his majesty's forces, and a member of the imperial parliament, Henry Goulbourn, Esq. a member of the imperial parliament, and under secretary of state, and William Adams, Esq. doctor of civil laws; and the said plenipotentiaries having mutually produced and shown their said full powers, and exchanged copies of the same, have agreed on and concluded the following articles, *videlicet:*

John Quincy Adams, Henry Clay, & Albert Gallatin, American Negotiators.

Frederick John Robinson, Henry Goulbourn, and William Adams, British Negotiators.

Full Powers exchanged.

Art. 1. There shall be between the territories of the United States of America, and all the territories of his Britannic majesty in Europe, a reciprocal liberty of commerce. The inhabitants of the two countries respectively shall have liberty freely and securely to come with their ships and cargoes to all such places, ports, and rivers, in the territories aforesaid to which other foreigners are permitted to come, to enter into the same, and to remain and reside in any parts of the said territories respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and generally the merchants and traders of each nation respectively shall enjoy the most complete protection and security for their commerce, but subject always to the laws and statutes of the two countries respectively.

Reciprocal liberty of Commerce between the territories of the U. States & and the British territories in Europe.

Complete protection to commerce, subject to the laws of each country.

Art. 2. No higher or other duties shall be imposed on the importation into the United States of any articles, the growth, produce, or manufacture of his Britannic majesty's territories in Europe, and no higher or other duties shall be imposed on the importation into the territories of his Britannic majesty in Europe of any articles, the growth, produce, or manufacture

No higher or other duties, on the importation or exportation of the productions, &c. of each country, than on those of other foreign countries.

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of the United States, than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States, or to his Britannic majesty's territories in Europe, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles, the growth, produce, or manufacture of the United States, or of his Britannic majesty's territories in Europe, to or from the said territories of his Britannic majesty in Europe, or to or from the said United States, which shall not equally extend to all other nations.

Prohibitions on the importation or exportation of the production of either country to extend to all other nations.

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels, than those payable in the same ports by vessels of the United States; nor in the ports of any of his Britannic majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

Equality of duties on American and British vessels.

The same duties shall be paid on the importation into the United States of any articles, the growth, produce, or manufacture of his Britannic majesty's territories in Europe, whether such importation shall be in vessels of the United States or in British vessels, and the same duties shall be paid on the importation into the ports of any of his Britannic majesty's territories in Europe, of any article, the growth, produce, or manufacture of the United States, whether such importation shall be in British vessels or in vessels of the United States.

Equality of duties on the produce &c. of each country, whether imported in American or British vessels.

The same duties shall be paid, and the same bounties allowed on the exportation of any articles, the growth, produce or manufacture of his Britannic majesty's territories in Europe to the United States, whether such exportation shall be in vessels of the United States, or in British vessels; and the same duties shall be paid, and the same bounties allowed on the exportation of any articles, the growth, produce, or manufacture of the United States, to his Britannic majesty's territories in Europe, whether such exportation shall be in British vessels, or in vessels of the United States.

Equality of duties & bounties on the exportation, from one country to the other of the productions of either, in British or American vessels.

It is further agreed, that in all cases where drawbacks are, or may be allowed upon the re-exportation of any goods, the growth, produce, or manufacture of either country respectively the amount of the said drawbacks shall be the same, whether the said goods shall have been originally imported in a British or an American vessel, but when such re-exportation shall

Drawbacks the same, whether the goods were originally imported in American or British bottoms.

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take place from the United States in a British vessel, or from the territories of his Britannic majesty in Europe, in an American vessel, to any other foreign nation, the two contracting parties reserve to themselves, respectively, the right of regulating or diminishing, in such case, the amount of the said drawback.

Except in case of re-exportation, in the vessels of one party from the country of the other, to a third foreign nation.

The intercourse between the United States and his Britannic majesty's possessions in the West Indies, and on the continent of North America, shall not be affected by any of the provisions of this article, but each party shall remain in the complete possession of his rights, with respect to such an intercourse.

Intercourse with the British West Indies & North American continental possessions not affected by this article.

ART. 3. His Britannic majesty agrees that the vessels of the United States of America shall be admitted and hospitably received at the principal settlements of the British dominions in the East Indies, videlicit: Calcutta, Madras, Bombay, and Prince of Wales' Island, and that the citizens of the said United States may freely carry on trade between the said principal settlements and the said United States, in all articles of which the importation and exportation, respectively, to and from the said territories, shall not be entirely prohibited; provided only, that it shall not be lawful for them, in any time of war between the British government and any state or power whatever, to export from the said territories, without the special permission of the British government, any military stores or naval stores, or rice. The citizens of the United States shall pay for their vessels, when admitted, no higher or other duty or charge than shall be payable on the vessels of the most favored European nations, and they shall pay no higher or other duties or charges on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in the vessels of the most favored European nations.

U. States' vessels may trade to Calcutta, Madras, Bombay, and Prince of Wales' Island, *direct*, in articles not prohibited.

But not to export military or naval stores or rice thence, when the British are at war.

Citizens of the U. States not to pay for their vessels, in the permitted ports of the E. Indies, more than is paid on vessels of the most favored European nation, &c.

But it is expressly agreed, that the vessels of the United States shall not carry any articles from the said principal settlements to any port or place, except to some port or place in the United States of America, where the same shall be unladen.

Articles must be conveyed direct to the U. States, and be unladen.

It is also understood, that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but the vessels of the United States having in the first instance, proceeded to one of the said principal settlements of the British dominions in the East Indies, and

Vessels of the U States not to carry on the coasting trade in the British East Indies.

But vessels of the U. States may proceed with part, or the

then going with their original cargoes, or part thereof, from one of the said principal settlements to another, shall not be considered as carrying on the coasting trade. The vessels of the United States may also touch for refreshment, but not for commerce, in the course of their voyage to or from the British territories in India, or to or from the dominions of the emperor of China, at the Cape of Good Hope, the Island of St Helena,* or such other places as may be in the possession of Great Britain, in the African or Indian seas; it being well understood that in all that regards this article, the citizens of the United States shall be subject, in all respects, to the laws and regulations of the British government from time to time established.

whole, of their original cargoes from one permitted place to another.

American vessels may touch for refreshment in voyages to or from British India and China, at the Cape of Good Hope, St. Helena, &c.

*See the "Declaration" at the end of this Convention, p. 262.

ART. 4. It shall be free for each of the two contracting parties, respectively, to appoint consuls for the protection of trade, to reside in the dominions and territories of the other party; but before any consul shall act as such he shall, in the usual form, be approved and admitted by the government to which he sent; and it is hereby declared, that in case of illegal or improper conduct towards the laws or government of the country to which he is sent, such consul may either be punished according to law, if the laws will reach the case, or be sent back, the offended government assigning to the other the reasons for the same.

Consuls to reside in the dominions of each party.

Consuls may be punished according to law, or sent home.

It is hereby declared, that either of the contracting parties may except from the residence of consuls, such particular places as such party shall judge fit to be so excepted.

Particular places excepted from the residence of consuls.

ART. 5. This convention, when the same shall have been duly ratified by the president of the United States, by and with the advice and consent of the senate, and by his Britannic majesty, and the respective ratifications mutually exchanged, shall be binding and obligatory on the said United States and his majesty for four years from the date of its signature; and the ratifications shall be exchanged in six months from this time, or sooner, if possible.

This Convention, when ratified, to be obligatory for four years.

Ratification exchanged in six months.

Done at London, this third day of July, in the year of our Lord one thousand eight hundred and fifteen.

[L. S.] JOHN QUINCY ADAMS,
[L. S.] H. CLAY,
[L. S.] ALBERT GALLATIN,
[L. S.] FREDERICK JOHN ROBINSON,
[L. S.] HENRY GOULDBOURN,
[L. S.] WILLIAM ADAMS.

NOTE. This convention is continued for ten years, by the 4th article of the convention of London, of the 20th of October, 1818. See that convention on the next page [262].

1815. July 3.

DECLARATION.

Declaration of 24th Nov. 1815.

The undersigned, his Britannic majesty's chargé d'affaires in the United States of America, is commanded by his royal highness the prince regent, acting in the name and on the behalf of his majesty, to explain and declare, upon the exchange of the ratifications of the convention concluded at London, on the third of July of the present year, for regulating the commerce and navigation between the two countries, that in consequence of events which have happened in Europe subsequent to the signature of the convention aforesaid, it has been deemed expedient, and determined, in conjunction with the allied sovereigns, that St. Helena shall be the place allotted for the future residence of general Napoleon Bonaparte, under such regulations as may be necessary for the perfect security of his person, and it has been resolved, for that purpose, that all ships and vessels whatever, as well British ships and vessels, as others, excepting only ships belonging to the East-India company, shall be excluded from all communication with, or approach to, that island.

St. Helena allotted for the residence of Napoleon Bonaparte, for the security of his person.

All vessels except those of the East India Company, excluded from approaching the Island.

It has therefore become impossible to comply with so much of the third article of the treaty as relates to the liberty of touching for refreshment at the Island of St. Helena, and the ratifications of the said treaty will be exchanged under the explicit declaration and understanding, that the vessels of the United States cannot be allowed to touch at, or hold any communication whatever with the said island, so long as the said island shall continue to be the place of residence of the said Napoleon Bonaparte. *

Treaty exchanged with the understanding referred to.

(Signed) ANTHONY ST. JNO. BAKER.

Washington, November 24, 1815.

* In consequence of the death of Napoleon Bonaparte this restriction was removed on 30th July, 1821.

No. 8.—*Convention with Great Britain.*

Convention of London, of 20th Oct. 1818.

The United States of America, and his Majesty the King of the united kingdom of Great Britain and Ireland, desirous to cement the good understanding which happily subsists between them, have, for that purpose, named their respective Plenipotentiaries, that is to say: The President of the United States, on his part, has appointed Albert Gallatin, their Envoy Extraordinary and minister Plenipotentiary to the court of France; and Richard Rush, their Envoy Extraordinary and minister Plenipotentiary to the court of his Britannic majesty: And his majesty has appointed the right honorable Frederick John Robinson, Treasurer of his Majesty's Navy, and

Albert Gallatin & Richard Rush American Negotiators.

Frederick J. Robinson and Henry Goul-

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President of the Committee of Privy Council for trade and plantations; and Henry Gouldbourn, esq. one of his majesty's Under Secretaries of State: Who, after having exchanged their respective full powers, found to be in due and proper form, have agreed to and concluded the following articles:

bourn, British Negotiators. Full powers exchanged.

Definition of the extent of the common right of fishing, &c. on the coasts of the British dominions in America.

ART. 1. Whereas differences have arisen respecting the liberty claimed by the United States, for the inhabitants thereof, to take, dry, and cure, fish, on certain coasts, bays, harbours, and creeks, of his Britannic majesty's dominions in America, it is agreed between the high contracting parties, that the inhabitants of the said United States shall have, forever, in common with the subjects of his Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland, which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks, from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company: And that the American fishermen shall also have liberty, forever, to dry and cure fish in any of the unsettled bays, harbours, and creeks, of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose, with the inhabitants, proprietors, or possessors, of the ground. And the United States hereby renounce, forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish, on or within three marine miles of any of the coasts, bays, creeks, or harbours, of his Britannic Majesty's dominions in America, not included within the abovementioned limits: Provided, however, that the American fishermen shall be admitted to enter such bays or harbours, for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing, fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

Exception as to the Hudson Bay Company.

Rights of proprietors as to drying or curing fish, to be respected.

Renunciation by the U. States as to other fisheries; provided, &c.

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ART. 2. It is agreed, that a line drawn from the most north-western point of the Lake of the Woods, along the forty-ninth parallel of north latitude, or if the said point shall not be in the forty-ninth parallel of north latitude, then that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west along and with the said parallel, shall be the line of demarkation between the territories of the United States and those of his Britannic Majesty, and that the said line shall form the northern boundary of the said territories of the United States, and the southern boundary of the territories of his Britannic Majesty, from the Lake of the Woods to the Stony Mountains.

Definition of the northern boundary of the U. States, from the Lake of the Woods to the Stony Mountains.

ART. 3. It is agreed, that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbours, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects, of the two powers: it being well understood, that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other power or state to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences amongst themselves.

Country claimed by either party westward of the Stony Mountains, its harbors, &c. to be free to both parties until Oct. 20, 1828, without prejudice to the claim of either party, or to that of any other power.

ART. 4. All the provisions of the convention "to regulate the commerce between the territories of the United States and of his Britannic Majesty," concluded at London, on the third day of July, in the year of our Lord one thousand eight hundred and fifteen, with the exception of the clause which limited its duration to four years, and excepting, also, so far as the same was affected by the declaration of his Majesty respecting the Island of St. Helena, are hereby extended and continued in force for the term of ten years from the date of the signature of the present convention, in the same manner as if all the provisions of the said convention were herein specially recited.

The convention of London, of 3d July, 1815, continued for ten years.

ART. 5. Whereas it was agreed by the first article of the treaty of Ghent, that "All territory, places, and possessions, whatsoever, taken by either party from the other, during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be re-

Reference to 1st article of the Treaty of Ghent

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stored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in said forts or places, which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves, or other private property;" and whereas, under the aforesaid article, the United States claim for their citizens, and as their private property, the restitution of, or full compensation for, all slaves who, at the date of the exchange of the ratifications of the said treaty, were in any territory, places, or possessions, whatsoever, directed by the said treaty to be restored to the United States, but then still occupied by the British forces, whether such slaves were, at the date aforesaid, on shore, or on board any British vessel, lying in waters within the territory or jurisdiction of the United States; and whereas differences have arisen whether, by the true intent and meaning of the aforesaid article of the treaty of Ghent, the United States are entitled to the restoration of, or full compensation for, all or any slaves, as above described, the high contracting parties hereby agree to refer the said differences to some friendly sovereign or state, to be named for that purpose; and the high contracting parties further engage to consider the decision of such friendly sovereign or state to be final and conclusive on all the matters referred.

Claim for slaves under the first article of the Treaty of Ghent

Differences growing out of the claims for slaves

To be referred to some friendly sovereign or State.

The decision to be final.

ART. 6. This convention, when the same shall have been duly ratified by the President of the United States, by and with the advice and consent of their Senate, and by his Britannic Majesty, and the respective ratifications mutually exchanged, shall be binding and obligatory on the said United States, and on his majesty; and the ratifications shall be exchanged in six months from this date, or sooner, if possible.

This convention obligatory on exchange of ratifications.

Ratifications exchanged at Washington, on the 30th Jan'y. 1819.

In witness whereof the respective plenipotentiaries have signed the same, and have hereunto affixed the seal of their arms. Done at London, this twentieth day of October, in the year of our Lord one thousand eight hundred and eighteen.

[L. S.] ALBERT GALLATIN,
[L. S.] RICHARD RUSH,
[L. S.] FREDERICK JOHN ROBINSON,
[L. S.] HENRY GOULBOURN.

NOTE.—Ratified by the Prince Regent on the 2d of November 1818. By the President and Senate, on the 28th January, 1819.

CONVENTION OF ST. PETERSBURG.

By the President of the United States of America. A Proclamation.

Whereas a Convention between the United States of America and his Britannic Majesty was concluded and signed at St. Petersburg, under the mediation of the Emperor of all the Russias, on the twelfth day of July last, by the respective Plenipotentiaries of the three powers: and whereas the said Convention has been by them duly ratified, and the respective ratifications of the same were exchanged at Washington, on the tenth day of the present month, by JOHN QUINCY ADAMS, Secretary of State of the United States, the Right Honorable STRATFORD CANNING, Envoy Extraordinary and Minister Plenipotentiary of His Britannic Majesty, and Mr. GEORGE ELLISEN, Charge d'Affaires of His Imperial Majesty the Emperor of all the Russias, on the part of their several Governments: Which Convention is in the words following, to wit:

Convention of St. Petersburg, 12th July, 1822.

In the name of the most holy and indivisible Trinity:

The U. States and G. Britain agree to refer their differences with respect to the meaning of the 1st art. of the Treaty of Ghent to the Emperor of Russia in pursuance of the 5th art. of the convention of 20th October, 1818.

The President of the United States of America, and His Majesty the King of the United Kingdom of Great Britain and Ireland, having agreed, in pursuance of the fifth article of the Convention concluded at London on the 20th day of October, 1818, to refer the differences which had arisen between the two governments, upon the true construction and meaning of the first article of the Treaty of Peace and Amity, concluded at Ghent on the 24th day of December, 1814, to the friendly arbitration of His Majesty the Emperor of all the Russias, mutually engaging to consider his decision as final and conclusive. And his said Imperial Majesty having, after due consideration, given his decision upon these differences in the following terms to wit:

His Imp. Majesty's award. The U. States are entitled to claim a just indemnification for such slaves as were within the places and territories to be restored &c.

"That the United States of America are entitled to claim from Great Britain a just indemnification for all private property, which the British forces may have carried away; and as the question relates to slaves more especially, for all the slaves that the British forces may have carried away from places and territories of which the treaty stipulates the restitution, in quitting these same places and territories.

Such slaves as may have been transferred from these territories to British vessels with in the waters of the said territories, and have not been restored, to be considered as carried away.

"That the United States are entitled to consider as having been so carried away, all such slaves as may have been transferred from the abovementioned territories to British vessels within the waters of the said territories and who for this reason may not have been restored.

For American slaves, who were carried away from territories not stipulated to be restored, no indemnification to be claimed.

"But that if there should be any American slaves who were carried away from territories of which the first article of the Treaty of Ghent has not stipulated the restitution to the United States, the United States are *not* entitled to claim an indemnification for the said slaves."

Now for the purpose of carrying into effect this award of His Imperial Majesty, as arbitrator, his good offices have been farther invoked to assist in framing such Convention or Articles of Agreement between the United States of America

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CONVENTION DE ST. PÉTERSBOURG.

Au nom de la très-sainte et indivisible Trinité:

Le Président des Etats-Unis d'Amérique, et Sa Majesté le Roi du Royaume uni de la Grande-Bretagne et de l'Irlande; ayant décidé d'un commun accord en conséquence de l'article V. de la Convention conclue à Londres le 20 Octobre, 1818, que les différends qui se sont élevées entre les deux gouvernemens sur la construction et le vrai sens du 1r article du Traité de paix et d'amitié, conclu à Gand le 24 Décembre, 1814, seraient déférés à l'arbitrage amical de Sa Majesté l'Empereur de toutes les Russies; s'étant en outre engagés réciproquement à regarder sa décision comme finale et définitive; et Sa Majesté Impériale après mûre considération, ayant émis cette décision dans les termes suivans.

"Que les Etats-Unis d'Amérique sont en droit de réclamer de la Grand Bretagne une juste indemnité pour toutes les propriétés particulières que les forces Britanniques auroient emportées; et comme il s'agit plus spécialement d'esclaves, pour tous les esclaves que les forces Britanniques auroient emmenés des lieux et territoires dont le traité stipule la restitution, en quittant ces mêmes lieux et territoires.

"Que les Etats-Unis sont en droit de regarder comme emmenés tous ceux de ces esclaves qui, des territoires indiqués cidessus auroient été transportés à bord vaisseaux Britanniques mouillés dans les eaux des dits territoires, et qui par ce motif n'auroient pas été restitues."

"Mais que s'il y a des esclaves Américains emmenés de territoires dont l'article 1r du traité de Gand n'a pas stipulé la restitution aux Etats-Unis, les Etats-Unis ne sont pas en droit de réclamer une indemnité pour les dits esclaves."

Comme il s'agit à présent de mettre cette sentence arbitrale à exécution, les bons offices de Sa Majesté Impériale ont été encore invoqués, afin qu'une convention arrêtée entre les Etats Unis et Sa Majesté Britannique stipulât les articles

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and His Britannic Majesty, as shall provide the mode of ascertaining and determining the value of slaves and of other private property, which may have been carried away in contravention of the treaty of Ghent, and for which indemnification is to be made to the citizens of the United States, in virtue of His Imperial Majesty's said award, and shall secure compensation to the sufferers for their losses, so ascertained and determined. And His Imperial Majesty has consented to lend his mediation for the above purpose, and has constituted and appointed CHARLES ROBERT Count NESSELRODE, His Imperial Majesty's Privy Counsellor, Member of the Council of State, Secretary of State directing the Imperial Department of Foreign Affairs, Chamberlain, Knight of the order of Saint Alexander Nevsky, Grand Cross of the order of Saint Vladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the order of St. Stephen of Hungary, of the Black and of the Red Eagle of Prussia, of the Legion of Honor of France, of Charles III. of Spain, of St. Ferdinand and of Merit of Naples, of the Annunciation of Sardinia, of the Polar Star of Sweden, of the Elephant of Denmark, of the Golden Eagle of Wirtemburg, of Fidelity of Baden, of St. Constantine of Parma, and of Guelph of Hanover; JOHN COUNT CAPODISTRIAS, His Imperial Majesty's Privy Counsellor, and Secretary of State, Knight of the order of St. Alexander Nevsky, Grand Cross of the order of St. Vladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the order of St. Stephen of Hungary, of the Black and of the Red Eagle of Prussia, of the Legion of Honor of France, of Charles III. of Spain, of St. Ferdinand and of Merit of Naples, of St. Maurice, and of St. Lazarus of Sardinia, of the Elephant of Denmark, of Fidelity and of the Lion of Zahringen of Baden, Burgher of the Canton of Vaud, and also of the Canton and of the Republic of Geneva, as his Plenipotentiaries to treat, adjust and conclude, such articles of agreement as may tend to the attainment of the above mentioned end with the Plenipotentiaries of the United States and of His Britannic Majesty; that is to say: on the part of the President of the United States, with the advice and consent of the Senate thereof, HENRY MIDDLETON, a citizen of the said United States, and their Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of all the Russias: and on the part of His Majesty the King of the United Kngdom of Great Britain and Ireland, the Right Honorable Sir CHARLES BAGOT, one of His Majesty's most Honorable

His Imperial Majesty's good offices have been invoked to assit in framing a conventionbetween the United States and Great Britain.

Russian Plenipotentiaries, Charles Robert Count Nesselrode, and John Count Capodistrias.

Plenipotentiary of the U. States Henry Middleton.

Plenipotentiary of Great Britain

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d'un accord propre à établir d'une part, le mode a suivre pour fixer et déterminer la valeur des esclaves ou autres propriétés privées qui auroient été emmenés en contravention au Traité de Grand, et pour lesquels les citoyens des Etats-Unis auraient droit de réclamer une indemnité en vertu de la décision cidessus mentionnée de Sa Majesté Impériale; de l'autre à assurer un dédommagement aux individus qui ont supporté les pertes qu'il s'agit de vérifier et d'évaluer. Sa Majesté Impériale a consenti à preter sa mediation pour le dit objet, et a fondé et nommé le Sieur CHARLES ROBERT COMTE DE NESSELRODE, Son Conseiller privé, Membre du Conseil d'Etat, Secrétaire d'Etat dirigeant le Minis ère des Affaires Etrangères, Chambellan actuel, Chevalier de l'ordre de St. Alexander Nevsky, Grand Croix de l'ordre de St. Wladimir de la 1re classe, Chevalier de celui de l'Aigle Blanc de Pologne, Grand Croix de l'ordre de St. Etienne de Hongrie, de l'Aigle Noir et de l'Aigle Rouge de Prusse, de la Légion d'Honneur de France, de Charles III. d'Espagne, de St. Ferdinand et du Mérite de Naples, de l'Annonciade de Sardaigne, de l'Etoile Polaire de Suéde, de l'Eléphant de Dannemarc, de l'Aigle d'or de Würtemberg, de la Fidélité de Bade, de StConstantin de Parme et des Guelfes de Hanovre; et le Sieur JEAN COMTE DE CAPODISTRIAS, Son Conseiller privé et Secrétaire d'Etat, Chevalier de l'ordre de St. Alexandre Nevsky, Grand Croix de l'ordre de St. Wladimir de la 1re classe, Chevalier de celui de l'Aigle Blanc de Pologne, Grand Croix de l'ordre de St. Etienne de Hongrie, de l'Aigle Noir et de l'Aigle Rouge de Prusse, de la Légion d'Honneur de France, de Charles III. d'Espagne, de St. Ferdinand et du Mérite de Naples, des Sts. Maurice et Lazare de Sardaigne, de l'Elephant de Dannemarc, de la Fidelité et du Lion de Zähringen de Bade, Bourgeois de Canton de Vaud, ainsi que du Canton et de la République de Géneva, pour ses Plénipotentiaires à l'effet de négocier, réglér et conclure tels articles d'un accord qui pourraient faire atteindre la fin indiquée plus haut, conjointement avec les Plénipotentiaires des Etats-Unis et de Sa Majesté Britannique, savoir, de la part du Président des Etats-Unis, de l'avis et du consentement de leur Sénat, le Sieur HENRY MIDDLÉTON, citoyen des dits Etats-Unis et leur Envoyé Extraordinaire et Ministre Plénipotentiaire prés Sa Majesté Impérial, et de la part de Sa Majesté le Roi de Royaume Uni de la Grande Bretagne et de l'Irlande, le très honorable Sir CHARLES BAGOT, l'un des membres du très honorable Conseif privé de Sa Majesté, Chevalièr Grand Croix du très honorable ordre du Bain et son Ambassa-

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Sir Charles Bagot.

Full powers communicated.

Privy Council, Knight Grand Cross of the most honourable order of the Bath, and His Majesty's Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of all the Russias: And the said plenipotentiaries, after a reciprocal communication of their respective full powers, found in good and due form, have agreed upon the following articles:

Two Commissioners and two Arbitrators to to be appointed, one commissioner and one Arbitrator by the President of the U. States, by and with the advice and consent of the Senate; & one commissioner and one arbitrator, by his Britannic Majesty. They shall as a Board in the City of Washington, & shall appoint their Secretary.

ART. 1. For the purpose of ascertaining and determining the amount of indemnification which may be due to citizens of the United States under the decision of his Imperial Majesty, two Commissioners and two Arbitrators shall be appointed in the manner following; that is to say: one commissioner and one arbitrator shall be nominated and appointed by the President of the United States of America, by and with the advice and consent of the Senate thereof: and one commissioner and one arbitrator, shall be appointed by his Britannic Majesty. And the two commissioners and two arbitrators, thus appointed shall meet and hold their sittings as a Board in the city of Washington. They shall have power to appoint a Secretary, and before proceeding to the other business of the commission, they shall, respectively, take the following oath (or affirmation) in the presence of each other. Which oath or affirmation, being so taken, and duly attested, shall be entered on the record of their proceedings; that is to say: "I, A. B. one of the commissioners (or arbitrators, as the case may be,) appointed in pursuance of the convention concluded at St. Petersburg on the $\frac{30\text{th}}{12\text{th}}$ day of $\frac{\text{June,}}{\text{July,}}$ one thousand eight hundred and twenty-two, between his Majesty the Emperor of all the Russias, the United of America, and his Britannic Majesty, do solemnly swear (or affirm) that I will diligently, impartially, and carefully examine, and to the best of my judgment, according to justice and equity, decide all matters submitted to me as commissioner (or arbitrator, as the case may be,) under the said convention."

Oathor affirmation to be taken in presence of each other.

Vacancies to be filled up in the manner of the original appointment.

All vacancies occuring by death or otherwise shall be filled up in the manner of the original appointment, and the new commissioners or arbitrators shall take the same oath or affirmation, and perform the same duties.

If an average value be not agreed upon, as compensation, the commissioners and arbitrators shall examine evidence so as to fix an average value.

ART. 2. If, at the first meeting of this board, the governments of the United States and of Great Britain shall not have agreed upon an average value, to be allowed as compensation for each slave for whom indemnification may be due; then, and in that case, the commissioners and arbitrators shall conjointly proceed to examine the testimony which shall be

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deur Extraordinaire et Plénipotentiaire près Sa Majesté Impériale: lesquels Plenipotentiaires, après s'etre réciproquement communiqué leurs plein pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des articles suivants:

ART. 1. Pour vérifier et déterminer le montant de l'indemnité qui pourra etre dûe aux citoyens des Etats Unis par suite de la décision de sa Majesté Imperiale, deux commissaires et deux arbitres seront nommés de la manière suivante, savoir: Un commissiaire et un arbitre seront nommés et accrédités, par le Président des Etats Unis, de l'avis et du consentment de leur Sénat; l'autre commissaire et l'autre arbitre seront nommés par Sa Majesté Britannique. Les deux commissaires et les deux arbitres, ainsi nommés, se réuniront en Conseil, et tiendront leurs séances dans la ville de Washington. Ils auront le pouvoir de choisir un Secrétaire, et avant de procéder au travail de la commission, ils devront prêter respectivement et en présence les uns des autres, le serment ou l'affirmation qui suit, et ce serment ou affirmation preté et formellement attesté fera partie du protocole de leurs actes et sera conçu ainsi qu'il suit: "Moi A B, l'un des commissaires (ou arbitres, suivant le cas,) nommés en execution de la convention conclue à St. Pétersbourg, le $\frac{30 \text{ Juin,}}{12 \text{ Juillet,}}$ mil-huit-cent-vingt et deux, entre Sa Majesté L'Empereur de toutes les Russies, les Etats-Unis d'Amérique, et Sa Majesté Britannique, jure ou affirme solennellement que j'examinerai avec diligence, impartialité et sollicitude, et que je déciderai d'après mon meilleur entendement et en toute justice et équité, toutes les réclamations qui me seront déférées en ma qualité de commissaire (ou d'arbitre, suivant le cas,) à la suite de la dite convention."

Les vacances causées par la mort ou autrement, seront remplies de la même manière qu'au moment de la nomination primitive, et les nouveaux commissaires ou arbitres devront prêter le même serment ou affirmation, et s'acquitter des mêmes devoirs.

ART. 2. Si lors de la première réunion de ce conseil, le gouvernement des Etats Unis et celui de la Grande Bretagne ne sont point parvenus à déterminer d'un commun accord la valuer moyenne qui devra être assignée comme compensation pour chaque esclave, pour lequel il sera dû une indemnité, dans ce cas les commissaries et les arbitres procéderont con-

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produced under the authority of the President of the United States, together with such other competent testimony as they may see cause to require or allow, going to prove the true value of slaves at the period of the exchange of the ratifications of the treaty of Ghent; and upon the evidence so obtained, they shall agree upon and fix the average value. But in case that a majority of the board of the commissioners and arbitrators should not be able to agree respecting such average value, then and in that case, recourse shall be had to the arbitration of the minister or other agent of the mediating power, accredited to the government of the United States. A statement of the evidence produced and of the proceedings of the board thereupon, shall be communicated to the said minister or agent, and his decision, founded upon such evidence and proceedings, shall be final and conclusive. And the said average value, when fixed and determined by either of the three before mentioned methods, shall in all cases serve as a rule for the compensation to be awarded for each and every slave, for whom it may afterwards be found that indemnification is due.

In case they shall not agree, the evidence and proceedings shall be submitted to the minister or agent of the mediating power accredited to the U. States, whose decisions shall be final and conclusive.

ART. 3. When the average value of slaves shall have been ascertained and fixed, the two commissioners shall constitue a board for the examination of the claims which are to be submitted to them, and they shall notify to the Secretary of State of the United States, that they are ready to receive a definitive list of the slaves and other private property, for which the citizens of the United States claim indemnification; it being understood and hereby agreed that the commission shall not take cognizance of, nor receive, and that his Britannic majesty shall not be required to make, compensation for any claims for private property under the first article of the treaty of Ghent, not contained in the said list. And his Britannic majesty hereby engages to cause to be produced before the commission, as material towards ascertaining facts, all the evidence of which his majesty's government may be in possession, by returns from his majesty's officers or otherwise, of the number of slaves carried away. But the evidence so produced, or its defectiveness, shall not go in bar of any claim or claims which shall be otherwise satisfactorily authenticated.

The two commissioners to constitute a board for examination of claims No claims to be admitted but such as are contained in a list to be furnished by the Secretary of State.

His Britannic Majesty to cause to be produced all the evidence in possession of his government of the number of the slaves carried away.

ART. 4. The two commissioners are hereby empowered and required to go into an examination of all the claims submitted, through the above mentioned list, by the owners of slaves or other property, or by their lawful attorneys or re-

The two commissioners to examine and determine claims under

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jointement à l'examen de tous les temoignages qui leur seront présentés par ordre du Président des Etats-Unis, ainsi que de tous les autres témoignages valables qu'ils croiront devior requerir ou admettre dans la vue d'arrêter la véritable valeur des esclaves à l'époque de l'échange des ratifications du traité de Gand ; et d'après les preuves qu'ils auront ainsi obtenues, ils établiront et fixeront la susdite valeur moyenne. Dans le cas où la majorité du conseil des commissaries et arbitres ne pourroit pas s'accorder sur cette valeur proportionnelle, alors on aura recours à l'arbitrage du ministre ou autre agent de la puissance mediatrice accrédité auprès du gouvernement des Etats-Unis. Toutes les preuves produites et tous les actes des opérations du conseil à ce sujet, lui seront communiqués et la décision de ce ministre ou agent, basée, comme il vient d'être dit, sur ces preuves et sur les actes de ces operations, sera regardée comme finale et définitive.—C'est sur la valeur moyenne fixée par un des trois modes mentionnés ci-dessus, que devra être règlée en tout état de cause la compensation qui sera accordée pour chaque esclave pour lequel on reconnoitra par la suite, qu'une indemnité est dûe.

ART. 3. Lorsque le prorata aura été ainsi arrêté, les deux commissiaries se constitueront, en conseil pour l'examen des réclamations qui leur seront soumises, et ils notifieront au Secrétaire d'Etat des Etats-Unis, qu'ils sont prêts à recevoir la liste définitive des esclaves et autres propriétés privées pour lesquels les citoyens des Etats-Unis réclament une indemnité. Il est entendu que les commissaries ne sauroient examiner ni recevoir, et que Sa Majesté Britannique ne sauroit, en vertu des clauses de l'article 1er du traité de Gand, bonifier aucune prétention, qui ne seroit pas portée sur la dite liste. Sa Majesté Britannique s'engage d'autre part à ordonner, que tous les témoignages que son gouvernement peut avoir acquis par les rapports des officiers de sa dite Majesté ou par tout autre canal sur le nombre des esclaves emmenés, soyent mis sous les yeux des commissaires, afin de contribuer à la verification des faits. Mais soit que ses témoignages viennent à être produits, soit qu'ils manquent, cette circonstance ne pourra porter préjudice à une réclamation ou aux réclamations qui par une autre voie seront légitimées d'une manière satisfaisante.

ART. 4. Les deux Commissaires sont autorisés et chargés d'entrer dans l'examen de toutes les réclamations qui leur seront soumises au moyen de la liste cidessus mentionnée, par les propriétaires d'esclaves ou les possesseurs d'autres pro-

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the rule of the imperial decision, with reference, if need be to the annexed documents A & B.

presentatives, and to determine the same, respectively, according to the merits of the several cases, under the rule of the imperial decision herein above recited, and having reference, if need there be, to the explanatory documents hereunto annexed, marked A and B.—And in considering such claims, the commissioners are empowered and required to examine, on oath or affirmation, all such persons as shall come before them, touching the real number of the slaves, or value of other property, for which indemnification is claimed: and, also, to receive in evidence, according as they may think consistent with equity and justice, written depositions or papers being duly authenticated, either according to existing legal forms, or in such other manner as the said commissioners shall see cause to require or allow.

If the two commissioners shall not agree in any case, they shall draw by lot the name of one of the arbitrators, who shall consult with them, and the opinion of a majority of the three shall be the final decision. The arbitrator while so acting, shall be deemed a commissioner.

ART. 5. In the event of the two commissioners not agreeing in any particular case under examination, or of their disagreement upon any question which may result from the stipulations of this convention, then and in that case they shall draw by lot the name of one of the two arbitrators, who, after having given due consideration to the matter contested, shall consult with the commissioners, and a final decision shall be given conformably to the opinion of the majority of the two commissioners, and of the arbitrator so drawn by lot. And the arbitrator, when so acting with the two commissioners, shall be bound in all respects by the rules of proceeding enjoined by the fourth article of this convention upon the commissioners, and shall be vested with the same powers, and be deemed, for that case, a commissioner.

The decision of the two commissioners, or of the majority, as in the preceding article, shall be final.

His Britannic Majesty engages to pay the sums awarded in specie without deduction at the time & place specified by the commissioners. Payments to be made no sooner than twelve months after the exchange of the ratifications.

ART. 6. The decision of the two commissioners, or of the majority of the board, as constituted by the preceding article, shall in all cases be final and conclusive, whether as to number, the value or the ownership of the slaves, or other property, for which indemnification is to be made. And his Britannic Majesty engages to cause the sum awarded to each and every owner in lieu of his slave or slaves, or other property, to be paid in specie, without deduction, at such time or times, and at such place or places, as shall be awarded by the said commissioners, and on condition of such releases or assignments to be given, as they shall direct: provided that no such payment shall be fixed to take place sooner then twelve months from the day of the exchange of the ratifications of this convention.

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priétés, ou par les procureurs ou mandataires de ceux-ci, et à prononcer sur ces réclamations, suivant le degré de leur mérite, la lettre de la décision Impériale citée plus haut, et en cas de besoin la teneur des documens ci annexés et cotés A et B. En considérant les dites réclamations, les Commissaires sont autorisés à interpeller sous serment ou affirmation telle personne qui se présenterait à eux, concernant le véritable nombre des esclaves ou la valeur de toute autre propriété pour laquelle il serait réclamé une indemnité; ils sont autorisés de même à recevoir autant qu'ils le jugeront conforme à l'équite et à la justice, toutes les dépositions écrites, qui seraient duement legitimées soit d'après les formes existantes, voulues par la loi, soit dans tout autre mode que les dits Commissaires auraient lieu d'exiger ou d'admettre.

ART. 5. Si les deux Commissaires ne parviennent pas à s'accorder sur une des réclamations qui seront soumises à leur examen, ou s'ils different d'opinion sur une question résultant de la présente convention, alors ils tireront au sort le nom d'un des deux arbitres, lequel après avoir pris en mure délibération l'objet en litige, le discuter avec les commissaires. La décision finale sera prise conformément à l'opinion de la majorité des deux commissaires et de l'arbitre tiré au sort. Dans des cas semblables l'arbitre sera tenu de procéder à tous égards d'aprés les régles prescrites aux commissaires par le 4me article de la présente convention. Il sera investi des même pouvoirs et censé pour le moment faire les mêmes fonctions.

ART. 6. La décision des deux commissaires ou celle de la majorité du conseil formé ainsi qu'il a été dit en l'article précédent, sera dans tous les cas finale et définitive, soit relativement au nombre et à la valeur, soit pour la vérification de la propriété, des esclaves ou de tout autre bien meuble privé, pour lequel il sera réclamé une indemnité. Et Sa Majesté Britannique prend l'engagement que la somme adjugée à chaque proprietaire en place de son esclave ou de ses esclaves, ou de toute autre propriété, sera payée en espéces sans déduction, à tel tems ou à tels termes, et dans tel lieu ou tels endroits, que l'auront prononcé les dits commissaires et sous clause de telles exemptions ou assignations, qu'ils l'auront arrêté: pourvu seulement qu'il ne soit pas fixé pour ces payemens de terme plus rapproché que celui de douze mois à partir du jour de l'échange des ratifications de la présente convention.

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The commissioners and arbitrators to be paid as shall be agreed upon between the governments of the U. States & Great Britain, at the exchange of the ratifications. All other expenses to be paid jointly.

ART. 7. It is farther agreed, that the commissioners and arbitrators shall be respectively paid in such manner as shall be settled between the governments of the United States and Great Britain, at the time of the exchange of the ratifications of this convention. And all other expenses attending the execution of the commission, shall be defrayed jointly by the United States and His Britannic Majesty, the same being previously ascertained and allowed by the majority of the board.

A certified copy of this Convention, after ratification, to be delivered by each of the contracting paries to the minister or agent of the mediating power, near the U. States.

ART. 8. A certified copy of this convention, when duly ratified by His Majesty the Emperor of all the Russias, by the President of the United States, by and with the advice and consent of their Senate, and by His Britannic Majesty, shall be delivered by each of the contracting parties, respectively, to the minister or other agent of the mediating power, accredited to the government of the United States, as soon as may be, after the ratifications shall have been exchanged, which last shall be effected at Washington, in six months from the date hereof, or sooner if possible.

Exchange to take place in six months or sooner.

Exchange took place, 10th Jan. 1823.

In faith whereof, the respective plenipotentiaries have signed this convention, drawn up in two languages, and have hereunto affixed their seals.

Done in triplicate, at St. Petersburg, this $\frac{\text{thirtieth}}{\text{twelfth}}$ day of $\frac{\text{June,}}{\text{July,}}$ one thousand eight hundred and twenty-two.

[L. S.] NESSELRODE.
[L. S.] CAPODISTRIAS.
[L. S.] HENRY MIDDLETON.
[L. S.] CHARLES BAGOT.

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ART. 7. Il est convenu en outre, que les commissaires et arbitres recevront de part et d'autre un traitement, dont les Gouvernemens des Etats-Unis et de Sa Majesté Britannique se réservent de déterminer le montant et le mode, à l'époque de l'échange des ratifications de la présente convention.— Toutes les autres dépenses qui accompagneront les travaux de la commission seront supportées conjointement par les Etats Unis et par Sa Majesté Britannique. Ces dépenses devront d'ailleurs être au préalable vérifiées et admises par la majorité de conseil.

ART. 8. Lorsque la présente convention aura été duement ratifiée par Sa Majesté Impériale, par le Président des Etats-Unis de l'avis et du consentement de leur Sénat, et par Sa Majesté Britannique, une copie vidimée en sera délivrée par chacune des parties contractantes au ministre ou autre agent de la puissance médiatrice, accrédité près le Gouvernement des Etats-Unis et cela le plutôt que faire se pourra, après que les ratifications auront été échangées: cette dernière formalité sera remplie à Washington, dans l'espace de six mois, de la date cidessus, ou plutôt s'il est possible.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention et y ont appose respectivement le cachet de leurs armes.

Fait triple à St. Pétersbourg, $\frac{30 \text{ Juin,}}{12 \text{ Juillet,}}$ de l'année mil-huit-cent-vingt et deux.

[L. S.] NESSELRODE,
[L. S.] CAPODISTRIAS,
[L. S.] HENRY MIDDLETON,
[L. S.] CHARLES BAGOT.

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A.

[TRANSLATION.]

Count Nesselrode to Mr Middleton.

The undersigned Secretary of State, directing the Imperial administration of Foreign Affairs, has the honor to communicate to Mr. Middleton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, the opinion which the Emperor, his master, has thought it his duty to express upon the object of the differences which have arisen between the United States and Great Britain, relative to the interpretation of the first article of the Treaty of Ghent.

This opinion to be considered as the Emperor's final award

Mr. Middleton is requested to consider this opinion as the award required of the Emperor by the two powers.

And governed in it by the grammatical sense of the first article of the treaty.

He will doubtless recollect, that he, as well as the plenipotentiary of His Britannic Majesty, in all his memorials, has principally insisted on the grammatical sense of the first article of the Treaty of Ghent, and that, even in his note of the 4th [16th] November, 1821, he has formally declared, that it was on the *signification of the words in the text of the article as it now is*, that the decision of His Imperial Majesty should be founded.

The same declaration being made in the note of the British Plenipotentiary, dated 8th [20th] October, 1821, the emperor had only to conform to the wishes expressed by the two parties, by devoting all his attention to the examination of the grammatical question.

Motives set forth.

The abovementioned opinion will show the manner in which His Imperial Majesty judges of this question: and in order that the cabinet of Washington may also know the motives upon which the Emperor's judgment is founded, the undersigned has hereto subjoined an extract of some observations upon the literal sense of the first article of the Treaty of Ghent.

In this respect, the Emperor has confined himself to following the rules of the language employed in drawing up the act, by which the two powers have required his arbitration, and defined the object of their difference.

His Imperial Majesty has thought it his duty, exclusively, to obey the authority of these rules, and his opinion could not but be the rigorous and necessary consequence thereof.

The undersigned eagerly embraces this occasion to renew to Mr Middleton the assurances of his most distinguished consideration.

NESSELRODE.

St. Petersburg, 22d April, 1822.

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Le Soussigné, Secrétaire d'Etat dirigeant le Ministère Impériale des affaires étrangères, a l'honneur de communiquer à Monsieur de Middleton, Envoyé Extraordinaire et Ministre Plénipotentiaire des Etats Unis d'Amérique, l'opinion que l'Empereur, Son Maître, a cru devoir exprimer sur l'objet des différends qui se sont élevés entre les Etats Unis et la Grande Bretagne, relativement à l'interprétation de l'Article premier du traité de Gand.

Monsieur de Middleton est invité à considérer cette opinion comme la décision arbitrale demandée à l'Empereur par les deux puissances.

Il se rappellera sans doute, qu'aussi bien que le Plenipotentiaire de S. M. Britannique, il a dans tous ses mémoires principalement insisté sur le sens grammatical de l'Art. 1. du Traité de Gand, et que même dans sa note du $\frac{4}{16}$ Novembre, 1821, il a formellement déclaré que c'etoit sur la *signification des mots dans le texte de l'article tel qu'il existe*, que devoit se fonder la décision de Sa Majesté Impériale.

La même déclaration étant consignée dans la note du Plénipotentiaire Britannique en date du $\frac{8}{20}$ Octobre, 1821, L'Empereur n'a fait que se conformer aux vœux énoncés par les deux Parties, en vouant toute son attention à l'examen de la question grammaticale.

L'opinion ci-dessus mentionnée fera connoitre la manière dont Sa Majesté Impériale juge cette question, et afin que le Cabinet de Washington connoisse également les motifs sur lesquels se fonde le jugement de L'Empereur, le Soussigné joint à la presente, un extrait de quelques observations, sur le sens littéral de l'Article premier du Traité de Gand.

Sous ce rapport, L'Empereur s'est borné à suivre les règles de la langue employée dans la rédaction de l'acte, par lequel les deux puissances ont réclamé son arbitrage, et défini l'objet de leur différend.

C'est uniquement à l'autorité de ces règles, que Sa Majesté impériale a cru devoir obéir et Son Avis ne pouvoit qu'en être la conséquence rigereuse et nécessaire.

Le soussigné saisit avec empressement cette occasion, pour réitérer a Monsieur de Middleton les assurances de sa considération très-distinguée.

St. Pétersbourg, ce 22 *Avril*, 1822.

NESSELRODE.

A Monsieur de Middleton, &c. &c.

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A.

[TRANSLATION.]

HIS IMPERIAL MAJESTY'S AWARD

Invited by the United States of America and by Great Britain to give an opinion, as arbitrator in the differences which have arisen between these two powers, on the subject of the interpretation of the first article of the Treaty which they concluded at Ghent, on the 24th December, 1814, the Emperor has taken cognizance of all the acts, the memorials, and notes, in which the respective plenipotentiaries have set forth to his administration of foreign affairs the arguments upon which each of the litigant parties depends in support of the interpretation given by it to the said article.

After having maturely weighed the observations exhibited on both sides:

Considerations which influenced the Emperor in making his award.

Considering that the American plenipotentiary and the plenipotentiary of Britain have desired that the discussion should be closed:

Considering that the former, in his note of the 4th (16th) November, 1821, and the latter, in his note of the 8th (20th) October, of the same year, have declared that it is *upon the construction of the text of the article as it stands*, that the arbitrator's decision should be founded, and that both have appealed, only as subsidiary means, to the general principles of the law of nations and of maritime law;

The Emperor is of opinion "that the question can only be decided according to the literal and grammatical sense of the first article of the treaty of Ghent."

As to the literal and grammatical sense of the first article of the treaty of Ghent:

Considering that the period upon the signification of which doubts have arisen, is expressed as follows:

"All territory, places, and possessions, whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public property *originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty*, or any slaves, or other private property; and all archives, records, deeds, and papers, either of a public nature, or belonging to private persons, which, in the course of the war, may have fallen into

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A.

Opinion de Sa Majesté Impériale.

Invité par les Etats-Unis d'Amérique et par la Grande Bretagne à émettre une opinion, comme arbitre dans les differends qui se sont élevés entre ces deux Puissances, au sujet de l'interprétation de l'article premier du Traité qu'elles ont conclu à Gand, le 24 Décembre, 1814, l'Empereur a pris connoissance de tous les actes, mémoires et notes, où les Plénipotentiaires respectifs ont exposé à Son Ministere des affaires étrangeres, les argumens que chacune des parties en litige fait valoir à l'appui de l'interprétation qu'elle donne au dit article.

Après avoir murement pesé les observations développées de part et d'autre: considérant que le Plénipotentiaire Americain et le Plénipotentiare Britannique ont demandé que la discussion fut close, considérant que le premier dans sa note du 4 [16th] Novembre, 1821, et le second dans sa note du 8me [20th] Octobre de la même année, ont déclaré, que c'est *sur la construction du texte de l'article, tel qu'il existe*, que la décision arbitrale doit se fonder, et que l'autre n'ont invoqué que comme moyens subsidiaires, les principes généraux de droit des gens et de droit maritime.

L'Empereur est d'avis, "que ce n'est que d'après le sens littéral et grammatical de l'article 1, du traité de Gand, que la question peut être décidée."

Quant au sens littéral et grammatical de l'article 1, du traité de Gand.

Considérant que la période sur la signification de la quelle il s'éléve des doutes, est construite ainsi qu'il suit.

"Tous les territoires, lieux et possessions quelconques, pris par l'une des parties sur l'autre, durant la guerre, ou qui pourroient être pris après la signature du présent traité, à l'exception seulement des isles ci-dessous mentionnées, seront rendus sans délai et sans faire détruire ou emporter aucune partie de l'artillerie ou autre propriéte publique *originairement prise dans les dits forts et lieux et qui s'y trouvera au moment de l'échange des ratifications du traité* ou aucuns esclaves ou autres propriétes privées. Et tout archives, registres, actes et papiers, soit d'une nature publique ou appartenans à des particuliers, qui dans la cours de la guerre peuvent être tombés entre les mains

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the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong."

Considering that, in this period, the words *originally captured, and which shall remain therein upon the exchange of the ratifications*, form an incidental phrase, which can have respect, *grammatically*, only to the substantives or subjects which precede;

That the first article of the treaty of Ghent thus prohibits the contracting parties from carrying away from the places of which it stipulates the restitution, only the public property, *which might have been originally captured there, and which should remain therein upon the exchange of the ratifications*, but that it prohibits the carrying away from those same places, *any private property*, whatever;

That, on the other hand, these two prohibitions are solely applicable to the places of which the article stipulates the restitution:

The U. States, entitled to a just indemnification, &c.

The Emperor is of opinion:

"That the United States of America are entitled to a just indemnification, from Great Britain, for all private property carried away by the British forces, and as the question regards slaves more especially, for all such slaves as were carried away by the British forces, from the places and territories of which the restitution was stipulated by the treaty, in quitting the said places and territories.

"That the United States are entitled to consider as having been so carried away, all such slaves as may have been transported from the above mentioned territories on board of the British vessels, within the waters of the said territories, and who, for this reason, have not been restored.

"But that, if there should be any American slaves who were carried away from territories, of which the first article of the treaty of Ghent has not stipulated the restitution to the United States, the United States are not to claim an indemnification for the said slaves."

The Emperor declares, besides, that he is ready to exercise the office of mediator, which has been conferred on him beforehand by the two states, in the negotiations which must ensue between them in consequence of the award which they have demanded.

Done at St. Petersburg, 22d April, 1822.

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des officiers de l'une ou de l'autre partie, seront de suite, en tant qu'il sera practicable, restitués et délivrés aux autorités propres et personnes auxquelles ils appartiennent respectivement."

Considérant que dans cette période les mots: *originairement prise et qui s'y trouvera au moment de l'échange des ratifications*, forment une phrase incidente, laquelle ne peut se rapporter *grammaticalement* qu'aux substantifs ou sujets qui précedent.

Qu'ainsi l'article 1 du traité de Gand, ne défend aux parties contractantes d'emporter des lieux dont il stipule la restitution, que les seules propriétés publiques *qui y auroient été originairement prises et qui s'y trouveroient au moment de l'échange des ratifications*, mais qu'il défend d'emporter de ces mêmes lieux, *aucune propriété particulière quelconque.*

Que d'un autre coté, ces deux défenses ne sont applicables qu'uniquement aux lieux dont l'article stipule la restitution.

L'Empereur est d'avis:

"Que les Etats-Unis d'Amérique, sont en droit de réclamer de la Grande Bretagne une juste indemnité, pour toutes les propriétés particulières que les forces Britanniques auroient emportées, et comme il s'agit plus spécialement d'esclaves, pour tous les esclaves que les forces Britanniques auroient emmenés des lieux et territoires dont le traité stipule la restitution, en quittant ces mêmes lieux et territoires.

"Que les Etats-Unis sont en droit de regarder comme emmenés; tous ceux de ces esclaves qui, des territoires indiqués cidessus, auroient été transportés a bord de vaisseaux Britanniques mouillés dans les eaux des dits territoires, et qui par ce motif n'auroient pas été restitués."

"Mais que s'il y a des esclaves Américains emmenés de territoires dont l'article 1 du traité de Gand n'a pas stipulé la restitution aux Etats-Unis, les Etats-Unis ne sont pas en droit de réclamer une indemnité, pour les dits esclaves."

L'Empereur déclare en outre, qu'il est prêt à exercer l'office de Médiateur qui Lui a été déféré d'avance, par les deux états, dans les négociations que doit amener entre eux, la décision arbitrale qu'ils ont demandée.

Fait à St. Pétersbourg, le 22 Avril, 1822.

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B.

[TRANSLATION.]

Count Nesselrode to Mr. Middleton.

The undersigned Secretary of State, directing the Imperial administration of foreign affairs, has, without delay, laid before the Emperor, his master, the explanations into which the Ambassador of His Britannic Majesty has entered with the Imperial Ministry, in consequence of the preceding confidential communication which was made to Mr. Middleton, as well as to Sir Charles Bagot, of the opinion expressed by the Emperor upon the true sense of the 1st Article of the Treaty of Ghent.

Mr Bagot's understanding of the Emperor's opinion.

Sir Charles Bagot understands, that, in virtue of the decision of His Imperial Majesty, "His Britannic Majesty is not bound to indemnify the United States for any slaves, who, coming from places which have never been occupied by his troops, voluntarily joined the British forces, either in consequence of the encouragement which His Majesty's officers had offered them, or to free themselves from the power of their master—these slaves not having been carried away from places or territories captured by His Britannic Majesty during the war, and, consequently, not having been carried away from places of which the article stipulates the restitution."

In answer to this observation, the undersigned is charged by His Imperial Majesty to communicate what follows to the Minister of the United States of America.

The Emperor having, by the mutual consent of the two Plenipotentiaries, given an opinion, founded solely upon the sense which results *from the text of the article* in dispute, does not think himself called upon to decide here any question relative to what the laws of war permit or forbid to the belligerents; but, always faithful to the grammatical interpretation of the 1st Article of the Treaty of Ghent, His Imperial Majesty declares, a second time, that it appears to him according to this interpretation;

The Emperor reiterates his opinion.

"That, in quitting the places and territories of which the Treaty of Ghent stipulates the restitution to the United States, his Britannic Majesty's forces had no right to carry away from these same places and territories, absolutely, any slave, by whatever means he had fallen or come into their power.

"But that if, during the war, American slaves had been carried away by the English forces, from other places than those of which the Treaty of Ghent stipulates the restitution,

B.

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Le Soussigué Secrétaire d'Etat dirigeant le Ministère Impériale des affaires étrangères, s'est empressé de porter à la connoissance de l'Empereur son maitre, les explications dans lesquelles Mr. l'Ambassadeur de S. M. Britannique est entré avec le Ministère Impériale, à la suite de la communication préalable et confidentielle qui a été faite à Monsieur de Middleton ainsi qu'à Mr. le Chevalier Bagot de l'opinion exprimée par l'Empereur, sur le vrai sens de l'art 1er du traité de Gand.

Mr. le Chevalier Bagot entend qu'en vertu de la décision de sa Majesté Impériale, " S. M. Britannique n'est pas tenue à indemniser les Etats-Unis d'aucuns esclaves qui, venant des endroits qui n'ont jamais été occupés par ses troupes, se sont volontairement réunis aux forces Britanniques, ou en conséquence de l'encouragement que les officiers de S. M. leur avoit offert, ou se dérober au pouvoir de leur maitre, ces esclaves n'ayant pas été emmenés des lieux ou territoires pris par S. M. Britannique durant le guerre, et conséquemment n'ayant pas été emmenés des lieux dont l'article stipule la restitution."

En réponse à cette observation, le soussigné est chargé par Sa Majesté Impériale, de communiquer ce qui suit à Monsieur le ministre des Etats-Unis d'Amérique.

L'Empereur ayant, de consentement mutuel des deux plénipotentiaires, émis une opinion fondée uniquement sur le sens qui résulte *du texte de l'article* en litige, ne se croit appelé à decider ici aucune question relative à ce que les loix de la guerre permettent ou défendent aux parties belligérantes, mais toujours fidele à l'interprétation grammaticale de l'art. 1er du traité de Gand, Sa Majesté Impériale déclare une seconde fois qu'il lui semble, d'aprés cette interpretation.

"Qu'en quittant les lieux et territoires dont le traité de Gand stipule la restitution aux Etats-Unis, les forces de S. M. Britannique n'avoient le droit d'emmenér de ces mêmes lieux et territoires, absolument aucun esclave, par quelque moyen qu'il fût tombé ou venu se remettre en leur pouvoir."

" Mais que si, durant la guerre, des esclaves Américains avoient été emmenés par les forces Angloises, d'autres lieux que ceux dont le traité de Gand stipule la restitution, sur terri-

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upon the territory, or on board British vessels, Great Britain should not be bound to indemnify the United States for the loss of these slaves, by whatever means they might have fallen or came into the power of her officers."

Further confirmation of the Emperor's opinion.

Although convinced, by the previous explanations above mentioned, that such is also the sense which Sir Charles Bagot attaches to his observation, the undersigned has nevertheless received from His Imperial Majesty orders to address the present note to the respective Plenipotentiaries, which will prove to them, that, in order the better to justify the confidence of the two Governments, the Emperor has been unwilling that the slightest doubt should arise regarding the consequences of his opinion.

The undersigned eagerly embraces this occasion of repeating to Mr. Middleton the assurance of his most distinguished consideration.

NESSELRODE.

St Petersburg, 22d April, 1822.

Now, therefore be it known, That I, JAMES MONROE, President of the United States, have caused the said convention to be made public; to the end that the same, and every clause and article thereof, may be observed and fulfilled in good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed. Done at the City of Washington, this eleventh day of January, in the year of our Lord one thousand eight hundred and twenty-three, and of the Independence of the United States the forty-seventh.

[L. S.]

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

toire ou à bord de vaisseaux Britanniques, la Grande Bretagne ne seroit pas tenue d'indemniser les Etats-Unis de la perte de ces esclaves, par quelque moyen qu'ils fussent tombés ou venus se remettre au pouvoir de ses officiers."

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Quoique convaincu, par les explications préalables dont il a été question plus haut, que tel est aussi le sens que Mr. le Chevalier Bagot attache à son observation, le soussigné n'en a pas moins reçu de Sa Majesté Impériale, l'ordre d'addresser aux plénipotentiaires respectifs, la présente note, qui leur prouvera, que pour mieux répondre à la confiance des deux gouvernemens, l'Empereur n'a pas voulu qu'il pût s'enléver le plus leger doute sur les conséquences de son opinion.

Le Soussigné saisit avec empressement cette occasion de réitérer à Monsieur de Middleton, l'assurance de sa considération très distinguée.

NESSELRODE.

St. Petersbourg, le 22 *Avril*, 1822.

1826.
November 15.

No. 10.—*Convention awarding the amount of Indemnification under the St Petersburg Convention.*

Preamble.

By the President of the United States of America. A Proclamation.

Whereas a convention between the United States of America, and his Majesty the King of the United Kingdom of of Great Britain and Ireland, was concluded and signed at London, on the thirteenth day of November, in the year of our Lord one thousand eight hundred and twenty-six, which convention is, word for word, as follows:

Object of this Convention.

Difficulties having arisen in the execution of the convention concluded at St Petersburg, on the twelfth day of July, 1822, under the mediation of his Majesty the Emperor of all the Russias, between the United States of America and Great Britain, for the purpose of carrying into effect the decision of his Imperial Majesty upon the differences which had arisen between the said United States and Great Britain, on the true construction and meaning of the first article of the treaty of peace and amity, concluded at Ghent on the twenty-fourth day of December, 1814, the said United States and his Britannic Majesty, being equally desirous to obviate such difficulties, have respectively named Plenipotentiaries to treat and agree respecting the same; that is to say:

Mr. Gallatin American negotiator.

The president of the United States of America has appointed ALBERT GALLATIN, their Envoy Extraordinary and Minister Plenipotentiary to his Britannic Majesty:

William Huskisson & H. U. Addington, British negotiators.

And his Majesty the King of the United Kingdom of Great Britain and Ireland, the Right honorable WILLIAM HUSKISSON, a member of his said Majesty's most honorable Privy Council, a member of parliament, president of the committee of privy council for affairs of trade and foreign plantations, and treasurer of his said Majesty's Navy, and HENRY UNWIN ADDINGTON, Esquire, late his Majesty's Chargé d'Affaires to the to the United States of America:

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon, and concluded the following articles:

ART. 1. His Majesty the King of the United Kingdom of Great Britain and Ireland agrees to pay, and the United States of America agree to receive, for the use of the persons entitled to indemnification and compensation by virtue of the said decision and convention, the sum of twelve hundred and four thousand nine hundred and sixty dollars, current money of the United States, in lieu of, and in full and complete sat-

$1,240,960 to be paid in full for indemnification.

1826. November 13.

isfaction for, all sums claimed or claimable from Great Britain, by any person or persons whatsoever, under the said decision and convention.

ART. 2. The object of the said convention being thus fulfilled, that convention is hereby declared to be cancelled and annulled, save and except the second article of the same, which has already been carried into execution by the commissioners appointed under the said convention, and save and except so much of the third article of the same, as relates to the definitive list of claims, and has already likewise been carried into execution by the said commissioners. Convention cancelled.

ART. 3. The said sum of twelve hundred and four thousand nine hundred and sixty dollars shall be paid at Washington to such person or persons as shall be duly authorized, on the part of the United States, to receive the same, in two equal payments as follows: The sum of $1,240, 60, in two equal payments.

The payment of the first half to be made twenty days after official notification shall have been made, by the government of the United States, to his Britannic Majesty's minister in the said United States, of the ratification of the present convention by the president of the United States, by and with the advice and consent of the Senate thereof. First payment in 20 days.

And the payment of the second half to be made on the first day of August, 1827. And the last on Aug. 1, 1827.

ART. 4. The above sums being taken as a full and final liquidation of all claims whatsoever arising under the said decision and convention, both the final adjustment of those claims, and the distribution of the sums so paid by Great Britain to the United States, shall be made in such manner as the United States alone shall determine; and the Government of Great Britain shall have no further concern or liability therein. Final adjustment.

ART. 5. It is agreed, that, from the date of the exchange of the ratifications of the present convention, the joint commission appointed under the said convention of St Petersburg, of the twelfth of July, 1822, shall be dissolved; and, upon the dissolution thereof, all the documents and papers in possession of the said commission, relating to claims under that convention shall be delivered over to such person or persons as shall be duly authorized, on the part of the United States, to receive the same. And the British commissioner shall make over to such person or persons, so authorized, all the documents and papers, (or authenticated copies of the same, where the originals cannot conveniently be made over,) relating to Documents, &c to be delivered up.

1826. November 13.

claims under the said convention, which he may have received from his government for the use of the said commission, conformably to the stipulations contained in the third article of the said convention.

Ratification in 6 months.

ART. 6. The present convention shall be ratified, and the ratifications shall be exchanged in London, in six months from this date, or sooner, if possible.

In witness whereof, the plenipotentiaries aforesaid, by virtue of their respective full powers, have signed the same, and have affixed thereunto the seals of their arms.

Done at London, this thirteenth day of November, in the year of our Lord one thousand eight hundred and twenty-six.

[L. S.] ALBERT GALLATIN,
[L. S.] WILLIAM HUSKISSON,
[L. S.] HENRY UNWIN ADDINGTON.

And whereas the said convention has been duly ratified, on both parts, and the respective ratifications of the same were exchanged at London on the sixth day of February last, by ALBERT GALLATIN, envoy extraordinary and minister plenipotentiary of the United States of America, and HENRY UNWIN ADDINGTON, Esq. late his Britannic Majesty's Chargé d'Affaires to the said United States, on the part of their respective governments.

Now, therefore, be it known, that I, JOHN QUINCY ADAMS, President of the United States, have caused the said convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith, by the United States, and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the Seal of the United States to be affixed.

Done at the City of Washington, this nineteenth day of March, in the year of our Lord one thousand eight hundred and twenty-seven, and of the Independence of the United States the fifty-first.

[L. S.]

JOHN QUINCY ADAMS.

By the President:

H. CLAY,

Secretary of State.

1817.
November 24.

No. 11.—*Decision of the Commissioners under the Fourth Article of the Treaty of Ghent,*

Decision of the Commissioners under the 4th Article of the treaty of Ghent. New-York, 24, Nov. 1817.

By Thomas Barclay and John Holmes, esquires, commissioners, appointed by virtue of the fourth article of the treaty of peace and amity between his Britannic majesty and the United States of America, concluded at Ghent, on the twenty-fourth day of December, one thousand eight hundred and fourteen,* to decide to which of the two contracting parties to the said treaty, the several islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the island of Grand Menan, in the said Bay of Fundy, do respectively belong, in conformity with the true intent of the second article of the treaty of peace of one thousand seven hundred and eighty three, between his said Britannic majesty and the aforesaid United States of America.†

*See the treaty, page 250.

We, the said Thomas Barclay and John Holmes, commissioners as aforesaid, having been duly sworn impartially to examine and decide upon the said claims, according to such evidence as should be laid before us on the part of his Britannic majesty and the United States, respectively, have decided, and do decide, that Moose Island, Dudley Island, and Frederick Island, in the Bay of Passamaquoddy; which is part of the Bay of Fundy, do, and each of them does, belong to the United States of America: and we have also decided, and do decide, that all the other islands, and each and every of them, in the said Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan, in the said Bay of Fundy, do belong to his said Britannic majesty, in conformity with the true intent of the said second article of said treaty of one thousand seven hundred and eighty-three.

†See the treaty, page 219.

Moose Island, &c. belong to the U. States.

Other Islands belong to Great Britain.

In faith and testimony whereof, we have set our hands and affixed our seals, at the city of New York, in the state of New York, in the United States of America, this twenty-fourth day of November, in the year of our Lord one thousand eight hundred and seventeen.

JOHN HOLMES, [SEAL.]
THOMAS BARCLAY. [SEAL.]

Witness—JAMES T. AUSTIN, Agent U. S. A.
ANTHONY BARCLAY, *Secretary.*

1817.
November 24.

No. 12.—*Declaration of the Commissioners under the fourth article of the Treaty of Ghent.*

NEW YORK, 24th NOVEMBER, 1817.

Declaration of the commissioners accompanying their Decision.

SIR, The undersigned commissioners, appointed by virtue of the fourth article of the treaty of Ghent, have attended to the duties assigned them; and have decided that Moose Island, Dudley Island, and Frederick Island, in the Bay of Passamaquoddy, which is part of the Bay of Fundy, do each of them belong to the United States of America, and that all the other islands in the Bay of Passamaquoddy, and the Island of Grand Menan, in the Bay of Fundy, do each of them belong to his Britannic majesty, in conformity with the true intent of the second article of the treaty of peace of one thousand seven hundred and eighty-three. The commissioners have the honor to enclose herewith their decision.

Each of the Commissioners has yielded a part of his individual opinion, &c.

In making this decision, it became necessary that each of the commissioners should yield a part of his individual opinion: several reasons induced them to adopt this measure; one of which was the impression and belief than the navigable waters of the Bay of Passamaquoddy, which, by the treaty of Ghent, is said to be part of the Bay of Fundy, are common to both parties for the purpose of all lawful and direct communication with their own territories and foreign ports.

The undersigned have the honor to be,
With perfect respect, Sir,
Your obedient and humble servants,

J. HOLMES,
THO: BARCLAY.

The Hon. JOHN QUINCY ADAMS, *Secretary of State.*

1817.
June 18

No. 13.—*Decision of the Commissioners under the Sixth Article of the Treaty of Ghent, done at Utica, in the State of New York, 18th June, 1822.*

The undersigned Commissioners, appointed, sworn, and authorized, in virtue of the 6th article of the treaty of peace and amity between his Britannic Majesty and the United States of America, concluded at Ghent, on the 24th of December, 1814, impartially to examine, and, by a report or declaration, under their hands and seals, to designate "that portion of the boundary of the United States from the point where the 45th degree of north latitude strikes the river Iroquois, or Cataraqui, along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication, by water, between that lake and lake Erie; thence, along the middle of said communication, into Lake Erie, through the middle of said lake, until it arrives at the water communication into Lake Huron; thence, through the middle of said water communication, into Lake Huron; thence, through the middle of said lake, to the water communication between that lake and Lake Superior;" and to "decide to which of the two contracting parties the several islands, lying within the said rivers, lakes, and water communications, do respectively belong, in conformity with the true intent of the treaty of 1783;" do decide and declare, that the following described line, (which is more clearly indicated on a series of maps accompanying this report, exhibiting correct surveys and delineations of all the rivers, lakes, water communications, and islands, embraced by the 6th article of the treaty of Ghent, by a black line shaded on the British side with red, and on the American side with blue; and each sheet of which series of maps is identified by a certificate subscribed by the commissioners, and by the two principal surveyors employed by them,) is the true boundary intended by the two before mentioned treaties: that is to say:

Boundary line designated.

Beginning at a stone monument, erected by Andrew Ellicot, Esquire, in the year 1817, on the south bank, or shore, of the said river Iroquois, or Cataraqui, (now called the St. Lawrence) which monument bears south 74° 45′ west, and is eighteen hundred and forty yards distant from the stone church in the Indian village of St. Regis, and indicates the point at which the 45th parallel of north latitude strikes the said river; thence, running north 35° 45′ west, into the river, on a line at right angles with the southern shore, to a point one hundred

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Boundary line designated.

yards south of the opposite island, called Cornwall island; thence, turning westerly, and passing around the southern and western sides of said island, keeping one hundred yards distant therefrom, and following the curvatures of its shores, to a point opposite to the north west corner, or angle, of said island; thence, to and along the middle of the main river, until it approaches the eastern extremity of Barnhart's island; thence, northerly, along the channel which divides the last mentioned island from the Canada shore, keeping one hundred yards distant from the island, until it approaches Sheik's island; thence, along the middle of the strait which divides Barnhart's and Sheik's islands, to the channel called the Long Sault, which separates the two last mentioned islands from the Lower Long Sault island; thence, westerly, (crossing the centre of the last mentioned channel) until it approaches within one hundred yards of the north shore of the Lower Sault island; thence, up the north branch of the river, keeping to the north of, and near, the Lower Sault island, and also north of, and near, the Upper Sault, (sometimes called Baxter's) island, and south of the two small islands, marked on the map A and B, to the western extremity of the Upper Sault, or Baxter's island; thence, passing between the two islands called the Cats, to the middle of the river above; thence, along the middle of the river, keeping to the north of the small islands marked C and D; and north also of Chrystler's island and of the small island next above it; marked E, until it approaches the north-east angle of Goose Neck island; thence, along the passage which divides the last mentioned island from the Canada shore, keeping one hundred yards from the island, to the upper end of the same; thence, south of, and near, the two small islands called the Nut islands; thence north of, and near, the island marked F, and also of the island called Dry or Smuggler's island; thence, passing between the islands marked G and H, to the north of the island called Isle au Rapid Platt; thence, along the north side of the last mentioned island, keeping one hundred yards from the shore to the upper end thereof; thence, along the middle of the river, keeping to the south of, and near, the islands called Cousson (or Tussin) and Presque Isle; thence up the river, keeping north of, and near, the several Gallop Isles, numbered on the map 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and also of Tick, Tibbit's, and Chimney, islands; and south of, and near, the Gallop Isles, numbered 11, 12, and 13, and also of Duck, Drummond, and Sheep islands; thence, along the middle of the river, passing north of island No. 14,

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south of 15, and 16, north of 17; south of 18, 19, 20, 21, 22, 23, 24, 25, and 28, and north of 26, and 27; thence, along the middle of the river, north of Gull island and of the islands No. 29, 32, 33, 34, 35, Bluff island, and No. 39, 44, and 45, and to the south of No. 30, 31, 36, Grenadier island, and No. 37, 38, 40, 41, 42, 43, 46, 47, and 48, until it approaches the east end of Well's island, thence to the north of Wells' island, and along the strait which divides it from Rowe's Island, keeping to the north of the small islands No. 51, 52, 54, 58, 59, and 61, and to the south of the small islands numbered and marked 49, 50, 53, 55, 57, 60, and X, until it approaches the north-east point of Grindstone Island: thence to the north of Grindstone Island, and keeping to the north also of the small Islands, No. 63, 65, 67, 68, 70, 72, 73, 74, 75, 76, 77, and 78, and to the south of No. 62, 64, 66, 69, and 71, until it approaches the southern point of Hickory Island; thence, passing to the south of Hickory Island, and of the two small islands lying near its southern extremity, numbered 79 and 80; thence to the south of Grand or Long Island, keeping near its southern shore, and passing to the north of Carlton Island until it arrives opposite to the south-western point of said Grand island in Lake Ontario, thence passing to the north of Grenadier, Fox, Stony, and the Gallop Islands in Lake Ontario, and to the south of, and near the islands called the Ducks, to the middle of the said lake, thence, westerly, along the middle of said lake, to a point opposite the mouth of the Niagara river; thence, to and up the middle of the said river, to the Great Falls; thence, up the Falls, through the point of the Horse Shoe, keeping to the west of Iris or Goat island, and of the group of small islands at its head, and following the bends of the river so as to enter the strait between Navy and Grand island; thence; along the middle of said strait, to the head of Navy island; thence, to the west and south of, and near to, Grand and Beaver islands, and to the west of Strawberry, Squaw, and Bird, islands, to Lake Erie; thence, southerly and westerly, along the middle of Lake Erie, in a direction to enter the passage immediately south of Middle island, being one of the eastermost of the group of islands lying in the western part of the said lake; thence, along the said passage, proceeding to the north of Cunningham's islands of the three Bass islands, and of the Western Sister, and to the south of the island called the Hen and Chickens, and of the Eastern and Middle Sisters; thence, to the middle of the mouth of the Detroit river, in a

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Boundary line designated.

direction to enter the channel which divides Bois-Blanc and Sugar islands; thence, up the said channel to the west of Bois-Blanc island, and to the east of Sugar, Fox, and Stony island, until it approaches Fighting or Great Turkey island, thence, along the western side, and near the shore of said last mentioned island, to the middle of the river above the same; thence, along the middle of said river, keeping to the south-east, of and near, Hog Island, and to the north west of and near the island called Isle à la Peche, to Lake St Clair; thence, through the middle of said lake, in a direction to enter that mouth or channel of the river St Clair, which is usually denominated the Old Ship Channel; thence, along the middle of said channel, between Squirrel Island on the south-east, and Hurson's island on the north-west, to the upper end of the last mentioned island, which is nearly opposite to Point au Chênes, on the American shore; thence, along the middle of the river St Clair, keeping to the west of, and near, the islands called Belle Rivière Isle, and the Isle aux Cerfs, to Lake Huron; thence through the middle of lake Huron, in a direction to enter the strait or passage between Drummond's island on the west, and the little Manitou Island on the east; thence through the middle of the passage which divides the two last mentioned islands; thence, turning northerly and westerly, around the eastern and northern shores of Drummond's island, and proceeding in a direction to enter the passage between the island of St Joseph's and the American shore, passing to the north of the intermediate islands, No. 61, 11, 10, 12, 9, 6, 4, and 2, and to the south of those numbered 15, 13, 5, and 1.

Thence up the said last mentioned passage, keeping near to the island St Joseph's, and passing to the north and east of Isle à la Crosse, and of the small islands numbered 16, 17, 18, 19, and 20, and to the south and west of those numbered 21, 22, and 23, until it strikes a line (drawn on the map with black ink and shaded on one side of the point of intersection with blue and on the other with red,) passing across the river at the head of St Joseph's Island, and at the foot of the Neebish Rapids, which line denotes the termination of the boundary directed to be run by the 6th article of the Treaty of Ghent.

And the said commissioners do further decide and declare, that all the islands lying in the rivers, lakes, and water communications, between the before described boundary line and the adjacent shores of Upper Canada do, and each of them

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does belong to his Britannic Majesty, and that all the Islands lying in the rivers, lakes, and water communications, between the said boundary line and the adjacent shores of the United States, or their territories, do, and each of them does, belong to the United States of America, in conformity with the true intent of the 2d article of the said treaty of 1783, and of the 6th article of the treaty of Ghent.

In faith whereof, we, the commissioners aforesaid, have signed this declaration, and thereunto affixed our seals.

Done in quadruplicate, at Utica, in the State of New-York, in the United States of America, this eighteenth day of June, in the year of our Lord one thousand eight hundred and twenty-two.

[Signed] PETER B. PORTER, [L. S.]
[Signed] ANTH. BARCLAY, [L. S.]

No. 14.—*Arrangement limitting the number of American and British vessels of War, to be maintained on the Lakes.*

By the President of the United States of America. A Proclamation.

Arrangement in 1817, as to the American and British Naval Force to be maintained on the Lakes.

Whereas an arrangement was entered into at the City of Washington, in the month of April, in the year of our Lord one thousand eight hundred and seventeen, between Richard Rush, Esquire, at that time acting as Secretary for the Department of State of the United States, for and in behalf of the government of the United States; and the right honorable Charles Bagot, his Britannic majesty's envoy extraordinary and minister plenipotentiary, for and in behalf of his Britannic majesty; which arrangement is in the words following, to wit:

"The naval force to be maintained upon the American lakes, by his majesty and the government of the United States, shall henceforth be confined to the following vessels on each side; that is—

Lake Ontario.

"On lake Ontario, to one vessel not exceeding one hundred tons burden, and armed with one eighteen pound cannon.

Upper Lakes.

"On the upper lakes, to two vessels, not exceeding like burden each, and armed with like force.

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Lake Champlain.

"On the waters of lake Champlain, to one vessel not exceeding like burden, and armed with like force.

Other vessels to be dismantled.

"All other armed vessels on these lakes shall be forthwith dismantled, and no other vessels of war shall be there built or armed.

Stipulation may cease on six months' notice.

"If either party should hereafter be desirous of annulling this stipulation, or should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

Naval force to be restricted, &c.

"The naval force so to be limited shall be restricted to such services as will, in no respect, interfere with the proper duties of the armed vessels of the other party."

Arrangement approved by the Senate, and sanctioned by the Prince Regent.

And whereas the Senate of the United States have approved of the said arrangement, and recommended that it should be carried into effect; the same having also received the sanction of his royal highness the Prince Regent, acting in the name and on the behalf of his Britannic majesty:

Is of full force and effect.

Now, therefore, I, James Monroe, President of the United States, do, by this my proclamation, make known and declare that the arrangement aforesaid, and every stipulation thereof, has been duly entered into, concluded, and confirmed, and is of full force and effect.

Given under my hand, at the City of Washington, this twenty-eighth day of April, in the year of our Lord one thousand eight hundred and eighteen, and of the independence of the United States the forty-second.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

1785.
July & August.

TREATIES WITH PRUSSIA.

TRANSLATION.

No 1.—*A treaty of amity and commerce, between his majesty the king of Prussia, and the United States of America.*

ORIGINAL.

Traité d'amitié et de commerce, entre sa majesté le roi de Prusse, et les Etats Unis de l'Amérique.

His majesty the king of Prussia, and the United States of America, desiring to fix, in a permanent and equitable manner, the rules to be observed in the intercourse and commerce they desire to establish between their respective countries; his majesty and the United States have judged ed that the said end cannot be better obtained, than by taking the most perfect equality and reciprocity for the basis of their agreement.

Sa majesté le roi de Prusse, &c. &c. et les Etats Unis de l'Amérique, désirant de fixer d'une manière permanente et équitable les règles qui doivent être observées relativement à la correspondance et au commerce à établir entre les états respectifs des deux parties; sa majesté et les Etats Unis ont cru ne pouvoir mieux remplir ce but, qu'en posant pour base de leurs engagements la plus parfaite égalité et reciprocité.

Mutual desire of fixing rules of intercourse and commerce.

With this view, his majesty the king of Prussia, has nominated and constituted, as his plenipotentiary, the baron Frederick William de Thulemeier, his privy counsellor of embassy, and envoy extraordinary with their high mightinesses the states general of the United Netherlands; and the United States have, on their part, given full powers to John Adams, esquire, late one of their ministers plenipotentiary for negotiating a peace, heretofore a delegate in congress from the state of Massachusetts, and chief justic of the same, and now minister plenipotentiary of the

Dans cette vuë sa majesté le roi de Prusse a nommé et constituté, pour son plénipotentiaire le baron Frédéric Guillaume de Thulemeier, son conseiller privé d'ambassade et envoyé extraordinaire auprès de leurs hautes puissances les états géneraux des Provinces Unis; et les Etats Unis ont de leur côté pourvu de leurs pleinpouvoirs le sieur John Adams, ci-devant l'un de leurs ministres plénipotentiaires pour traiter de la paix, delegué au congrés de la part de l'état de Massachusetts, et chef de justice du dit état, actuellement ministre plénipotentiaire des Etats Unis près

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United States with his Britannic majesty; doctor Benjamin Franklin, late minister plenipotentiary at the court of Versailles, and another of their ministers plenipotentiary for negotiating a peace; and Thomas Jefferson, heretofore a delegate in congress, from the state of Virginia, and governor of the said state, and now minister plenipotentiary of the United States at the court of his most christain majesty, which respective plenipotentiaries, after having exchanged their full powers, and on mature deliberation, have concluded, settled, and signed the following articles:

Firm and inviolable peace.

ART. 1. There shall be a firm, inviolable, and universal peace and sincere friendship between his majesty the king of Prussia, his heirs, successors, and subjects, on the one part, and the United States of America, and their citizens, on the other, without exception of persons or places.

The subjects of Prussia may frequent the coasts & countries of the U. States; may reside and trade there; and allowed to enjoy all the rights & privileges of commerce granted to the most favored nations.

ART. 2. The subjects of his majesty the king of Prussia may frequent all the coasts and countries of the United States of America, and reside and trade there in all sorts of produce, manufactures, and merchandises; and shall pay within the United States no other or greater duties, charges, or fees whatsoever, than the most favored nations are or shall be obliged to pay; and they shall enjoy all the rights privileges, and exemptions in navigation and commerce, which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws and usages there established, and to which are submitted the citizens of the United States, and the citizens and subjects of the most favored nations.

American citizens may freely trade to the Prussian dominions; may reside there; & are entitled to all the privileges of commerce and navigation granted to the most favored nations.

ART. 3. In like manner, the citizens of the United States of America may frequent all the coasts and countries of his majesty the king of Prussia, and reside and trade there in all sorts of produce, manufactures, and merchandise, and shall pay, in the dominions of his said majesty, no other or greater duties, charges, or fees whatsoever, than the most favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce, which the most favored nation does or shall enjoy; submitting themselves, nevertheless, to the laws and usages there established, and to which are submitted the subjects of his majesty the king of Prussia, and the subjects and citizens of the most favored nations.

Each party to have a right to carry their own produce, &c. in their own or

ART. 4. More especially each party shall have a right to carry their own produce, manufactures, and merchandise, in their own or any other vessels, to any parts of the dominions of the other, where it shall be lawful for all the subjects or citizens of

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sa majesté le roi de la Grand Brétagne; le docteur Benjamin Franklin, en dernier lieu leur ministre plénipotentiaire à la cour de sa majesté très chrétienne, et aussi l'un de leurs ministres plénipotentiaires pour traiter de la paix; et le sieur Thomas Jefferson, ci-devant délegué au congrès de la part de l'état de Virginie et gouverneur du dit état, actuellement ministre plénipotentiaire à la cour de sa majesté très chrétienne, lesquels plénipotentiaires respectifs, après avoir echangé leurs pleinpouvoirs, et en conséquence d'une mure déliberation, ont conclu, arrêté et signé les articles suivans:

Art. 1. Il y aura une paix ferme, inviolable, et universelle, et une amitié sincère, entre sa majesté le roi de Prusse, ses héritiers, successeurs, et sujets, d'une part, et les Etats Unis d'Amérique, et leurs citoyens, d'autre part, sans exception de personnes ou de lieux.

Art. 2. Les subjets de sa majesté le roi de Prusse pourront fréquenter toutes les côtes et tous les pays des Etats Unis de l'Amérique, y résider et trafiquer en toutes sortes de productions, manufactures, et marchandises, et ne payeront d'autres ni de plus forts impôts, charges ou droits, dans les dits Etats Unis, que ceux que les nations les plus favorisées sont, ou seront obligées de payer; et ils jouiront de tous les droits, privil éges, et exemptions dans la navigation et le commerce, dont jouit ou jouira la nation la plus favorisée; se soumettant néanmoins aux loix et usages y établis, et auxquels sont soumis les citoyens des Etats Unis et les citoyens et subjets des nations le plus favorisées.

Art. 3. Pareillement, les citoyens des Etats Unis de l'Amérique pourront fréquenter toutes les côtes et tous les pays de sa majesté le roi de Prusse, y resider et trafiquer en toutes sortes de productions, manufactures, et marchandises, et ne payeront d'autres ni plus forts impôts, charges ou droits, dans les domaines de sa dite majesté, que ceux que la nation la plus favorisée est, ou sera obligée de payer, et ils jouiront des tous les droits, priviléges, et exemptions dans la navigation et le commerce, dont jouit ou jouira la nation la plus favorisée; se soumettant néanmoins aux lois et usages y établis, et aux quels sont soumis les sujets de sa majesté le roi de Prusse, et les sujets et citoyens des nations les plus favorisées

Art. 4. En particulier, chacune des deux nations aura le droit d'importer ses propres productions, manufactures et marchandises, à bord de ses propres bâtimens ou de tel autre, dans toutes les parties des domaines de l'autre, où il sera

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the other freely to purchase them; and thence to take the produce, manufactures, and merchandise of the other, which all the said citizens or subjects shall in like manner be free to sell them, paying in both cases such duties, charges, and fees only, as are or shall be paid by the most favored nation. Nevertheless, the king of Prussia and the United States, and each of them reserve to themselves the right, where any nation restrains the transportation of merchandise to the vessels of the country of which it is the growth, or manufacture, to establish against such nations retaliating regulations; and also the right to prohibit, in their respective countries, the importation and exportation of all merchandise whatsoever, when reasons of state shall require it. In this case the subjects or citizens of either of the contracting parties, shall not import nor export the merchandise prohibited by the other, but if one of the contracting parties permits any other nation to import or export the same merchandise, the citizens or subjects of the other shall immediately enjoy the same liberty.

other vessels, to the dominions of the other, &c.

Each party may retaliate on nations restraining the transportation of merchandise to vessels of the country of which it is the growth, &c.

Subjects or citizens of either party not to import or export prohibited merchandise, unless that privilege is allowed to other nations.

The loading or unloading of vessels of each party, not to be constrained or impeded, in the ports of the other.

ART. 5. The merchants, commanders of vessels, or other subjects or citizens, of either party, shall not, within the ports or jurisdiction of the other, be forced to unload any sort of merchandise into any other vessels, nor to receive them into their own, nor to wait for their being loaded longer than they please.

All lawful examination of goods for exportation, to be made before they are put on board; and no search of vessels except in case of fraud.

ART. 6. That the vessels of either party loading within the ports or jurisdiction of the other, may not be uselessly harassed or detained, it is agreed, that all examinations of goods required by the laws, shall be made before they are laden on board the vessel, and that there shall be no examination after; nor shall the vessel be searched at any time, unless articles shall have been laden therein clandestinely and illegally, in which case, the person by whose order they were carried on board, or who carried them without order, shall be liable to the laws of the land in which he is; but no other person shall be molested, nor shall any other goods, nor the vessel, be seized or detained for that cause.

Each party to endeavor to protect the vessels and effects of the other, within their respective jurisdic-

ART. 7. Each party shall endeavor, by all the means in their power, to protect and defend all vessels, and other effects, belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction, by sea or by land; and shall use all their efforts to recover, and cause to be restored

permis à tous les sujets et citoyens de l'autre nation de les acheter librement; comme aussi d'y charger les productions, manufactures, et marchandises de l'autre, que tous les dits sujets ou citoyens auront la liberté de leur vendre; en payant dans l'un et l'autre cas, tels impôts, droits et charges seulement, que ceux qui sont ou seront payés par la nation la plus favorisée, Cependant, le roi de Prusse et les Etats Unis de l'Amérique, et chacun d'eux en particulier, se reservent le droit, au cas que quelque nation restreigne le transport des marchandises aux vaisseaux des pays dont elles sont la production ou la manufacture, d'établir envers cette nation des règlemens reciproques. Se reservant de plus le droit de prohiber dans leurs pays respectifs l'importation ou l'exportation de toute marchandise quelconque, des que la raison d'état l'exige. En ce cas, les sujets ou citoyens d'une des parties contractantes ne pourront importer ni exporter les marchandises prohibées par l'autre. Mais si l'une des parties contractantes permet à quelqu'autre nation d'importer ou d'exporter ces mêmes marchandises, les citoyens ou sujets de l'autre partie contractante jouiront tout aussitôt d'une liberté pareille.

Art. 5. Les marchands, commandans de vaisseaux, et autres sujets ou citoyens de chacune des deux nations, ne seront pas forcés dans les ports ou dans la jurisdiction de l'autre, de décharger aucune sorte de marchandises dans d'autres vaisseaux, ni de les recevoir à bord de leurs propres navires, ni d'attendre leur chargement plus long-temps qu'il ne leur plaira.

Art. 6. Pour éviter que les vaisseaux de l'une des deux parties contractantes ne soyent point inutilement molestés ou detenus dans les ports ou sous la jurisdiction de l'autre, il a été convenu que la visite des marchandises, ordonnée par les loix, se fera avant qu'elles ne soyent chargées sur la navire, et qu'en suite elles ne seront plus assujetties à aucune visite. Et en général il ne se fera point de recherche à bord du vaisseau, à moins qu'on n'y ait chargé clandestinement et illégalement des marchandises prohibées. Dans ce cas, celui par l'ordre duquel elles ont été portées à bord, ou celui qui les y a portées sans ordre, sera soumis aux loix du pays où il se trouve, sans que le reste de l'équipage soit molesté, ni les autres marchandises, ou le vaisseau, saisis ou detenus par cette raison.

Art. 7. Chacune des deux parties contractantes tâchera, par tous les moyens qui seront en son pouvoir, de protéger et de défendre tous les vaisseaux et autres effets appartenans aux citoyens ou sujets de l'autre, et se trouvant dans l'étendue de

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to the right owners, their vessels and effects, which shall be taken from them within the extent of their said jurisdiction.

tions, by sea or land, &c.

Vessels of either party, coming on the coasts or entering the ports of the other, and not willing to break bulk, to be allowed freely to depart, &c.

ART. 8. The vessels of the subjects or citizens of either party, coming on any coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or break bulk, shall have liberty to depart and to pursue their voyage, without molestation, and without being obliged to render account of their cargo, or to pay any duties, charges or fees whatsoever, except those established for vessels entered into port, and appropriated to the maintenance of the port itself, or of other establishments for the safety and convenience of navigators, which duties, charges, and fees, shall be the same, and shall be paid on the same footing, as in the case of subjects or citizens of the country where they are established.

In cases of shipwreck of the vessels of either party within the dominions of the other, friendly assistance to be given to persons, effects, &c.

ART. 9. When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coasts, or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves, as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only, as the said inhabitants would be subject to pay in a like case: and if the operations of repair shall require that the whole or any part of their cargo be unladed, they shall pay no duties, charges, or fees, on the part which they shall relade and carry away. The ancient and barbarous right to wrecks of the sea shall be entirely abolished with respect to the subjects or citizens of the two contracting parties.

The right to wrecks abolished between the parties.

The citizens or subjects of each party may dispose of their personal estate, by will or otherwise, and inherit, in the dominions of the other, &c.

ART. 10. The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, and for so long a time, as would be taken of the goods of a native in like case, until the lawful owner may take mea-

Where no one appears to claim inheritance, to be held in the custody of the law of the land.

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sa jurisdiction par mer ou par terre: et elle employera tous ses efforts pour recouvrer et faire restituer aux proprietaires légitimes les vaisseaux et effets qui leur auront été enlevés dans l'etendue de sa dite jurisdiction.

Art. 8. Les vaisseaux des sujets ou citoyens d'une des deux parties contractantes, arrivant sur une côte appartenante à l'autre, mais n'ayant pas dessein d'entrer au port, ou y étant entrés, ne désirant pas de decharger leurs cargaisons, ou de rompre leur charge, auront la liberté de repartir et de poursuivre leur route sans empêchement, et sans être obligés de rendre compte de leur cargaison, ni de payer aucuns impôts, charges et droits quelconques, excepté ceux établis sur les vaisseaux une fois entrés dans le port, et destinés à l'entretien du port même, ou à d'autres établissemens, qui ont pour but la sûreté et la commodité des navigateurs; lesquels droits, charges, et impôts, seront les mêmes et se payeront sur le même pied qu'ils sont acquittés par les sujets ou citoyens de l'état où ils sont établis.

Art. 9. Au cas que quelque vaisseau appartenant à l'une des deux parties contractantes auroit fait naufrage, échoué, ou souffert quelque autre dommage sur les côtes ou sous la domination de l'autre, les sujets ou citoyens respectifs recevront, tant pour eux que pour leurs vaisseaux et effets, la même assistance qui auroit été fournie aux habitans du pays où l'accident arrive; et ils payeront seulement les mêmes charges et droits, auxquels les dits habitans auroient été assujettis en pareil cas. Et si la réparation du vaisseau exigeoit que la cargaison fût déchargée en tout ou en partie, ils ne payeront aucun impôt, charge ou droit, de ce qui sera rembarqué et emporté. L'ancien et barbare droit de naufrage sera entièrement aboli à l'égard des sujets ou citoyens des deux parties contractantes.

Art. 10. Les citoyens ou sujets de l'une des deux parties contractantes, auront dans les états de l'autre, la liberté de disposer de leurs biens personnels, soit par testament, donation ou autrement, et leurs héritiers étant sujets ou citoyens de l'autre partie contractante, succéderont à leurs biens, soit en vertu d'un testament, ou *ab intestato*, et ils pourront en prendre possession, soit en personne, soit par d'autres agissant en leur place, et en disposeront à leur volonté, en ne payant d'autres droits que ceux aux-quels les habitants du pays où la succession est devenue vacante, sont assujettis en pareille occurrence. Et en cas d'absence des héritiers, on prendra aussi longtemps, des biens qui leur sont échus, les mêmes soins

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sures for receiving them. And if question shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all rights of *détraction* on the part of the government of the respective states. But this article shall not derogate in any manner from the force of the laws already published, or hereafter to be published by his majesty the king of Prussia, to prevent the emigration of his subjects.

Citizens or subjects of each party, allowed a reasonable time to sell lands, &c. in the dominions of the other, which they cannot hold without naturalization.

This article not to derogate from the laws of Prussia concerning emigration.

Liberty of conscience secured, &c.

ART. 11. The most perfect freedom of conscience and of worship is granted to the citizens or subjects of either party, within the jurisdiction of the other, without being liable to molestation in that respect, for any cause other than an insult on the religion of others. Moreover when the subjects or citizens of the one party, shall die within the jurisdiction of the other, their bodies shall be buried in the usual burying grounds, or other decent and suitable places, and shall be protected from violation or disturbance.

Citizens or subjects of either party, dying in the dominions of the other, to be decently buried, &c.

Free trade allowed with an enemy.

ART. 12. If one of the contracting parties should be engaged in war with any other power, the free intercourse and commerce of the subjects or citizens of the party remaining neuter with the belligerent powers, shall not be interrupted. On the contrary, in that case as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, insomuch, that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other; and the same freedom shall be extended to persons who shall be on board a free vessel, although they should be enemies to the other party, unless they be soldiers in actual service of such enemy.

Free ships to make free goods.

Free ships to protect persons except soldiers in the actual service of an enemy.

No goods to be deemed contraband, so as to

ART. 13. And in the same case of one of the contracting parties being engaged in war with any other power, to prevent all

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qu'on auroit pris en pareille occasion des biens des natifs du pays, jusqu'à ce que le propriétaire légitime ait agrée des arrangemens pour recueillir l'héritage. S'il s'éleve des contestations entre differens pretendans ayant droit à la succession, elles seront décidées en dernier resort selon les loix et par les juges du pays où la succession est vacante. Et si par la mort de quelque personne possédant des biens-fonds sur le territoire de l'une des parties contractantes, ces biens-fonds venoient á passer, selon les loix du pays, à un citoyen ou sujet de l'autre partie, si celui-ci, par sa qualité d'etranger il est inhabile de les posséder, obtiendra un delai convenable pour les vendre et pour en retirer le provenu, sans obstacle, exempt de tout droit de retenue, de la part du gouvernement des états respectifs Mais cet article ne derogera en aucune maniére à la force des lois qui ont déjà été publiées ou qui le seront dans la suite, par sa majesté le roi de Prusse, pour prevenir l'emigration de ses sujets.

Art. 11. Il sera accordé la plus parfaite liberté de conscience et de culte aux citoyens et sujets de chaque partie contractante dans les états de l'autre, et personne ne sera molesté à cet égard pour quelque cause qué ce soit, si ce n'est pour insulte faite à la religion de l'autre. De plus, si des sujets et citoyens de l'une des parties contractantes venoient à mourir dans la jurisdiction de l'autre, leurs corps seront enterrés dans les endroits où l'on a coutume de faire les enterremens, ou dans tel autre lieu décent et convenable, et ils seront protegés contre toute violence et trouble.

Art. 12. Si l'une des parties contractantes étoit en guerre avec une autre puissance, la libre correspondance et le commerce des citoyens ou sujets de la partie qui demeure neutre envers les puissances belligerantes, ne seront point interrompus. Au contraire, et dans ce cas, comme en pleine paix, les vaisseaux de la partie neutre, pourront naviguer en toute sûreté dans les ports et sur les côtes des puissances belligérantes, les vaisseaux libres rendant les marchandises libres, en tant qu'on regardera comme libre tout ce que sera à bord d'un navire appartenant à la partie neutre, quand même ces effets appartiendroient à l'ennemi de l'autre. La même liberté s'étendra aux personnes qui se trouveront à bord d'un vaisseaux libre, quand mêmes elles seroient ennemis de l'autre partie, excepté que ce fussent des gens de guerre, actuellement au service de l'ennemi.

Art. 13. Dans le cas où l'une des parties contractantes se trouveroit en guerre avec une autre puissance, il a été conve-

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the difficulties and misunderstandings that usually arise respecting the merchandise heretofore called contraband, such as arms, ammunition, and military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens of one of the parties, to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation, and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and articles, and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding; paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors: and it shall further be allowed to use in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed, of a vessel stopped for articles heretofore deemed contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage.

justify confiscation:

But vessels carrying contraband goods may be detained, on payment of loss sustained by the delay.

Military stores, detained may be used by the captors, on paying the full value of them.

If the master of a vessel, stopped for having on board goods held to be contraband, offers to deliver them up, she may proceed on her voyage.

One of the parties being at war, and the other at peace, the neutral party to be furnished with sea letters or passports, which are to be exhibited as well at sea as in port.

ART. 14. And in the same case where one of the parties is engaged in war with another power, that the vessels of the neutral party may be readily and certainly known, it is agreed, that they shall be provided with sealetters, or passports, which shall express the name, the property, and burden of the vessel, as also the name and dwelling of the master, which passports shall be made out in good and due forms, (to be settled by conventions between the parties whenever occasion shall require) shall be renewed as often as the vessel shall return into port; and shall be exhibited whensoever required, as well in the open sea as in port. But if the said vessels be under convoy of one or more vessels of war, belonging to the neutral party the simple declaration of the officer commanding the convoy, that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

Vessels of the neutral party, being under convoy, are not to be molested.

Armed vessels visiting a merchantman to remain out of the reach of cannon shot, &c.

ART. 15. And to prevent entirely all disorder and violence in such cases, it is stipulated, that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel of war, public or private, of the other party, such vessel of war

ou que pour prevenir les difficultés et les discussions qui surviennent ordinairement par rapport aux marchandises ci-devant appellées de contrebande, telles que armes, munitions, et autres provisions de guerre de toute espèce, aucun de ces articles, chargés à bord des vaisseaux des citoyens ou sujets de l'une des parties, et destinés pour l'ennemi de l'autre, ne sera censé de contrebande, au point d'impliquer confiscation ou condamnation, et d'entrainer la perte de la propriété des individus. Néanmoins il sera permis d'arrêter ces sortes de vaisseaux et effets et de les retener pendant tout le temps que le preneur croira nécessaire pour prévenir les inconveniens et le dommage qui pourroient en resulter autrement; mais dans ce cas on accordera une compensation raisonable pour les pertes qui auront été occasionnées par la saisie. Et il sera permis en outre aux preneurs d'employer a leur service, en tout, ou en partie, les munitions militaires détenues, en payant aux propriétaires la pleine valeur, à déterminer sur le prix qui aura cours à l'endroit de leur destination; mais que dans le cas énoncé, d'un vaisseau arrêté pour des articles ci-devant appellés contrebande, si le maître du navire consentoit à delivrer les marchandises suspectes, il aura liberté de le faire, et le navire ne sera plus amené dans le port, ni détenu plus longtemps, mais aura toute liberté de poursuivre sa route. 1785. July & August.

Art. 14. Dans le cas où l'une des deux parties contractantes se trouveroit engagée dans une guerre avec une autre puissance, et afin que les vaisseaux de la partie neutre soyent promptement et sûrement reconnus, on est convenu qu'ils devront être munis de lettres de mer ou passeports, exprimant le nom, le propriétaire, et le port du navire, ainsi que le nom et la demeure du maître. Ces passeports, qui seront expédiés en bonne et due forme (à déterminer par des conventions entre les parties, lorsque l'occasion le requerra) devront être renouvellés toutes les fois que le vaisseau retournera dans son port, et seront exhibés à chaque requisition tant en pleine mer que dans le port. Mais si le navire se trouve sous le convoi d'un ou plusieurs vaisseaux de guerre appartenants à la partie neutre, il suffira que l'officier commandant du convoi déclare que le navire est de son parti moyennant quoi cette simple déclaration sera censée établir le fait, et dispensera les deux parties de toute visite ultérieure.

Art. 15. Pour prévenir entièrement tout désordre et toute violence en pareil cas, il a été stipulé que lorsque des navires, de la partie neutre, navigans sans convoi, rencontreront quelque vaisseau de guerre public ou particulier de l'autre par-

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shall not approach within cannon shot of the said neutral vessel, nor send more than two or three men in their boat on board the same, to examine her sea letters or passports. And all persons belonging to any vessel of war, public or private, who shall molest or injure, in any manner whatever, the people, vessels, or effects of the other party, shall be responsible, in their persons and property for damages and interest; sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

All persons belonging to public and private armed vessels, to be answerable for injuries done to the effects, &c. of either party.

Commanders of armed vessels to give bond.

Citizens or subjects of each party, their vessels, &c. not to be detained by embargo, or otherwise.

Recovery of debts, &c. to be prosecuted according to law.

ART. 16. It is agreed, that the subjects or citizens of each of the contracting parties, their vessels, and effects, shall not be liable to any embargo, or detention on the part of the other, for any military expedition, or other public or private purpose whatsoever. And in all cases of seizure, detention, or arrest, for debts contracted, or offences committed by any citizen or subject of the one party, within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases.

Vessels, &c. of either party, taken by an enemy or a pirate, and recaptured by the other, to be restored on proof.

ART. 17. If any vessel or effects of the neutral power be taken by an enemy of the other, or by a pirate, and retaken by that other, they shall be brought in to some port of one of the parties, and delivered into the custody of the officers of that port, in order to be restored entire to the true proprietor, as soon as due proof shall be made concerning the property thereof.

Vessels of either party, driven by stress of weather, &c. into the ports of the other, to be protected, and the persons on board treated humanely, &c.

ART. 18. If the citizens or subjects of either party, in danger from tempests, pirates, enemies, or other accident, shall take refuge with their vessels or effects, within the harbors or jurisdiction of the other, they shall be received, protected, and treated with humanity and kindness, and shall be permitted to furnish themselves, at reasonable prices, with all refreshments, provisions, and other things necessary for their sustenance, health, and accommodation, and for the repair of their vessels.

Vessels of war of each party may freely enter and depart from the ports of the other with their prizes.

ART. 19. The vessels of war, public and private, of both parties shall carry freely, wheresoever they please, the vessels and effects taken from their enemies, without being obliged to pay any duties, charges, or fees, to officers of admiralty, of the customs, or any others, nor shall such prizes be arrested, searched, or put under legal process, when they come to

tie, le vaisseau de guerre n'approchera le navire neutre qu'au delà de la portée du canon, et n'enverra pas plus de deux ou trois hommes dans sa chaloupe à bord, pour examiner les lettres de mer ou passeports. Et toutes les personnes appartenantes à quelque vaisseau de guerre public ou particulier, qui molesteront ou insulteront en quelque maniere que ce soit l'équipage, les vaisseaux ou effets de l'autre partie, seront responsables en leurs personnes et en leurs biens, de tous dommages et intérêts; pour lesquels il sera donné caution suffisante par tous les commandans de vaisseaux armés en course, avant qu'ils reçoivent leurs commissions.

Art. 16. Il a été convenu que les sujets ou citoyens de l'une des parties contractantes, leurs vaisseaux ni effets, ne pourront être assujettis à aucun embargo, ni retenus de la part de l'autre pour quelque expédition militaire, usage public ou particulier de qui que ce soit. Et dans les cas de saisie, de détention, ou d'arrêt, soit pour dettes contractées, ou offenses commises par quelque citoyen ou sujet de l'une des parties contractantes dans la jurisdiction de l'autre, on procédera uniquement par ordre et autorité de la justice et suivant les voyes ordinaires en pareil cas usitées.

Art. 17. S'il arrivoit que les bâtimens ou effets de la puissance neutre fussent pris par l'ennemi de l'autre, ou par un pirate, et ensuite repris par la puissance en guerre, ils seront conduits dans un port de l'une des deux parties contractantes et remis à la garde des officiers du port, afin d'être restitués en entier au propriétaire légitime, des qu'il aura duement constaté son droit de propriété.

Art. 18. Lorsque les citoyens ou sujets de l'une des deux parties contractantes seront forcés par des tempêtes, par la poursuite des corsaires ou vaisseaux ennemis, ou par quelqu' autre accident, à se réfugier avec leurs vaisseaux ou effets dans les havres, ou dans la jurisdiction de l'autre; ils seront reçus, protégés et traités avec humanité et honnêteté. Il leur sera permis de se pourvoir à un prix raisonable de rafranchissemens, de provisions et de toutes choses nécessaires pour leur subsistance, santé et commodité, et pour la reparation de leurs vaisseaux.

Art. 19. Les vaisseaux de guerre publics et particuliers des deux parties contractantes, pourront conduire en toute liberté, par tout où il leur plaira, les vaisseaux et effets qu'ils auront pris sur leurs ennemis, sans être obligés de payer aucuns impôts, charges, ou droits aux officiers de l'amirauté, des douanes ou autres. Ces prises ne pourront être non plus ni ar-

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and enter the ports of the other party, but may freely be carried out again at any time by their captors, to the places expressed in their commissions, which the commanding officer of such vessel shall be obliged to show. But no vessel which shall have made prizes on the subjects of his most christian majesty the king of France, shall have a right of asylum in the ports or havens of the said United States; and if any such be forced therein by tempests, or dangers of the sea, they shall be obliged to depart as soon as possible, according to the tenor of the treaties existing between his said most christian majesty and the said United States.

Except captures made from the subjects of the king of France. See treaty with his most christian majesty. Article 17, page 46.

Citizens of one party not to take commissions, or letters of marque, from a third power, to act against the other.

Neither to furnish military or naval succor to a third power, to aid against the other

Art. 20. No citizen or subject of either of the contracting parties shall take from any power with which the other may be at war, any commission or letter of marque for arming any vessel to act, as a privateer against the other, on pain of being punished as a pirate: nor shall either party hire, lend, or give any part of their naval or military force, to the enemy of the other, to aid them offensively or defensively against that other.

Regulations to be observed in case of war against a common enemy.

Art. 21. If the two contracting parties should be engaged in war against a common enemy, the following points shall be observed between them:

Vessels of one party, recaptured from the enemy of the other, by a private armed vessel, within 24 hours after being taken, to be restored on payment of one third of the value of the vessel, &c.

1. If a vessel of one of the parties, retaken by a privateer of the other shall not have been in possession of the enemy more than twenty-four hours, she shall be restored to the first owner for one third of the value of the vessel and cargo; but if she shall have been more than twenty-four hours in possession of the enemy, she shall belong wholly to the recaptor.

In case the recapture should be by a public vessel of either party within 24 hours after capture, restoration to be made &c.

2. If in the same case the recapture were by a public vessel of war of the one party, restitution shall be made to the owner for one-thirtieth part of the value of the vessel and cargo, if she shall not have been in possession of the enemy more than twenty-four hours, and one tenth of the said value where she shall have been longer, which sums shall be distributed in gratuities to the recaptors.

Proof & surety required before restitution.

3. The restitution in the cases aforesaid shall be after due proof of property, and surety given for the part to which the recaptors are entitled.

4. The vessels of war public and private, of the two parties, shall be reciprocally admitted with their prizes into the respective ports of each; but the said prizes shall not be discharged nor sold there, until their legality shall have been decided, according to the laws and regulations of the state to which the captor belongs, but by the judicatures of the place into which the

The legality of prizes to be determined according to the laws of each party, respectively.

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rêtées, ni visitées, ni soumises à des procédures légales, en entrant dans le port de l'autre partie, mais elles pourront en sortir librement, et être conduites en tout temps par el vaisseau preneur aux endroits portés par les commissions; dont l'officier commandant le dit vaisseau sera obligé de faire montre. Mais tout vaisseau qui aura fait des prises sur les sujets de sa majesté très chrétienne le roi de France, ne sauroit obtenir un droit d'asile dans les ports ou havres des Etats Unis; et s'il étoit forcé d'y entrer par des tempêtes ou dangers de mer, il sera obligé d'en repartir le plutôt possible, conformément à la teneur des traités subsistants entre sa majesté très chrétienne et les Etats Unis.

ART. 20. Aucun citoyen ou sujet de l'une des deux parties contractantes n'acceptera d'une puissance avec laquelle l'autre pourroit être en guerre, ni commission, ni lettre de marque, pour armer en course contre cette dernière, sous peine d'etre puni comme pirate. Et ni l'un ni l'autre des deux états ne louera, prêtera ou donnera une partie de ses forces navales ou militaires à l'ennémi de l'autre, pour l'aider à agir offensivement ou défensivement contre l'état qui est en guerre.

ART. 21. S'il arrivoit que les deux parties contractantes fussent en même temps en guerre contre un ennemi commun, on observera de part et d'autre les points suivants:

1. Si les bâtimens de l'une des deux nations repris par les armateurs de l'autre, n'ont pas éte au pouvoir de l'ennemi au de là de vingt-quatre heures, ils seront restitués au premier proprietaire moyennant le payement du tiers de la valeur du bâtiment et de la cargaison: si au contraire le vaisseau repris a été plus de vingt-quartre heures au pouvoir de l'ennemi, il appartiendra en entier à celui qui l'a repris. 2. Dans le cas qu'un navire est repris par un vaisseau de guerre de l'une des puissances contractantes, il sera rendu au propriétaire, moyennant qu'il paye un trentième du navire et de la cargaison, si le bâtiment n'a pas été plus de vingt-quatre heures au pouvoir de l'ennemi, et le dixième de cette valeur, si'l y a été plus long-temps, lesquelles sommes seront distribuées en guise de gratification a ceux qui l'auront repris. 3. Dans ces cas la restitution n'aura lieu qu'après les preuves faites de la propriété, sous caution de la quote-part qui en revient a celui qui a repris le navire. 4. Les vaisseaux de guerre publics et particuliers des deux parties contractantes seront admis réciproquement avec leurs prises dans les ports respectifs; cependant ces prises ne pourront y être dechargéés ni vendues, qu' après que la légitimité de la prise aura été decidée suivant les loix et

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prize shall have been conducted. 5. It shall be free to each party to make such regulations as they shall judge necessary for the conduct of their respective vessels of war, public and private, relative to the vessels which they shall take and carry into the ports of the two parties.

In case of a common enemy or both being neutral, the vessels of war of each party to afford convoy.

ART. 22. Where the parties shall have a common enemy, or shall both be neutral, the vessels of war of each shall, upon all occasions, take under their protection the vessels of the other going the same course, and shall defend such vessels as long as they hold the same course, against all force and violence in the same manner as they ought to protect and defend vessels belonging to the party of which they are..

[The following article to be valid in time of war. See art. 24. page 317.]

In case of war, nine months allowed to merchants of each nation to settle affairs.

ART. 23. If war should arise between the two contracting parties, the merchants of either country, then residing in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hindrance: and all

Women, children, cultivators, &c. not to be molested in case of war.

women and children, scholars of every faculty, cultivators of the earth, artizans, manufacturers, and fishermen, unarmed, and inhabiting unfortified towns, villages, or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in

Private property to be respected by the armed force of either party during hostilities.

their persons, nor shall their houses or goods be burnt, or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power, by the events of war, they may happen to fall, but if any thing is necessary to be taken from them for the use of such armed force, the same shall be paid for

Merchant vessels allowed to pass free.

at a reasonable price. And all merchant and trading vessels employed in exchanging the products of different places, and thereby rendering the necessaries, conveniencies, and comforts of human life more easy to be obtained, and more general, shall be allowed to pass free and unmolested; and neither of

No commissions to be given to interrupt trading vessels.

the contracting powers shall grant or issue any commission to any private armed vessels, empowering them to take or destroy such trading vessels or interrupt such commerce.

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réglemens de l'état dont le preneur est sujet, mais par la justice du lieu où la prise aura été conduite. 5. Il sera libre à chacune des parties contractantes de faire tels réglemens qu' elles jugeront nécessaires, relativement à la conduite que devront tenir respectivement leurs vaisseaux de guerre publics et particuliers, à l' égard des bâtimens qu'ils auront pris et amenés dans les ports des deux puissances.

Art. 22. Lorsque les parties contractantes seront engagées en guerre contre un ennemi commun, ou qu' elles seront neutres toutes deux, les vaisseaux de guerre de l'une prendront en toute occasion, sous leur protection, les navires de l'autre, qui sont avec eux la même route, et ils les defendront, aussi long-temps qu'ils feront voile ensemble, contre toute force et violence et de la même manière qu'ils protégeroient et defendroient les navires de leur propre nation.

Art. 23. S'il survient une guerre entre les parties contractantes, les marchands de l'un des deux états qui resideront dans l'autre, auront la permission d'y rester encore neuf mois, pour recueillir leurs dettes actives, et arranger leurs affaires, après quoi ils pourront partir en toute liberté et emporter tous leurs biens, sans être molestés ni empêchés. Les femmes et les enfans, les gens de lettres de toutes les facultés, les cultivateurs, artisans, manufacturiers et pêcheurs, qui ne sont point armés et qui habitant des villes, villages ou places qui ne sont pas fortifiés, et en général tous ceux dont la vocation tend à la subsistance et à l'avantage commun du genre humain, auront la liberté de continuer leurs professions respectives, et ne seront point molestés en leurs personnes, ni leurs maisons, ou leurs biens incendiés, ou autrement detruits, ni leurs champs ravagés par les armées de l'ennemi au pouvoir duquel ils pourroient tomber par les évenemens de la guerre; mais si l'on se trouve dans la necessité de prendre quelque chose de leurs propriétés pour l'usage de l'armée ennemie, la valeur en sera payée à un prix raisonnable. Tous les vaisseaux marchands et commerçans, employés à l'échange des productions de différens endroits, et par conséquent destinés à faciliter et repandre les necessités, les commodités et les douceurs de la vie, passeront librement et sans être molestés. Et les deux puissances contractantes s'engagent à n'accorder aucune commission à des vaisseaux armés en course, qui les autorisât à prendre ou à détruire ces sortes de vaisseaux marchands, ou à interrompre le commerce.

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[The following article to be valid in time of war. See the end of it.]

Prisoners of war not to be sent into inclement countries, nor crowded into noxious places; neither party will send them to Asia or Africa; nor confine them in dungeons, nor put them in irons, &c., officers to be enlarged on parole, and, together with privates, to be otherwise well provided for.

ART. 24. And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crowding them into close and noxious places, the two contracting parties solemnly pledge themselves to each other, and to the world, that they will not adopt any such practice: that neither will send the prisoners whom they may take from the other into the East Indies, or any other parts of Asia or Africa, but that they shall be placed in some part of their dominions in Europe or America, in wholesome situations; that they shall not be confined in dungeons, prison ships, nor prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs; that the officers, shall be enlarged on their paroles within convenient districts, and have comfortable quarters, and the common men be disposed in cantonments open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are, for their own troops; that the officers shall also be daily furnished by the party in whose power they are, with as many rations, and of the same articles and quality, as are allowed by them, either in kind or by commutation, to officers of equal rank in their own army; and all others shall be daily furnished by them with such ration as they allow to a common soldier in their own service; the value whereof shall be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners at the close of the war; and the said accounts shall not be mingled with, or set off against any others nor the balances due on them be withheld as a satisfaction or reprisal for any other article, or for any other cause, real or pretended whatever; that each party shall be allowed to keep a commissary of prisoners, of their own appointment, with every separate cantonment, of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their friends, and shall be free to make his reports in open letters to those who employ him; but if any officer shall break his parole, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual officer, or other prisoner, shall forfeit so much of the benefit of this article as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding article; but, on the contrary, that the state of war is precisely that for which

Expense of supporting prisoners of war to be defrayed by each party respectively.

Commissaries of prisoners allowed on each side.

Commissaries may visit prisoners and distribute comforts, &c.

Prisoners violating parole, or escaping to forfeit future indulgence in relation to enlargement, &c.

The pretence that war dissolves all treaties, &c. not to effect this and the

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ART. 24. Afin d'adoucir le sort des prisonniers de guerre, et ne les point exposer à être envoyés dans des climats éloignés et rigoureux, ou reserrés dans des habitations étroités et malsaines, les deux parties contractantes s'engagent solemnellement l'une envers l'autre, et à la face de l'univers, qu'elles n'adopteront ancun de ces usages; que les prisonniers qu'elles pourroient faire l'une sur l'autre ne seront transportés ni aux Indes Orientales, ni dans aucune contrée de l'Asie ou de l'Afrique, mais qu'on leur assignera en Europe ou en Amérique, dans les territoires respectifs des parties contractantes, un séjour situé dans un air sain; qu'ils ne seront point confinés dans des cachots, ni dans des prisons, ni dans des vaisseaux de prison; qu'ils ne seront pas mis aux fers, ni garrottés, ni autrement privés de l'usage de leurs membres; que les officiers seront relâchés sur leur parole d'honneur, dans l'enceinte de certains districts qui leur seront fixés, et qu'on leur accordera des logemens commodes; que les simples soldats seront distribués dans des cantonnemens ouverts, assez vastes pour prendre l'air et l'exercice, et qu'ils seront logés dans des barraques aussi spacieuses et aussi commodes que le sont celles des troupes de la puissance au pouvoir de la quelle se trouvent les prisonniers. Que cette puissance fera pourvoir journellement les officiers d'autant de rations composées des mêmes articles et de la même qualité, dont jouissent en nature ou en équivalent, les officiers du même rang qui sont à son propre service; qu'elle fournira également à tous les autres prisonniers une ration pareille à celle qui est accordée au soldat de sa propre armée. Le montant de ces dépenses sera payé par l'autre puissance, d'après une liquidation de compte à arrêter reciproquement pour l'entretien des prisonniers à la fin de la guerre; et ces comptes ne seront point confondus ou balancés avec d'autres comptes, ni la solde qui en est due, retenue comme compensation ou représailles, pour tel autre article ou telle autre prétention réelle ou supposée. Il sera permis á chacune des deux puissances d'entretenir un commissaire de leur choix; dans chaque cantonnement des prisonniers qui sont au pouvoir de l'autre; ces commissaires auront la liberté de visiter prisonniers, aussi souvent qu'ils le desireront; ils pourront également recevoir et distribuer les douceurs que les parens ou amis des prisonniers leur feront parvenir. Enfin il leur sera libre encore de faire leurs rapports par lettres ouvertes, à ceux qui les employent; mais si un officier manquoit à sa parole d'honneur, ou qu'un autre prisonnier sortit des limites qui auront été fixées à son cantonnement, un tel offi-

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preceding articles; viz. (the 23d and 24th.)

they are provided; and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature or nations.

Each party may have consuls, &c. in the ports of the other.

ART. 25. The two contracting parties grant to each other the liberty of having each in the ports of the other, consuls, vice-consuls, agents, and commissaries of their own appointment, whose functions shall be regulated by particular agreement, whenever either party shall choose to make such appointment; but if any such consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place.

Consuls not to have peculiar privileges in commerce.

Favors granted to any other nation, in navigation or commerce, by one party, shall become common to the other, on the same conditions.

ART. 26. If either party shall hereafter grant to any other nation, any particular favor in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the compensation where such nation does the same.

This treaty to endure for ten years from the year 1786.

ART. 27. His majesty the king of Prussia, and the United States of America, agree, that this treaty shall be in force during the term of ten years from the exchange of ratification; and if the expiration of that term should happen during the course of a war between them, then the articles before provided for the regulation of their conduct during such a war, shall continue in force until the conclusion of the treaty which shall re-establish peace; and that this treaty shall be ratified on both sides, and the ratifications exchanged within one year from the day of its signature.

Ratifications to be exchanged within a year.

In testimony whereof the plenipotentiaries before mentioned have hereto subscribed their names, and affixed their seals, at the places of their respective residence, and at the dates expressed under their several signatures.

B. FRANKLIN, [L. S.]
Passy, July 9, 1785.

TH. JEFFERSON, [L. S.]
Paris, July 28, 1785.

JOHN ADAMS, [L. S.]
London, August 5, 1785.

F. G. DE THULEMEIER, [L. S.]
A la Haye, le 10 Septembre, 1785.

1785. July & August.

cier ou un autre prisonnier sera frustré individuellement des avantages stipulés dans cet article, pour sa relaxation sur parol d'honneur ou pour son cantonnement. Les deux puissances contractantes ont declaré en outre, que, ni le prétexte que la guerre rompt les traités, ni tel autre motif quelconque, ne seront censés annuller ou suspendre cet article et le précédent; mais qu'au contraire le temps de la guerre est précisement celui pour lequel ils ont été stipulés et durant lequel ils seront observés aussi saintement que les articles les plus universellement reconnus par le droit de la nature et des gens.

ART. 25. Les deux parties contractantes se sont accordé mutuellement la faculté de tenir dans leurs ports respectifs, des consuls, vice consuls, agens et commissaires de leur choix et dont les fonctions seront determinées par un arrangement particulier, lorsque l'une des deux puissances aura nommé à ces postes. Mais dans le cas que tel, ou autre de ces consuls, veuille faire le commerce, il sera soumis aux mêmes loix et usages, aux-quels sont soumis les particuliers de sa nation à l'endroit où il réside.

ART. 26. Lorsque l'une des deux parties contractantes accordera dans la suite quelque faveur particulière en fait de navigation ou de commerce à d'autres nations, elle deviendra aussitôt commune à l'autre partie contractante, et celle-ci jouira de cette faveur, gratuitement, si la concession est gratuite, ou en accordant la même compensation si la concession est conditionelle.

ART 27. Sa majesté le roi de Prusse et les Etats Unis de l'Amerique sont convenus que le présent traité aura son plein effet pendant l'espace de dix ans à compter du jour de l'échange des ratifications, et que si l'expiration de ce terme arrivoit dans le cours d'une guerre, entre eux, les articles ci-dessus stipulés pour régler leur conduite en temps de guerre, conserveront toute leur force, jusqu'à la conclusion du traité qui retablira la paix. Le présent traité sera ratifié de part et d'autre, et les ratifications seront échangées, dans l'espace d'une année, à compter du jour de la signature.

En foi de quoi, les plénipotentiaires susnommés ont signé le présent traité et y ont apposé le cachet de leurs armes, aux lieux de leur domicile respectif, ainsi qu'il sera exprimé cidessus.

B. FRANKLIN, [L. S.]
Passy, July 9, 1785.

TH. JEFFERSON, [L. S.]
Paris, July 28, 1785.

JOHN ADAMS, [L. S.]
London, August 5, 1785.

F. G. DE THULEMEIER, [L. S.]
A la Haye, le 10 Septembre, 1785.

1799.
July 11.

No 2.—*A treaty of amity and commerce, between his majesty the king of Prussia, and the United States of America.*

Mutual desire of the parties to continue the good understanding between the two countries, by renewing the treaty of the 10th of Sept. 1785.

His majesty the king of Prussia, and the United States of America, desiring to maintain, upon a stable and permanent footing, the connexions of good understanding, which have hitherto so happily subsisted between their respective states, and for this purpose to renew the treaty of amity and commerce, concluded between the two powers, at the Hague, the 10th of September, 1785, for the term of ten years, his Prussian majesty has nominated and constituted as his plenipotentiaries, the Count Charles William de Finckenstein, his minister of state, of war, and of the cabinet, knight of the orders of the black eagle, and of the red eagle, and commander of that of St John of Jerusalem; the baron Philip Charles d'Alvensleben, his minister of state, of war, and of the cabinet, knight of the orders of the black eagle, and of the red eagle, and of that of St. John of Jerusalem; and the count Christian Henry-Curt de Haugwitz, his minister of state, of war, and of the cabinet, knight of the orders of the black eagle, and of the red eagle; and the president of the United States has furnished with their full powers, John Quincy Adams, a citizen of the United States, and their minister plenipotentiary at the court of his Prussian majesty; which plenipotentiaries, after having exchanged their full powers, found in good and due form, have concluded, settled, and signed the following articles:

Firm and inviolable peace.

ART. 1. There shall be in future, as there has been hitherto, a firm, inviolable, and universal peace, and sincere friendship between his majesty the king of Prussia, his heirs, successors, and subjects, on the one part, and the United States of America, and their citizens, on the other, without exception of persons or places.

The subjects of Prussia may frequent the coasts & countries of the U. States; may reside and trade there; and allowed to enjoy all the rights & privileges of commerce granted to the most favored nations.

ART. 2. The subjects of his majesty the king of Prussia may frequent all the coasts and countries of the United States of America, and reside and trade there in all sorts of produce, manufactures, and merchandise; and shall pay there no other or greater duties, charges, or fees whatsoever, than the most favored nations are, or shall be obliged to pay. They shall also enjoy, in navigation and commerce, all the rights privileges, and exemptions which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the established laws and usages, to which are submitted the citizens of the United States, and the most favored nations.

Traité d'amitié et de commerce, entre sa majesté le roi de Prusse, et les Etats Unis de l'Amérique.

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Sa majesté le roi de Prusse, et les Etats Unis de l'Amérique, désirant d'entretenir sur un pied stable et permanent les liaisons de bonne intelligence, qui ont si heureusement subsisté jusqu'ici, entre leurs états respectifs, et de renouveller pour cet effet le traité d'amitié et de commerce, qui a été conclu entre les deux puissances a la Haye, le 10 Septembre, 1785, pour le terme de dix années, sa majesté Prussienne a nommé et constitué ses plénipotentiaires, le sieur Charles Guillaume, comte de Finckenstein, son ministre d'état, de guerre, et de cabinet, chevalier des ordres de l'aigle noir, et de l'aigle rouge, et commandeur de celui de St. Jean de Jérusalem; le sieur Philippe Charles, baron d'Alvensleben, son ministre d'état, de guerre, et de cabinet, chevalier des ordres de l'aigle noir, et de l'aigle rouge, et de celui de St. Jean de Jérusalem; et le sieur Chretien Henri-Curce, comte de Haugwitz, son ministre d'état, de guerre, et de cabinet, chevalier des ordres de l'aigle noir, et de l'aigle rouge; et les président des Etats Unis a muni de leur plenipouvoir Jean Quincy Adams, citoyen des Etats Unis, et leur ministre plénipotentiaire à la cour de sa majesté Prussienne; lesquels plénipotentiaires après avoir échangé leurs pleinpouvoirs, trouvés en bonne et düe forme, out conclu, arrêté et signé les articles suivans:

Art. 1. Il y aura dans la suite, comme par le passé, une paix ferme, inviolable, et universelle, et une amitié sincère entre sa majesté le roi de Prusse, ses héritiers, successeurs, et sujets, d'une part, et les Etats Unis d'Amérique, et leurs citoyens, d'autre part, sans exception de personnes ou de lieux.

Art. 2. Les sujets de sa majesté le roi de Prusse pourront fréquenter toutes les côtes et les pays des Etats Unis de l'Amérique, y résider et trafiquer en toutes sortes de productions, manufactures, et marchandises, et n'y payeront d'autres ni de plus forts impôts, charges ou droits, que ceux que les nations les plus favorisées sont, ou seront obligées de payer. Ils jouiront aussi dans la navigation, et le commerce de tous les droits, priviléges, et exemptions dans jouit ou jouira la nation la plus favorisée; se soumettant néanmoins aux loix et usages établis, auxquels sont soumis les citoyens des Etats Unis et les nations le plus favorisées.

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American citizens may freely trade to the Prussian dominions; may reside there; & are entitled to all the privileges of commerce and navigation granted to the most favored nations.

ART. 3. In like manner, the citizens of the United States of America may frequent all the coasts and countries of his majesty the king of Prussia, and reside and trade there in all sorts of produce, manufactures, and merchandise, and shall pay, in the dominions of his said majesty, no other or greater duties, charges, or fees whatsoever, than the most favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce, which the most favored nation does or shall enjoy; submitting themselves, nevertheless, to the established laws and and usages to which are submitted the subjects of his majesty the king of Prussia, and the subjects and citizens of the most favored nations.

Each party to have a right to carry their own produce, &c. in their own or other vessels, to the dominions of the other, &c.

ART. 4. More especially each party shall have a right to carry their own produce, manufactures, and merchandise, in their own or any other vessels, to any parts of the dominions of the other, where it shall be lawful for all the subjects and citizens of that other freely to purchase them; and thence to take the produce, manufactures, and merchandise of the other, which all the said citizens or subjects shall in like manner be free to to sell them, paying in both cases such duties, charges, and fees only, as are or shall be paid by the most favored nation. Nevertheless, his majesty the king of Prussia and the United States, respectively reserve to themselves the right where any nation restrains the transportation of merchandise to the vessels of the country of which it is the growth, or manufacture, to establish against such nations retaliating regulations; and also the right to prohibit, in their respective countries, the importation and exportation of all merchandise whatsoever, when reasons of state shall require it. In this case the subjects or citizens of either of the contracting parties, shall not import nor export the merchandise prohibited by the other. But if one of the contracting parties permits any other nation to import or export the same merchandise, the citizens or subjects of the other shall immediately enjoy the same liberty.

Each party may retaliate on nations restraining the transportation of merchandise to vessels of the country of which it is the growth, &c.

Subjects or citizens of either party not to import or export prohibited merchandise, unless that privilege is allowed to other nations.

The loading or unloading of vessels of each party, not to be constrained or impeded, in the ports of the other.

ART. 5. The merchants, commanders of vessels, or other subjects or citizens, of either party, shall not, within the ports or jurisdiction of the other, be forced to unload any sort of merchandise into any other vessels, nor to receive them into their own, nor to wait for their being loaded longer than they please.

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ART. 3. Pareillement, les citoyens des Etats Unis de l'Amérique pourront fréquenter toutes les côtes et tous les pays de sa majesté le roi de Prusse, y resider et trafiquer en toutes sortes de productions, manufactures, et marchandises, et ne payeront d'autres ni plus forts impôts, charges ou droits, dans les domaines de sa dite majesté, que ceux que la nation la plus favorisée est, ou sera obligée de payer, et ils jouiront des tous les droits, priviléges, et exemptions dans la navigation et le commerce, dont jouit ou jouira la nation la plus favorisée; se soumettant néanmoins aux lois et usages établis, auxquels sont soumis les sujets de sa majesté le roi de Prusse, et les sujets et citoyens des nations les plus favorisées

ART. 4. En particulier, chacune des deux nations aura le droit d'importer ses propres productions, manufactures et marchandises, à bord de ses propres bâtimens ou de tel autre, dans toutes les parties des domaines de l'autre, où il sera permis à tous les sujets et citoyens de l'autre nation de les achêter librement; comme aussi d'y charger les productions, manufactures, et marchandises de l'autre, que tous les dits sujets ou citoyens auront la liberté de leur vendre; en payant dans l'un et l'autre cas, tels impôts, droits et charges seulement, qui sont ou seront payés par la nation la plus favorisée. Cependant, sa majesté le roi de Prusse et les Etats Unis de l'Amérique, se reservent le droit, au cas que quelque nation restreigne le transport des marchandises aux vaisseaux des pays dont elles sont la production ou la manufacture, d'établir envers cette nation des règlemens reciproques, se reservant de plus le droit de prohiber dans leurs pays respectifs l'importation ou l'exportation de toute marchandise quelconque, des que la raison d'état l'exige. En ce cas, les sujets ou citoyens d'une des parties contractantes ne pourront importer ni exporter les marchandises prohibées par l'autre. Mais si l'une des parties contractantes permet à quelque autre nation d'importer ou d'exporter ces mêmes marchandises, les citoyens ou sujets de l'autre partie contractante jouiront tout aussitôt d'une liberté pareille.

ART. 5. Les marchands, commandans de vaisseaux, et autres sujets ou citoyens de chacune des deux nations, ne seront pas forcés dans les ports ou dans la jurisdiction de l'autre, de décharger aucunes sortes des marchandises dans d'autres vaisseaux, ni de les recevoir à bord de leurs propres navires, ni d'attendre leur chargement plus long-temps qu'il ne leur plaira.

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All lawful examination of goods for exportation, to be made before they are put on board; and no search of vessels except in case of fraud.

ART. 6. That the vessels of either party loading within the ports or jurisdiction of the other, may not be uselessly harassed or detained, it is agreed, that all examinations of goods required by the laws, shall be made before they are laden on board the vessel, and that there shall be no examination after; nor shall the vessel be searched at any time, unless articles shall have been laden therein clandestinely and illegally, in which case, the person by whose order they were carried on board, or who carried them without order, shall be liable to the laws of the land in which he is; but no other person shall be molested, nor shall any other goods, nor the vessel, be seized or detained for that cause.

Each party to endeavor to protect the vessels and effects of the other, within their respective jurisdictions, by sea or land, &c.

ART. 7. Each party shall endeavor, by all the means in their power, to protect and defend all vessels, and other effects, belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction, by sea or by land; and shall use all their efforts to recover, and cause to be restored to the right owners, their vessels and effects, which shall be taken from them within the extent of their said jurisdiction.

Vessels of either party, coming on the coasts or entering the ports of the other, and not willing to break bulk, to be allowed freely to depart, &c.

ART. 8. The vessels of the subjects or citizens of either party, coming on any coast belonging to the other, but not willing to enter into port, or who entering into port, are not willing to unload their cargoes or break bulk, shall have liberty to depart and to pursue their voyage, without molestation, and without being obliged to render account of their cargo, or to pay any duties, charges or fees whatsoever, except those established for vessels entered into port, and appropriated to the maintenance of the port itself, or of other establishments for the safety and convenience of navigators, which duties, charges, and fees, shall be the same, and shall be paid on the same footing, as in the case of subjects or citizens of the country where they are established.

In cases of shipwreck of the vessels of either party within the dominions of the other, friendly assistance to be given to persons, effects, &c.

ART. 9. When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coasts, or within the dominions of the other, their respective subjects or citizens shall receive, as well for themselves, as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only, as the said inhabitants would be subject to pay in a like case: and if the operations of repair shall require that the whole or any part of their cargo be un-

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ART. 6. Pour éviter que les vaisseaux de l'une des deux parties contractantes ne soyent inutilement molestés ou détenus dans les ports ou sous la jurisdiction de l'autre, il a été convenu que la visite des marchandises, ordonnée par les loix, se fera avant qu'elles ne soyent chargées sur le navire, et qu'en suite elles ne seront plus assujetties à aucune visite. Et en général il ne se fera point de recherche à bord du vaisseau, à moins qu'on n'y ait chargé clandestinement et illégalement des marchandises prohibées. Dans ce cas, celui par l'ordre duquel elles ont été portées à bord, ou celui qui les y a portées sans ordre, sera soumis aux loix du pays où il se trouve, sans que le reste de l'équipage soit molesté, ni les autres marchandises, ou le vaisseau, saisis ou detenus par cette raison.

ART. 7. Chacune des deux parties contractantes tâchera, par tous les moyens qui seront en son pouvoir, de protéger et de défendre tous les vaisseaux et autres effets appartenans aux citoyens ou sujets de l'autre, et se trouvant dans l'étendue de sa jurisdiction par mer ou par terre, et elle employera tous ses efforts pour recouvrer et faire restituer aux propriétaires légitimes les vaisseaux et effets, qui leur auront été enlevés dans l'etendue de sa dite jurisdiction.

ART. 8. Les vaisseaux des sujets ou citoyens d'une des deux parties contractantes, arrivant sur une côte appartenante à l'autre, mais n'ayant pas dessein d'entrer au port, ou, qui, en y entrant, ne voudroient pas décharger leurs cargaisons, ou rompre leur charge, auront la liberté de repartir et de poursuivre leur route sans impêchement, et sans être obligés de rendre compte de leur cargaison, ni de payer aucuns impôts, charges ou droits quelconques, excepté ceux établis sur les vaisseaux une fois entrés dans le port, et destinés a l'entretien du port même, ou à d'autres établissemens, qui ont pour but la sûreté et la commodité des navigateurs; lesquels droits, charges, et impôts, seront les mêmes et se payeront sur le même pied qu'ils sont acquittés par les sujets ou citoyens de l'état où ils sont établis.

ART. 9. Au cas que quelque vaisseau appartenant à l'une des deux parties contractantes auroit fait naufrage, échoué, ou souffert quelque autre dommage sur les côtes ou sous la domination de l'autre, les sujets ou citoyens respectifs recevront, tant pour eux que pour leurs vaisseaux et effets, la même assistance qui auroit été fournie aux habitans du pays où l'accident arrive; et ils payeront seulement les mêmes charges et droits, auxquels les dits habitans auroient été assu-

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laded, they shall pay no duties, charges, or fees, on the part which they shall relade and carry away. The ancient and barbarous right to wrecks of the sea shall be entirely abolished with respect to the subjects or citizens of the two contracting parties.

The right to wrecks, abolished between the parties.

The citizens or subjects of each party may dispose of their personal estate, by will or otherwise, and inherit, in the dominions of the other, &c.

ART. 10. The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if question should arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all rights of *détraction* on the part of the government of the respective states. But this article shall not derogate in any manner from the force of the laws already published, or hereafter to be published by his majesty the king of Prussia, to prevent the emigration of his subjects.

Where no one appears to claim inheritance, to be held in the custody of the law of the land.

Citizens or subjects of each party, allowed a reasonable time to sell lands, &c. in the dominions of the other, which they cannot hold without naturalization.

This article not to derogate from the laws of Prussia concerning emigration.

Liberty of conscience secured, &c.

ART. 11. The most perfect freedom of conscience and of worship is granted to the citizens or subjects of either party, within the jurisdiction of the other, and no person shall be molestated in that respect, for any cause other than an insult on the religion of others. Moreover when the subjects or citizens of the one party, shall die within the jurisdiction of the other, their bodies shall be buried in the usual burying grounds, or other decent and suitable places, and shall be protected from violation or disturbance.

Citizens or subjects of either party, dying in the dominions of the other, to be decently buried, &c.

jettis en cas pareil. Et si la réparation du vaisseaux exigeoit que la cargaison fût déchargée en tout ou en partie, ils ne payeront aucun impôt, charge ou droit, de ce qui sera rembarqué et emporté. L'ancien et barbare droit de naufrage sera entièrement aboli à l'égard des sujets ou citoyens des deux parties contractantes.

ART. 10. Les citoyens ou sujets de l'une des parties contractantes auront, dans les états de l'autre, la liberté de disposer de leurs biens personnels, soit par testament, donation ou autrement, et leurs héritiers étant sujets ou citoyens de l'autre partie contractante, succéderont à leurs biens, soit en vertu d'un testament, ou *ab intestato*, et ils pourront en prendre possession, soit en personne, soit par d'autres agissant en leur place, et en disposeront à leur volonté, en ne payant d'autres droits que ceux auxquels les habitants du pays où la succession est devenue vacante, sont assujettis en pareille occurrence. Et en cas d'absence des héritiers, on prendra provisoirement des biens qui leur sont échus, les mêmes soins qu'on auroit pris en pareille occasion des biens des natifs du pays, jusqu'à ce que le propriétaire légitime ait agrée des arrangemens pour recueillir l'héritage. S'il s'éleve des contestations entre différens prétendans ayant droit à la succession, elles seront décidées en dernier ressort selon les loix et par les juges du pays où la succession est vacante. Et si par la mort de quelque personne possédant des biens-fonds sur le territoire de l'une des parties contractantes, ces biens-fonds venoient á passer, selon les loix du pays, à un citoyen ou sujet de l'autre partie, celuici, si, par sa qualité d'étranger il est inhabile de les posséder, obtiendra un délai convenable pour les vendre et pour en retirer le provenu, sans obstacle, et exempt de tout droit de retenue, de la parte du gouvernement des états respectifs. Mais cet article ne derogera en aucune manière à la force des lois qui ont déjà été publiées ou qui le seront dans la suite, par sa majesté le roi de Prusse, pour prevenir l'emigration de ses sujets.

ART. 11. Il sera accordé la plus parfaite liberté de conscience et de culte aux citoyens et sujets de chaque partie contractante dans les états de l'autre, et personne ne sera molesté à cet égard pour quelque cause qué ce soit, si ce n'est pour insulte faite à la religion de l'autre. De plus, si des sujets et citoyens de l'une des parties contractantes venoient à mourir dans la jurisdiction de l'autre, leurs corps seront enterrés dans les endroits où l'on a la coutume de faire les enterremens, ou dans tel autre lieu décent et convenable, et ils seront protégés contre toute violence et trouble.

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The principle adopted in the treaty of 1785, relative to free ships making free goods, declared not to have been sufficiently respected by belligerents. The parties determined to concert measures for the security of neutral navigation. In the mean time, one of the parties being at war, is to conduct itself towards the other being neutral, according to the law of nations.

ART. 12. Experience having proved, that the principle adopted in the twelfth article of the treaty of 1785, according to which *free ships make free goods*, has not been sufficiently respected during the two last wars, and especially in that which still continues, the two contracting parties propose, after the return of a general peace, to agree either separately between themselves, or jointly with other powers alike interested, to concert with the great maritime powers of Europe, such arrangements and such permanent principles, as may serve to consolidate the liberty and the safety of the neutral navigation and commerce in future wars. And if, in the interval, either of the contracting parties should be engaged in war, to which the other should remain neutral, the ships of war and privateers of the belligerent power shall conduct themselves towards the merchant vessels of the neutral power, as favorably as the course of the war then existing may permit, observing the principles and rules of the law of nations, generally acknowledged.

* * *

No goods to be deemed contraband, so as to justify confiscation:

But vessels carrying contraband goods may be detained, on payment of loss sustained by the delay.

Military stores, detained may be used by the captors, on paying the full value of them.

If the master of a vessel, stopped for having on board goods held to be contraband, offers to deliver them up, she may proceed on her voyage.

ART. 13. And in the same case of one of the contracting parties being engaged in war with any other power, to prevent all the difficulties and misunderstandings that usually arise respecting the merchandise of contraband, such as arms, ammunition, and military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens of either party, to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation, and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and articles, and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding; paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors: and it shall further be allowed to use in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed, of a vessel stopped for articles of contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage.

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ART. 12. L'éxperience ayant demontré, que le principe adopte dans l'article 12, du traité de 1785, selon lequel *les vaisseaux libres rendent aussi les marchandises libres*, n'a pas été suffisament respecté dans les deux dernières guerres, et nommément dans celle qui dure encore, les deux parties contractantes se reservent de s'entendre après le retour de la paix générale, soit séparement entr'elles, soit conjointement avec d'autres puissances cointeressés pour concerter avec les grandes puissances maritimes de l'Europe, tels arrangements et tels principes permanens, qui puissent servir à consolider la liberté et la sûreté de la navigation et du commerce neutres dans les guerres futures. Et si, pendant cet intervalle, l'une des parties contractantes se trouve engagée dans une guerre à laquelle l'autre reste neutre, les vaisseaux de guerre et les armateurs de la puissance belligerente, se comporteront, à l'égard de bâtimens marchands de la puissance neutre, aussi favorablement que la raison de guerre, pour lors existante pourra le permettre, en observant les principes et les régles du droit des gens generalement reconnus.

ART. 13. Dans le cas où l'une des parties contractantes se trouveroit en guerre avec une autre puissance, il a été convenu, que pour prévenir les difficultés et les discussions qui surviennent ordinairement par rapport au marchandises de contrabande, telles que armes et munitions de toute espèce, aucun de ces articles, chargés à bord des vaisseaux des sujets ou citoyens de l'une des parties, et destinés pour l'ennemi de l'autre, ne sera censé contrebande, au point d'impliquer confiscation ou condamnation, et d'entrainer la perte de la propriété des individus. Néanmoins, il sera permis d'arrêter ces sortes de vaisseaux et effets, et de les retenir pendant tout le tems que le preneur croira nécessaire, pour prévenir les inconveniens et les dommages qui pourroient en résulter autrement; mais dans ce cas on accordera une compensation raisonnable pour les pertes, qui auront été occasionnées par la saisie. Et il sera permis en outre aux preneurs d'employer à leur service, en tout, ou en partie, les munitions militaires détenues, en payant aux propriétaires la pleine valeur, à déterminer sur le prix qui aura cours à l'endroit de leur destination; mais si dans le cas énoncé, d'un vaisseau arrêté pour des articles de contrebande, le maitre du navire consent à delivrer les marchandises suspectes, il aura la liberté de la faire, et le navire ne sera plus amené dans le port, ni détenu plus longtemps, mais aura toute liberté de poursuivre sa route.

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Contraband specified.

All cannons, mortars, fire arms, pistols, bombs, grenades, bullets, balls, muskets, flints, matches, powder, saltpetre, sulphur, cuirasses, pikes, swords, belts, cartouch boxes, saddles, and bridles, beyond the quantity necessary for the use of the ship, or beyond that which every man, serving on board the vessel, or passenger, ought to have; and, in general, whatever is comprised under the denominations of arms and military stores, of what description soever, shall be deemed objects of contraband.

Vessels of each party, in time of war, to be characterized by particular documents.

ART. 14. To ensure to the vessels of the two contracting parties the advantage of being readily and certainly known, in time of war, it is agreed, that they shall be provided with the sealetters and documents hereafter specified:

First: A passports to be exhibited when required.

1. A passport, expressing the name, the property, and the burden of the vessel, as also the name and dwelling of the master, which passport shall be made out in good and due form, shall be renewed as often as the vessel shall return into port, and shall be exhibited whensoever required, as well in the open sea as in port. But if the vessel be under convoy of one or more vessels of war, belonging to the neutral party, the simple declaration of the officer commanding the convoy, that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

Vessels of either party under convoy to be permitted to pass, on the word of the commanding officer.

Secondly: A charter party.

2. A charter party; that is to say, the contract passed for the freight of the whole vessel; or the bills of lading given for the cargo in detail.

Thirdly: A list of the ship's company.

3. The list of the ship's company; containing an indication by name, and in detail, of the persons composing the crew of the vessel. These documents shall always be authenticated according to the forms established at the place from which the vessel shall have sailed.

These documents not indispensable for three months after the information of the declaration of war, &c.

As their production ought to be exacted only when one of the contracting parties shall be at war, and as their exhibition ought to have no other object than to prove the neutrality of the vessel, its cargo, and company, they shall not be deemed absolutely necessary on board such vessels, belonging to the neutral party, as shall have sailed from its ports before, or within three months after, the government shall have been informed of the state of war in which the belligerent party shall be engaged. In the interval, in default of these specific documents, the neutrality of the vessel may be established by such other evidence as the tribunals, authorized to judge of the case, may deem sufficient.

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Seront censés objets de contrabande, les canons, mortiers, armes à feu, pistolets, bombes, grenades, boulets, bales, fusils, pierres à feu, mèches, poudre, salpetre, souffre, cuirasses, piques, epées, ceinturons, poches à cartouches, selles et brides, au déla de la quantité necessaire pour l'usage du vaisseau, et au dela de celle que doit avoir chaque homme servant sur le vaisseau, ou passager, et en général tout ce qui est compris sous la denomination d'armes et de munitions de guerre, de quelque espèce qu'elles puissent être.

Art. 14. Pour assurer aux vaisseau des deux parties contractantes, l'avantages d'être promptement et sûrement reconnus, en tems de guerre, on est convenu qu'ils devront être munis des lettres de mer et documens specifiés ci-apres:

1. D'un passeport exprimant le nom, le propriétaire, et le port du navire, ainsi que le nom et le domicile du maitre. Ces passeports, qui seront expediés en bonne et düe forme, devront être renouvellés toutes les fois que le vaisseau retournera dans son port, et seront exhibés à chaque requisition tant en pleine mer, que dans le port. Mais si le navire se trouve sous le convoi d'un ou de plusieurs vaisseaux de guerre, appartenants à la partie neutre, il suffira que l'officier commandant le convoi déclare que le navire est de son parti moyennant quoi cette simple déclaration sera censée établir le fait, et dispensera les deux parties de toute visite ultérieure.

2. De la certe-parte, c'est à dire, du contrât passé pour le frêt de tout le navire, ou des connoissemens donnés pour la cargaison en général. Et

3. Du rôle d'équipage, contenant l'indication nominale et detaillée des personnes, qui composent l'équipage du navire. Ces documens seront toujours expediés dans la forme etablié à l'endroit d'où le navire aura mis à la voile.

Comme leur production ne doit être exigée que dans le cas ou l'une des parties contractantes seroit en guerre, et que leur exhibition ne doit avoir d'autre but, que de prouver le neutralité des vaisseaux, de leurs équipages et de leurs cargaisons, ils ne seront pas censés absolument nécessaires à bord des navires de la partie neutre, qui seront sortis de ses ports, avant, ou trois mois après, que le gouvernement aura en connoissance de l'état de guerre ou se trouve la partie belligrénte. Pendant cet intervalle le navire pourra, au défaut des documens ci-dessus specifiés, prouver sa neutralité par tel autre témoignage, que les tribunaux, appellés a juger du cas trouveront suffisans.

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Armed vessels visiting a merchantman to remain out of the reach of cannon shot, &c.

Commanders of armed vessels to give bond.

ART. 15. And to prevent entirely all disorder and violence in such cases, it is stipulated, that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel of war, public or private, of the other party, such vessel of war shall not send more than two or three men in their boat on board the said neutral vessel, to examine her passports and documents. And all persons belonging to any vessel of war, public or private, who shall molest or insult, in any manner whatever, the people, vessels, or effects of the other party, shall be responsible, in their persons and property for damages and interest; sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

Vessels of each party, subject to general embargo on the footing of the most favored nations.

Exemption stipulated in the 16th article of the treaty of 1785, annulled.

Indemnity stipulated for vessels detained for public uses.

ART. 16. In times of war, or in cases of urgent necessity, when either of the contracting parties shall be obliged to lay a general embargo, either in all its ports, or in certain particular places, the vessels of the other party shall be subject to this measure, upon the same footing as those of the most favored nations, but without having the right to claim the exemption in their favor stipulated in the 16th article of the former treaty of 1785. But, on the other hand, the proprietors of the vessels which shall have been detained, whether for some military expedition, or for what other use soever, shall obtain from the government that shall have employed them an equitable indemnity, as well for the freight as for the loss occasioned by the delay. And furthermore, in all cases of seizure, detention, or arrest, for debts contracted, or offences committed by any citizen or subject of the one party, within the jurisdiction, of the other the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases.

Arrests of the citizens or subjects of one party, within the jurisdiction of the other, to take place according to law only.

Vessels, &c. of either party, taken by an enemy or a pirate, and recaptured by the other, to be restored on proof.

ART. 17. If any vessel or effects of the neutral power be taken by an enemy of the other, or by a pirate, and retaken by the power at war, they shall be restored to the first proprietor, upon the conditions hereafter stipulated, in the twenty-first article, for cases of recapture.

Vessels of either party, driven bystressof weather, &c. into the ports of the other, to be protected, and the persons on board treated humanely, &c.

ART. 18. If the citizens or subjects of either party, in danger from tempests, pirates, enemies, or other accident, shall take refuge with their vessels or effects, within the harbors or jurisdiction of the other, they shall be received, protected, and treated with humanity and kindness, and shall be permitted to furnish themselves, at reasonable prices, with all refresh-

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ART. 15. Pour prévenir entièrement tout désordre et toute violence en pareil cas, il a été stipulé que lorsque les navires, de la partie neutre, navigeant sans convoi, rencontreront quelque vaisseau de guerre, public ou particulier, de l'autre partie, le vaisseau de guerre n'enverra pas plus de deux ou trois hommes dans sa chaloupe à bord, du navire neutre pour examiner les passeports et documens. Et toutes les personnes appartenantes à quelque vaisseau de guerre public ou particulier, qui molesteront ou insulteront en quelque manière que ce soit, l'équipage, les vaisseaux ou effets de l'autre partie, seront responsables en leurs personnes et en leurs biens, de tous dommages et intérêts, pour lesquels il sera donné caution suffisante par tous les commandans de vaisseaux armes en course, avant qu'ils reçoivent leurs commissions.

ART. 16. Dans les tems de guerre, et le cas de necessité urgente, où l'une des parties contractantes se verroit obligée d'établir un embargo général, soit dans tous les ports de sa domination, soit dans certains ports particuliers, les vaisseaux de l'autre partie resteront assujettis à cette mésure, sur le même pied que le seront les navires des nations les plus avantagées, sans pouvoir reclamer l'exemption, qui avoit été stipulée en leur faveur dans l'article 16 de l'ancien traité de 1785. Mais, d'un autre côté, les propriétaires des vaisseaux, qui auront été retenus, soit pour quelque expédition militaire, soit pour tel autre usage que ce soit, obtiendront du gouvernement qui les aura employés, une indemnité équitable, tant pour le frêt que pour les pertes occasionnées par le retard.

De plus et dans tous les cas de saisie, de détention, ou d'arrêt, soit pour dettes contractées, ou offenses commises par quelque citoyen ou sujet de l'une des parties contractantes, dans la jurisdiction de l'autre, on procédera uniquement par ordre et par autorité de la justice et suivant les voyes ordinaires en pareil cas usitées.

ART. 17. S'il arrivoit que les bâtimens ou effets de la puissance neutre fussent pris par l'ennemi de l'autre, ou par un pirate, et ensuite repris par la puissance en guerre, ils seront restitués au premier propriétaire, aux conditions qui seront stipulés ci-aprés dans l'article vingt-un, pour les cas de reprise.

ART. 18. Lorsque les citoyens ou sujets de l'une des deux parties contractantes seront forcés par des tempêtes, ou par la poursuite des corsaires ou vaisseaux ennemis, ou par quelque autre accident, à se réfugier avec leurs vaisseaux ou effets dans les havres, ou dans la jurisdiction de l'autre, ils seront reçus.

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ments, provisions, and other things necessary for their sustenance, health, and accommodation, and for the repair of their vessels.

Vessels of war of each party may freely enter and depart from the ports of the other with their prizes:

ART. 19. The vessels of war, public and private, of both parties shall carry freely, wheresoever they please, the vessels and effects taken from their enemies, without being obliged to pay any duties, charges, or fees, to officers of admiralty, of the customs, or any others, nor shall such prizes be arrested, searched, or put under legal process, when they come to and enter the ports of the other party, but may freely be carried out again at any time by their captors, to the places expressed in their commissions, which the commanding officer of such vessel shall be obliged to show. But conformably to the treaties existing between the United States and Great Britain, no vessel that shall have made a prize upon British subjects, shall have a right to shelter in the ports of the United States; but, if forced therein by tempests, or any other danger, or accident of the sea, they shall be obliged to depart as soon as possible.

[*See article 24 page 239.] Vessels that have made a prize on British subjects, not entitled to shelter in the ports of the U. States.

Citizens of one party not to take commissions, or letters of marque, from a third power, to act against the other. Neither to furnish military or naval succor to a third power, to aid against the other.

ART. 20. No citizen or subject of either of the contracting parties shall take from any power with which the other may be at war, any commission or letter of marque for arming any vessel to act, as a privateer against the other, on pain of being punished as a pirate: nor shall either party hire, lend, or give any part of its naval or military force, to the enemy of the other, to aid them offensively or defensively against the other.

Regulations to be observed in case of war against a common enemy.

ART. 21. If the two contracting parties should be engaged in a war against a common enemy, the following points shall be observed between them:

Vessels of one party, recaptured from the enemy of the other, before being carried into port, to be restored, on payment of one-eight part of vessel and cargo to a public vessel, and one-sixth to a privateer.

1. If a vesssel of one of the parties, taken by the enemy, shall, before being carried into a neutral or enemy's port, be retaken by a ship of war, or privateer of the other, it shall, with the cargo, be restored to the first owners, for a compensation of one-eighth part of the value of the said vessel and cargo, if the recapture be made by a public ship of war; and one-sixth part, if made by a privateer.

Proof & surety required before restitution.

2. The restitution in such cases shall be after due proof of property, and surety given for the part to which the recaptors are entitled.

protégés et traités avec humanité et honnêteté. Il leur sera permis de se pourvoir à un prix raisonnable de rafraichissemens, de provisions, et de toutes choses nécessaires pour leur subsistance, santé et commodité, et pour la réparation de leurs vaisseaux. 1799. July 11.

Art. 19. Les vaisseaux de guerre publics et particuliers, des deux parties contractantes, pourront conduire en toute liberté, partout où il leur plaira, les vaisseaux et effets qu'ils auront pris sur leurs ennemis, sans être obligés de payer aucunes impôts, charges, ou droits aux officiers de l'amirauté, des douanes ou autres. Ces prises ne pourront être non plus ni arrêtées, ni visitées, ni soumises à des procédures légales, en entrant dans le port de l'autre partie, mais elles pourront en sortir librement, et être conduites en tout temps par le vaisseau preneur aux endroits portés par les commissions; dont l'officier commandant le dit vaisseau sera obligé de faire montre. Mais conformément aux traités subsistans entre les Etats Unis et le Grand Brétagne, tout vaisseau qui aura fait une prise sur des sujets de cette dernière puissance, ne sauroit obtenir un droit d'asile dans les ports des Etats Unis, et s'il est forcé d'y relâcher par des tempêtes ou quelque autre danger ou accident de mer, il sera obligé d'en repartir le plutôt possible.

Art. 20. Aucun citoyen ou sujet de l'une des deux parties contractantes n'acceptera d'une puissance avec laquelle l'autre pourroit être en guerre, ni commission, ni lettre de marque, pour armer en course contre cette dernière, sous peine d'être puni comme pirate. Et ni l'un ni l'autre des deux états ne louera, prêtera ou donnera une partie de ses forces navales ou militaires à l'ennemi de l'autre, pour l'aider à agir offensivement ou défensivement contre l'etat qui est en guerre.

Art. 21. S'il arrivoit que les deux parties contractantes fussent en mêmes tems en guerre contre une ennemi commun, on observera de part et d'autre les points suivans:

1. Lorsqu'un navire de l'une des deux nations sera repris par les vaisseaux de guerre ou armateurs de l'autre avant d'avoir été conduit dans un port ennemi ou neutre, il sera restitué avec sa cargaison au premier propriétaire, moyennant une retribution d'un huitième de la valeur du navire et de la cargaison, si la reprise a été faite par un vaisseau de guerre, et d'un sixième, si elle a été faite par un armateur.

2. Dans ces cas, la restitution n'aura lieu qu'après les preuves faites de la propriété, sous caution de la quote-part qui en revient à ceux qui ont repris le navire.

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8. The vessels of war, public and private, of the two parties, shall reciprocally be admitted with their prizes into the respective ports of each; but the said prizes shall not be discharged or sold there, until their legality shall have been decided, according to the laws and regulations of the state to which the captor belongs, but by the judicatories of the place into which the prize shall have been conducted.

The legality of prizes to be determined according to the laws of each party, respectively.

4. It shall be free to each party to make such regulations as they shall judge necessary, for the conduct of their respective vessels of war, public and private, relative to the vessels which they shall take and carry into the ports of the two parties.

Each party at liberty to make regulations concerning prizes carried into the ports of the other.

ART. 22. Where the contracting parties shall have a common enemy, or shall both be neutral, the vessels of war of each shall, upon all occasions, take under their protection the vessels of the other going the same course, and shall defend such vessels as long as they hold the same course, against all force and violence, in the same manner as they ought to protect and defend vessels belonging to the party of which they are.

In case of a common enemy or both being neutral, the vessels of war of each party to afford convoy.

[The following article to be valid in time of war. See art. 24. below.]

ART. 23. If war should arise between the two contracting parties, the merchants of either country, then residing in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hindrance: and all women and children, scholars of every faculty, cultivators of the earth, artizans, manufacturers, and fishermen, unarmed, and inhabiting unfortified towns, villages, or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt, or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power, by the events of war, they may happen to fall, but if any thing is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price.

In case of war, nine months allowed to merchants of each nation to settle affairs.

Women, children, cultivators, &c. not to be molested in case of war, by the armed force of the party into whose power they may fall, &c.

[The following article to be valid in time of war. See the end of it.]

ART. 24. And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crowding them into close and noxious places, the two contrac-

Prisoners of war not to be sent into inclement countries, nor crowded into noxious places.

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3. Les vaisseaux de guerre, publics et particuliers, des deux parties contractantes seront admis réciproquement avec leurs prises dans les ports respectifs, cependant ces prises ne pourront y être dechargées, ni vendues, qu'après que la légitimité de la prise aura été decidée suivante les loix et réglemens de l'état dont le preneur est sujet, mais par la justice du lieu où la prise aura été conduite.

4. Il sera libre à chacune des parties contractantes de faire tels réglemens qu'elles jugeront nécessaires, relativement à la conduite que devront tenir respectivement leurs vaisseaux de guerre publics et particuliers à l'égard des bâtimens qu'ils auront pris et amenés dans les ports des deux puissances.

ART. 22. Lorsque les parties contractantes seront engagées en guerre contre un ennemi commun, ou qu'elles seront neutres toutes deux, les vaisseaux de guerre de l'une prendront en toute occasion, sous leur protection, les navires de l'autre, qui font avec eux la même route, et ils les defendront, aussi longtemps qu'ils feront voile ensemble, contre toute force et violence et de la même manière qu'ils protégeroient et défendroient les navires de leur propre nation.

ART. 23. S'il survient une guerre entre les parties contractantes, les marchands de l'un des deux états qui resideront dans l'autre, auront la permission d'y rester encore neuf mois, pour recueillir leurs dettes actives, et arranger leurs affaires, après quoi ils pourront partir en toute liberté et emporter tous leurs biens, sans être molestés ni empêchés. Les femmes et les enfans, les gens de lettres de toutes les facultés, les cultivateurs, artisans, manufacturiers et pecheurs, qui ne sont point armés et qui habitant des villes, villages ou places non fortifiées, et en général tous ceux dont la vocation tend à la subsistance et à l'avantage commun du genre humain, auront la liberté de continuer leurs professions respectives, et ne seront point molestés en leur personnes, ni leurs maisons, ou leurs biens incendiés, ou autrement detruits, ni leurs champs ravagés par les armées de l'ennemi au pouvoir duquel ils pourroient tomber par les évenemens de la guerre; mais si l'on se trouve dans la necessité de prendre quelque chose de leurs propriétés pour l'usage de l'armée ennemie, la valeur en sera payée à un prix raisonnable.

ART. 24. Afin d'adoucir le sort des prisonniers de guerre, et de ne les point exposer à être envoyés dans des climats éloignés et rigoureux, ou reserrés dans des habitations étroités et malsaines, les deux parties contractantes s'engagent solemnelle-

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ting parties solemnly pledge themselves to the world, and to each other, that they will not adopt any such practice: that neither will send the prisoners whom they may take from the other into the East Indies, or any other parts of Asia or Africa; but they shall be placed in some part of their dominions in Europe or America, in wholesome situations; that they shall not be confined in dungeons, prison ships, nor prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs; that the officers, shall be enlarged on their paroles within convenient districts, and have comfortable quarters, and the common men be disposed in cantonments open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are, for their own troops; that the officers shall also be daily furnished by the party in whose power they are, with as many rations, and of the same articles and quality, as are allowed by them, either in kind or by commutation, to officers of equal rank in their own army; and all others shall be daily furnished by them with such rations as they allow to a common soldier in their own service; the value whereof shall be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners at the close of the war; and the said accounts shall not be mingled with, or set off against any others nor the balances due on them be withheld as a satisfaction or reprisal for any other article, or for any other cause, real or pretended whatever; that each party shall be allowed to keep a commissary of prisoners, of their own appointment, with every separate cantonment, of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their friends, and shall be free to make his reports in open letters to those who employ him; but if any officer shall break his parole, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual officer, or other prisoner, shall forfeit so much of the benefit of this article as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding article; but, on the contrary, that the state of war is precisely that for which they are provided; and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature or nations.

Expense of supporting prisoners of war to be defrayed by each party respectively.

Commissaries of prisoners allowed on each side.

Commissaries may visit prisoners and distribute comforts, &c.

Prisoners violating parole, or escaping to forfeit future indulgence in relation to enlargement, &c.

The pretence that war dissolves all treaties, &c. not to effect this and the preceding articles; viz. (the 23d and 24th.)

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ment l'une envers l'autre, et à la face de l'univers, qu'elles n'adopteront aucun de ces usages; que les prisonniers qu'elles pourroient faire l'une sur l'autre ne seront transportés ni aux Indes Orientales, ni dans aucune contrée de l'Asie ou de l'Afrique, mais qu'on leur assignera en Europe ou en Amérique, dans les territoires respectifs des parties contractantes, un séjour situé dans un air sain; qu'ils ne seront point confinés dans des cachôts, ni dans des prisons, ni dans des vaisseaux de prison, qu'ils ne seront pas mis aux fers, ni garrotés, ni autrement privés de l'usage de leurs membres; que les officiers seront relâchés sur leur parole d'honneur, dans l'enceinte de certains districts qui leur seront fixés, et qu'on leur accordera des logemens commodes; que les simples soldats seront distribués dans des cantonnemens ouverts, assez vastes pour prendre l'air et l'exercice, et qu'ils seront logés dans des barraques aussi spacieuses et aussi commodes que le sont celles des troupes de la puissance au pouvoir de la quelle se trouvent les prisonniers; que cette puissance fera pourvoir journellement les officiers d'autant de rations composées des mêmes articles et de la même qualité, dont jouissent en nature ou en équivalent, les officiers du même rang qui sont à son propre service; qu'elle fournira également à tous les autres prisonniers une ration pareille à celle qui est accordée au soldat de sa propre armée. Le montant de ces dépenses sera payé par l'autre puissance, d'après une liquidation de compte à arrêter reciproquement pour l'entretien des prisonniers à la fin de la guerre; et ces comptes ne seront point confondus ou balancés avec d'autres comptes, ni la solde qui en est due, retenue comme compensation ou représailles, pour tel autre article ou telle autre prétention réelle ou supposée. Il sera permis á chacune des deux puissances d'entretenir un commissaire de leur choix, dans chaque cantonnement des prisonniers qui sont au pouvoir de l'autre. Ces commissaires auront la liberté de visiter prisonniers, aussi souvent qu'ils le desireront, ils pourront également recevoir et distribuer les douceurs que les parens ou amis des prisonniers leur feront parvenir; enfin il leur sera libre encore de faire leurs rapports, par lettres ouvertes, à ceux qui les employent; mais si un officier manquoit à sa parole d'honneur, ou qu'un autre prisonnier sortit des limites qui auront été fixées à son cantonnement, un tel officier ou autre prisonnier sera frustré individuellement des avantages stipulés dans cet article, pour sa relaxation sur parole d'honneur ou pour son cantonnement. Les deux puissances contractantes ont declaré en outre, que, ni le prétexte que la guerre rompt les

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Each party may have consuls, &c. in the ports of the other.

ART. 25. The two contracting parties have granted to each other the liberty of having each in the ports of the other, consuls, vice-consuls, agents and commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations. But if any such consul shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place.

Consuls not to have peculiar privileges in commerce.

Favors granted to any other nation, in navigation or commerce, by one party, shall become common to the other, on the same conditions.

ART. 26. If either party shall hereafter grant to any other nation, any particular favor in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation when the grant is conditional.

This treaty to endure for ten years from the year 1786.

ART. 27. His majesty the king of Prussia, and the United States of America, agree, that this treaty shall be in force during the term of ten years from the exchange of the ratifications; and if the expiration of that term should happen during the course of a war between them, then the articles before provided for the regulation of their conduct during such a war, shall continue in force until the conclusion of the treaty which shall restore peace.

Ratifications to be exchanged within a year.

This treaty shall be ratified on both sides, and the ratifications exchanged within one year from the day of its signature; or sooner if possible.

In testimony whereof the plenipotentiaries before mentioned have hereto subscribed their names, and affixed their seals.

Done at Berlin, the eleventh of July, in the year one thousand seven hundred and ninety-nine.

[L. s.] JOHN QUINCY ADAMS,
[L. s.] CHARLES GUILLAUME,
Comte de Fickenstein.
[L. s.] PHILIP CHARLES D'ALVENSLEBEN,
[L. s.] CHRETIEN HENRY-CURCE,
Comte de Haugwitz.

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traités, ni tel autre motif quelconque, ne seront censé annuller ou suspendre cet article et le précédent, mais qu'au contraire, le tems de la guerre est précisément celui pour lequel ils ont été stipulés et durant lequel ils seront observés aussi saintement que les articles les plus universellement reconnus par le droit de la nature et des gens.

Art. 25. Les deux parties contractantes se sont accordé mutuellement la faculté de tenir dans leurs ports respectifs, des consuls, vice consuls, agens et commissaires de leur choix et dont ils y jouiront des mêmes privilèges et pouvoirs dont jouissent ceux des nations les plus favorisés. Mais dans le cas oú tel ou autre de ces consuls veuille faire le commerce, il sera soumis au mêmes loix et usages, auxquels sont soumis les particuliers de sa nation à l'endroit où il réside.

Art. 26. Lorsque l'une des deux parties contractantes accordera dans la suite quelque faveur particulière en fait de navigation ou de commerce à d'autres nations, elle deviendra aussitôt commune à l'autre partie contractante, et celle-ci jouira de cette faveur, gratuitement, si la concession est gratuite, ou en accordant la même compensation si la concession est conditionelle.

Art 27. Sa majesté le roi de Prusse et les États Unis de l'Amérique sont convenus que le présent traité aura son plein effet pendant l'espace de dix années à compter du jour de l'échange des ratifications, et que si l'expiration de ce terme arrivoit dans le cours d'une guerre, entre'eux, les articles ci-dessus stipulés pour régler leur conduite en temps de guerre, conserveront toute leur force, jusqu'à la conclusion du traité qui retablira la paix.

Le présent traité sera ratifié de part et d'autre, et les ratifications seront échangées, dans l'espace d'une année, à compter du jour de la signature; ou plutôt, si faire se peut.

En foi de quoi, les plénipotentiaires susnommés ont signé le présent traité et y ont apposé le cachet de leurs armes.

Fait à Berlin, le onze Juillet, l'an mille sept cents quatre vingt dix neuf.

[L. S.] JOHN QUINCY ADAMS,
[L. S.] CHARLES GUILLAUME,
Comte de Finckenstein.
[L. S.] PHILIPPE CHARLES D'ALVENSLEBEN.
[L. S.] CHRETIEN HENRI-CURCE,
Comte de Paugwitz.

1785.
October 27.

TREATIES WITH SPAIN.

No. 1.—*Treaty of friendship, limits, and navigation, between the United States of America, and the king of Spain.*

Mutual desire of consolidating friendship and correspondence.

His catholic majesty, and the United States of America, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevails between the two parties, have determined to establish, by a convention, several points, the settlement whereof will be productive of general advantage and reciprocal utility to both nations.

With this intention, his catholic majesty has appointed the most excellent lord don Manuel de Godoy, and Alvarez de Faria, Rios, Sanchaz Zarzosa; prince de la paz; duke de la Alcudia; lord of the Soto de Roma, and of the state of Albalá; grandee of Spain of the first class; perpetual regidor of the city of Santiago; knight of the illustrious order of the golden fleece, and great cross of the royal and distinguished Spanish order of Charles the 3d. commander of Valencia del Ventoso Rivera, and Acenchal in that of Santiago; knight and great cross of the religious order of St John; counsellor of state; first secretary of state and despacho; secretary to the Queen, superintendant general of the posts and highways; protector of the royal academy of the noble arts, and of the royal societies of natural history, botany, chemistry, and astronomy; gentleman of the king's chamber in employment; captain general of his armies; inspector and major of the royal corps of body guards, &c. &c. &c.; and the president of the United States, with the advice and consent of their senate, has appointed Thomas Pinckney, a citizen of the United States, and their envoy extraordinary to his catholic majesty. And the said plenipotentiaries have agreed upon and concluded the following articles:

Firm and inviolable peace.

ART. 1. There shall be a firm and inviolable peace and sincere friendship between his catholic majesty, his successors and subjects, and the United States, and their citizens, without exception of persons or places:

Designation of the southern boundary line of the U. States, which divides their territory the Spanish colonies of East & West Florida,

ART. 2. To prevent all disputes on the subject of the boundaries which separate the territories of the two high contracting parties, it is hereby declared and agreed as follows, to wit: The southern boundary of the United States, which divides their territory from the Spanish colonies of East and West Florida, shall be designated by a line beginning on the

1795.
October 27.

TRATADOS CON ESPAÑA.

Tratado de amistad, limites, y navegacion, entre los Estados Unidos de America, y el rey de España.

Deseando S. M. catolica, y los Estados Unidos de America consolidar de un modo permanente la buena correspondencia y amistad que felizmente reyna entre ambas partes, hans resuelto fixar por medio de un convenio varios puntos, de cuyo arreglo resultarà un beneficio general, y una utilidad reciproca à los dos paises.

Con esta mira han nombrado S. M. catolica al excelentisimo sor. dn. Manuel de Godoy, y Alvarez de Faria, Rios, Sanchez Zarzosa; principe de la paz; duque de la Alcudia; señor del Soto de Roma, y del estado de Albalá; grande de España de primera clase; regidor perpetuo de la ciudad de Santiago; caballero de la insigne orden del toyson de Oro; gran cruz de la rl. y distinguida Española de Carlos III. comendador de Valencia del Ventoso Rivera, y Acenchal en de la Santiago; caballero gran cruz de la religion de Sn. Juan; consegero de estado; primer secretario de estado y del despacho; secretario de la reyna nuestra; sra. superintendente general de correos y caminos; protector de la rl. academia de las nobles artes, y de los rles. gabinete de historia natural, jardin botanico, y observatorio astronnmico; gentilhombre de camara con exercicio; capitan general de los rles. exercitos; inspector y sargento mayor del rl. cuerpo de guardias de corps, &c. &c. &c. y el presidente de los Estados Unidos, con consentimiento y aprobacion del senado, a don Tomas Pinckney, ciudadano de los mismos Estados, y su enviado extraordinario cerca de S. M. catolica, y ambos plenipotenciarios han adjustado y firmado los articulos siguientes:

Art. 1. Habrá una paz solida è inviolable, y una amistad sincera entre S. M. catolica sus succesores y subditos, y los Estados Unidos y sus Ciudadanos sin excepcion de personas, ò lugares.

Art. 2. Para evitar toda disputa en punto à los limites que separan los territorios de las dos altas partes contratantes, se han convenido, y declarado en el presente articulo lo siguiente, a saber: Que el limite meridional de los Estados Unidos, que separa su territorio de el de las colonias Españolas de la Florida Occidental y de la Florida Oriental, se

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river Mississippi, at the northernmost part of the thirty-first degree of latitude north of the equator, which from thence shall be drawn due east to the middle of the river Apalachicola, or Catahouche; thence along the middle thereof to its junction with the Flint, thence strait to the head of St. Mary's river, and thence down the middle thereof to the Atlantic ocean. And it is agreed, that if there should be any troops, garrisons, or settlements of either party, in the territory of the other, according to the abovementioned boundaries, they shall be withdrawn from the said territory within the term of six months after the ratification of this treaty, or sooner if it be possible; and that they shall be permitted to take with them all the goods and effects which they possess.

Garrisons, &c. of either party, in the territory of the other, to be withdrawn within 6 months after the ratification of this treaty, &c.

ART. 3. In order to carry the preceding article into effect, one commissioner and one surveyor shall be appointed by each of the contracting parties who shall meet at the Natchez, on the left side of the river Mississippi, before the expiration of six months from the ratification of this convention, and they shall proceed to run and mark this boundary according to the stipulations of the said article. They shall make plats and keep journals of their proceedings, which shall be considered as part of this convention, and shall have the same force as if they were inserted therein. (1) And if, on any account it should be found necessary that the said commissioners and surveyors should be accompanied by guards, they shall be furnished in equal proportions by the commanding officer of his majesty's troops in the two Floridas; and the commanding officer of the troops of the United States, in their southwestern territory, who shall act by common consent, and amicably, as well with respect to this point, as to the furnishing of provisions and instruments, and making every other arrangement which may be necessary or useful for the execution of this article.

Each party to furnish a commissioner and surveyor, to meet at Natchez, to run the boundary line, keep journals, &c. which are to be considered as part of this convention.

[1 See note at the end of this treaty.]

The commissioners and surveyors allowed to have guards American and Spanish troops, &c.

ART. 4. It is likewise agreed, that the western boundary of the United States, which separates them from the Spanish colony of Louisiana, is in the middle of the channel, or bed of the river Mississippi, from the northern boundary of the said states, to the completion of the thirty-first degree of latitude north of the equator. And his catholic majesty has likewise agreed, that the navigation of the said river, in its whole breadth, from its source to the ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subjects of other powers by special convention. (2)

The western boundary of the U. States, separating the Spanish colony of Louisiana from their territories, to be in the middle of the channel, or bed of the river Mississippi.

The entire navigation of the Mississippi, free only to American and Spanish subjects.

[2 See note at the end of this treaty.]

demarcará por una linea que empieze en el rio Misisipi, en la parte mas septentrional del grado trienta y uno al norte del equador, y que desde alli signa en derechura al este, hasta el medio del rio Apalichola ó Catahouche; desde alli por la mitad de este rio hasta su union con el Flint; de alli en derechura hasta el nacimiento del rio Sta. Maria; y de alli baxando por el medio de este rio hasta el oceano Atlantico. Y se han convenido las dos potencias en que si hubiese tropa, guarniciones, ó establecimientos de la una de las dos partes en el territorio de la otra, segun los limites que se acaban de mencionar, se retirarán de dicho territorio en el termino de seis meses despues de la ratificacion de este tratado, ó antes si fuese posible, y que se les permitirá llevar consigo todos los bienes y efectos que posehan. 1795. October 27.

Art. 3. Para la execucion del articulo antecedente se nombrarán por cada una de las dos altas partes contratantes un comisario y un geometra que se juntarán en Natchez en la orilla izquierda del Misisipi, antes de expirar el termino de seis meses despues de la ratificacion de la convencion presente; y procederán á la demarcacion de estos limites conforme á lo estipulado en el articulo anterior. Leventarán planos, y formarán diarios de sus operaciones, que ce reputarán como parte de este tratado, y tendran la misma fuerza que si estubieran insertas en el. Y si por qualquier motivo se creyese necessario que los dichos comisarios y geometras fuesen acompanados con guardias, se les darán en numero igual por el general que mande las tropas de S. M. en las dos Floridas, y el comandante de las tropas de los Estados Unidos en su territorio del sudoeste, que obrarán de acuerdo y amistosamente, asi en este punto como en el de apronto de viveres è instrumentos, y en tomar qualesquiera otras disposiciones necesarias para la execution de este articulo.

Art. 4. Se han convenido igualmente que el limite occidental del territorio de los Estados Unidos que los separa de la colonia Española de la Luisiana está en medio del canal ó madre del rio Misisipi desede el limite septentrional de dichos estados hasta el complemento de los trienta y un grados de latitud al norte del equador; y S. M. catolica ha convenido igaulmente en que la navegacion de dicho rio en toda su extension desde su origen hasta el oceana, será libre solo á sus subditos y á los ciudadanos de los Estados Unidos á menos que por algun tratado particular haga extensiva esta libertad á subditos de otras potencias.

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Peace and harmony to be maintained among the Indians inhabiting the country adjacent to the Floridas. Mutual stipulation for restraining by force, all hostilities between the Indians residing within the boundaries of the parties respectively.

ART. 5. The two high contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the country adjacent to the lines and rivers, which, by the preceding articles, form the boundaries of the two Floridas. And the better to obtain this effect, both parties oblige themselves expressly to restrain, by force, all hostilities on the part of the Indian nations living within their boundary: so that Spain will not suffer her Indians to attack the citizens of the United States, nor the Indians inhabiting their territory; nor will the United States permit these last mentioned Indians to commence hostilities against the subjects of his catholic majesty, or his Indians, in any manner whatever.

No treaties except treaties of peace, to be made by one party, with the Indians living within the boundaries of the other, &c.

Advantages of the Indian trade to be common, &c.

And whereas several treaties of friendship exist between the two contracting parties, and the said nations of Indians, it is hereby agreed, that in future no treaty of alliance or other whatever, (except treaties of peace,) shall be made by either party with the Indians living within the boundary of the other, but both parties will endeavor to make the advantages of the Indian trade common and mutually beneficial to their respective subjects and citizens, observing in all things the most complete reciprocity, so that both parties may obtain the advantages arising from a good understanding with the said nations, without being subject to the expense which they have hitherto occasioned.

Each party to protect the vessels of the other within its jurisdiction, by sea or land; and to restore vessels and effects by whomsoever taken.

ART. 6. Each party shall endeavor, by all means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction by sea or by land, and shall use all their efforts to recover and cause to be restored to the right owners, their vessels and effects, which may have been taken from them within the extent of their said jurisdiction, whether they are at war or not with the power whose subjects have taken possession of the said effects.

Citizens and subjects, vessels and effects, not liable to embargo, or detention for any military expedition, &c. by either party. Arrests, &c. for debts and offences, to take place only according to law.

ART. 7. And is agreed, that the subjects or citizens of each of the contracting parties, their vessels or effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition or other public or private purpose whatever. And in all cases of seizure, detention, or arrest, for debts contracted, or offences committed, by any citizen or subject of the one party, within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases. The citizens and subjects of both

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ART. 5. Las dos altas partes contratantes procurarán por todos los medios posibles mantener la paz, y buena armoniá entre las diversas naciones de Indios que habitan los terrenos adyacentes a las lineas y rios que en los articulos anteriores forman los limites de las dos Floridas; y para conseguir mejor este fin se obligan expresamente ambas potencias a reprimir con la fuerza todo genero de hostilidades de parte de las naciones Indias que habitan dentro de la linea de sus respectivos limites: de modo que ni la España permitirá que sus Indios ataquen á los que vivan en el territorio de los Estados Unidos ó á sus ciudadanos, ni los estados que los suyos hostilizen à los subditos de S. M. catolica ó á sus Indios de manera alguna.

Existiendo varios tratados de amistad entre las expresadas naciones y las dos potencias, se han convenido en no hacer en lo venidero alianza alguna ó tratado, (excepto los de paz,) con las naciones de Indios que habitan dentro de los limites de la otra parte, aunque procurarán hacer comun su comercio en beneficio amplio de los subditos y cuidadanos respectivos, guardandose en todo la reciprocidad mas completa, de suerte que sin los dispendios que han causado hasta ahora dichas naciones á las dos partes contratantes, consignan ambas todas las ventajas que debe producir la armonia con ellas.

ART. 6 Cada una de las dos partes contratantes procurará por todos los medios posibles protexer y defender todos los buques y qualesquiera otros efectos pertenecientes á los subditos y ciudadanos de la otra que se hallen en la extension de su jurisdiccion por mar ó por tierra, y empleará todos sus esfuerzos para recobrar y hacer restituir á los proprietarios legitimos les boques y efectos que se les hayan quitado en la extension de dicha jurisdicion, estén ó no en guerra con la potencia cuyos subditos hayan interceptado dichos efectos.

ART. 7. Se ha convenido que los subditos y ciudadanos de una de las partes contratantes, sus buques, ó efectos no podran sugetarse à ningun embargo ó detencion de parte de la otra, á causa de alguna expedicion militar, uso publico ó particular de qualquiera que sea. Y en los casos de aprehension detencion ó arresto, bien sea por deudas contrahidas ó ofensas cometidas por algun ciudadano ó subdito de una de las partes contratantes en la jurisdicion de la otra, se procederá unicamente por orden y autoridad de la justicia, y segun los tramites ordinarios seguidos en semejantes casos. Se permitirá a

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parties shall be allowed to employ such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their affairs, and in all their trials at law, in which they may be concerned, before the tribunals of the other party; and such agents shall have free access to be present at the proceedings in such causes, and at the taking of all examinations and evidence which may be exhibited in the said trials.

Citizens and subjects of either party allowed to employ such advocates, &c. in the trial causes, as they judge proper, &c.

Vessels of either party, forced by stress of weather, &c. into the ports, &c. of the other, to be received with kindness, allowed to refresh, and freely to depart.

ART. 8. In case the subjects and inhabitants of either party, with their shipping, whether public and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, for seeking of shelter and harbor, to retreat and enter into any of the rivers, bays, roads or ports, belonging to the other party, they shall be received and treated with all humanity, and enjoy all favor protection, and help, and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals and all things needful for the subsistence of their persons, or reparation of their ships and prosecution of their voyage; and they shall no ways be hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

Property taken from pirates to be restored to the true owner, on proof.

ART. 9. All ships and merchandise, of what nature soever, which shall be rescued out of the hands of any pirates or robbers, on the high seas shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port, in order to be taken care of, and restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

In case of wrecks, &c. each party to afford the other the same assistance it would give to its own citizens or subjects under similar circumstances, &c.

ART. 10. When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coast or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case: and if the operations of repair should require that the whole or any part of the cargo be unladen, they shall pay no duties, charges, or fees, on the part which they shall relade and carry away.

Right of devise, donation, and of inheritance with respect to personal goods, secured to the citizens or sub-

ART. 11. The citizens and subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whe-

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los ciudadanos y subditos de ambas partes emplear los abogados, procuradores, notarios, agentes ó factores que juzguen mas á proposito en todos sus asuntos y en todos los pleytos qué podrán tener en los tribunales de la otra parte, á los quales se permitirá igualmente el tener libre acceso en las causas, y estár presentes á todo exámen y testimonios que podran ocurrir en los pleytos.

Art. 8. Quando los subditos y habitantes de la una de las dos partes contratantes con sus buques, bien sean publicos ó de guerra, bien particulares ó mercantiles se viesen obligados por una tempestad, por escapar de piratas ó de enemigos, ó por qualquiera otra necesidad urgente á buscar refugio y abrigo en alguno de los rios, bahias, radas, ó puertos de una de las dos partes, seran recibidos y tratados con humanidad, y gozaran de todo fabor, proteccion, y socorro, y les será licito proveerse de refrescos, viveres, y demas cosas necesarias para su sustento, para componer sus buques, y continuar su viage, todo mediante un precio equitativo; y no se les detendrá ó impedira de modo alguno el salir de dichos puertos ó radas, antes bien podran retirarse y partir como y quando les pareciere sin ningun obstaculo ó impedimento.

Art. 9. Todos los buques y mercaderias de qualquiera naturaleza que sean, que se hubiesen quitado a algunos piratas en alta mar y se traxesen á algun puerto de una de las dos potencias, se entregaran alli á los oficiales ó empleados en dicho puerto, á fin de que los guarden y restituyan integramente a su verdadero proprietario luego que hiciese constar debida y plenamente que era su legitima propiedad.

Art. 10. En el caso de que un buque perteneciente á una de las dos partes contratantes naufragase, varase, ó sufriese alguna averia en las costas ó en los dominios de la otra, se socorrera a los subditos ó ciudadanos respectivos, asi á sus personas como á sus buques y efectos, del mismo modo que se haria con los habitantes del pais donde suceda la desgracia, y pagarán solo las mismas cargas y derechos que se hubieran exigido de dichos habitantes en semjante caso. Y si fuese necesario para componer el buque que se descargue el cargamento en todo ó en parte, no pagarán impuesto alguno, carga, ó derecho de lo que se buelva á embarcar para ser exportado.

Art. 11. Los ciudadanos ó subditos de una de las dos partes contratantes tendran en los estodos de la otra la libertad de disponer de sus bienes personales bien sea por testamento, donation, ó otra manera, y si sus herederos fuesen subditos ó ciudadanos de la otra parte contratante, sucederán en sus

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jects of each party, in the dominions of the other, &c.

In the absence of a claimant, goods to be in the custody of the law of the land, by which all disputes concerning them are to be finally decided.

Aliens, citizens, or subjects, of either party allowed to dispose of real estate descending to them in the dominions of the other, &c.

ther by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if question shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all rights of *détraction* on the part of the government of the respective states.

Merchant ships of one party, making for a port of an enemy of the other, obliged to exhibit passports and certificates, &c.

ART. 12. The merchants ships of either of the parties, which shall be making into a port belonging to the enemy of the other party, and concerning whose voyage, and the species of goods on board her, there shall be just grounds for suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports and havens, not only her passports, but likewise certificates, expressly showing that her goods are not of the number of those which have been prohibited as contraband.

In case of war between the parties, one year, after proclamation of it, allowed to citizens and subjects, respectively, to settle their affairs, &c.

ART. 13. For the better promoting of commerce on both sides, it is agreed, that if a war should break out between the said two nations, one year, after the proclamation of war, shall be allowed to the merchants, in the cities and towns where they shall live, for collecting and transporting their goods and merchandises: and if any thing be taken from them, or any injury be done them within that term by either party, or the people or subjects of either, full satisfaction shall be made for the same by the government.

No subject of Spain to take a commission from a third power with whom the U. States are at war, to cruise agsinst the citizens, &c. of the latter.

ART. 14. No subject of his catholic majesty shall apply for, or take any commission or letter or marque, for arming any ship or ships to act as privateers against the said United States, or against the citizens, people or inhabitants, of the said United States, or against the property of any of the inhabitants of any of them, from any prince or state with which the said United States shall be at war.

bienes ya sea en virtud de testamento ó *ab intestato*, y podran tomar posesion, bien en persona, ó por medio de otros que hagan sus veces, y disponer como les pareciere sin pagar mas derechos que aquellos que deben pagar en caso semejante los habitantes del pais donde se verificase la herencia.

Y si estubiesen ausentes los herederos se cuiderá de los bienes que les hubiesen tocado, del mismo modo que se hubiera hecho en somejante ocasion con los bienes de los naturales del pais, hasta que el legitimo propietario haya aprobado las disposiciones para recoger la herencia. Si se suscitasen disputas entre diferentes competidores que tengan derecho á la herencia, serán terminadas en ultima instancia segun las leyes, y por los jueces del pais en que vacase la herencia. Y si por la muerte de alguna persona que poseyese bienes raices sobre el territorio de una de las partes contratantes, estos bienes raices llegasen á pasar segun las leyes del pais á un subdito ó ciudadano de la otra parte, y este por su calidad de extrangero fuese inhabil para poseherlos, obtendrá un termino conveniente para venderlos y recoger su producto sin obstaculo, esento de tode derecho de retenciono departe del gobierno de los estados respectivos.

Art. 12. A los buques mercantes de las dos partes que fuesen destinados á puertos pertenecientes à una potencia ènemiga de una de las dos, cuyo viage y naturaleza del cargamento diese justas sospechas, se les obligará a presentar bien sea en alta mar, bien en los puertos y cabos, no solo sus pasaportes sino tambien los certificados que probaran expresamente que su cargamento no es de la especie de los que están prohibidos como de contrabando.

Art. 13. A fin de faborecer el comercio de ambas partes, se ha convenido que en el caso de romperse la guerre entre las dos naciones, se consederá el termino de un año despues de su declaracion, a los comerciantes en las villas y ciudades que habitan, para juntar y transportar sus mercaderias, y si se les quitase alguna parte de ellas, ó hiciese algun daño durante el tiempo prescrito arriba por una de las dos potencias sus pueblos ó subditos, se les dará en este punto entera satisfaccion por el gobierno.

Art. 14. Ningun subdito de S. M. catolica tomará encargo ó patente para armar buque ó buques que obren como corsarios contra dichos Estados Unidos, ó contra las ciudadanos pueblos habitantes de los mismos, ó contra su propiedad ó la de los habitantes de alguno de ellos de qualquier principe que sea con quien estubieren en guerra los Estados Unidos.

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Nor any American citizen to take a commission from a power with which Spain is at war, to cruise against the persons and property of Spaniards.

Nor shall any citizen, subject or inhabitant, of the said United States, apply for, or take, any commission, or letters of marque for arming any ship or ships to act as privateers against the subjects of his catholic majesty, or the property of any of them, from any prince or state with which the said king shall be at war. And if any person of either nation shall take such commission or letters of marque, he shall be punished as a pirate.

Offenders to be punished as pirates.

Free trade allowed with an enemy.

And from one enemy port to another enemy port, either directly or indirectly.

Free ships to make free goods.

Contraband goods excepted.

Free ships to protect persons, unless they are soldiers in the actual service of an enemy.

ART. 15. It shall be lawful for all and singular the subjects of his catholic majesty, and the citizens, people, and inhabitants, of the said United States, to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are, or hereafter shall be at enmity with his catholic majesty or the United States. It shall be likewise lawful for the subjects and inhabitants aforesaid, to sail with the ships and merchandises aforementioned, and to trade with the same liberty and security from the places, ports, and havens, of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned, to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same prince or under several; and it is hereby stipulated, that free ships shall also give freedom to goods, and that every thing shall be deemed free and exempt which shall be found on board the ships belonging to the subjects of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either; contraband goods being always excepted. It is also agreed, that the same liberty be extended to persons who are on board a free ship, so that although they be enemies, to either party, they shall not be made prisoners or taken out of that free ship, unless they are soldiers and in actual service of the enemies.

Specification of contraband goods.

ART. 16. This liberty of navigation and commerce, shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband; and under this name of contraband, or prohibited goods, shall be comprehended, arms, great guns, bombs with the fusees, and the other things belonging to them, cannonball, gunpowder, match,

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Ygualmente ningun ciudadano ó habitante de dichos Estados Unidos pedirá ó acceptará encargo ó patente para armar algun buque ó buques con el fin de parseguir los subditos de S. M. catolica, ó apoderarse de su propiedad, de qualquier principe ó estado que sea con quien estuviere en guerra S. M. catolica. Y si algun individuo de una ó de otra nacion tomase semejantes encargos ó patentes será castigado como pirata.

Art. 15. Se permitirá á todos y à cada uno de los subditos de S. M. catolica, y á los ciudadanos pueblos y habitantes de dichos Estados, que puedan navegar con sus embarcaciones con toda libertad, y seguridad sin que haya la menor excepcion por este respeto, aunque los propietarios de las mercaderias cargadas en las referidas embarcaciones vengan del puerto que quieran, y las traygan destinadas á qualquiera, plaza de una potencia actualmente enemiga ó que lo sea despues, asi de S. M. catolica como de los Estados Unidos. Se permitirá igualmente a los subditos y habitantes mencionados navegar con sus buques y mercaderias, y frequentar con igual libertad y seguridad las plazas y puertos de las potencias enemigas de las partes contratantes, ó de una de ellas sin oposicion ó obstaculo, y de comerciar no solo desde los puertos de dicho enemigo á un puerto neutro directamente, si no tambien desde uno enemigo á otro tal, bien se encuentre baxo su jurisdicion, ó baxo la de muchos; y se estipula tambien por el presente tratado que los buques libres aseguraran igualmente la libertad de las mercaderias, y que se juzgarán libres todos los efectos que se hallasen á bordo de los buques que perteneciesen á los subditos de una de las partes contratantes, aun quando el cargamento por entero ó parte de el fuese de los enemigos de una de las dos, bien entendido sin embargo que el contrabando se exceptua siempre. Se ha convenido asi mismo que la propia libertad gozaran los sugetos que pudiesen encontrarse á bordo del buque libre, aun quando fuesen enemigos de una de las dos partes contratantes; y por lo tanto no se podrá hacerlos prisioneros ni separar los de dichos buques á menos que no tengan la qualidad de militares, y esto hallandose en aquella sazon empleados en el servicio del enemigo.

Art. 16. Esta libertad de navegacion y de comercio debe extenderse á toda especie de mercaderias exceptuando solo las que se comprehenden baxo el nombre de contrabando, ó de mercaderias prohibidas, quales son las armas, cañones, bombas con sus mechas, y demas cosas pertenecientes á lo mismo, balas, polvora, mechas, picas, espadas, lanzas, dardos,

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pikes, swords, lances, spears, halberds, mortars, petards, grenades, saltpetre, musquets, musquet ball bucklers, helmets, breast plates, coats of mail, and the like kinds of arms proper for arming soldiers, musquet rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandises which follow, shall not be reckoned among contraband or prohibited goods, that is to say: all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever, all kinds of wearing apparel, together with all species whereof they are used to be made; gold and silver, as well coined as uncoined; tin, iron, latten, copper, brass, coals; as also wheat, barley, and oats, and any other kind of corn and pulse; tobacco, and likewise all manner of spices, salted and smoked flesh, salted fish, cheese, and butter, beer, oils, wines, sugars, and all sorts of salts: and, in general, all provisions which serve for the sustenance of life: furthermore all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail cloths, anchors, and any parts of anchors, also ships' masts, planks, and wood of all kind, and all other things proper either for building or repairing ships, and all other goods whatever, which have not been worked into the form of any instrument prepared for war, by land or by sea, shall not be reputed contraband; much less, such as have been already wrought and made up for any other use; all which shall be wholly reckoned among free goods: as likewise, all other merchandises and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods: so that they may be transported and carried in the freest manner by the subjects of both parties, even to places belonging to an enemy, such towns or places being only excepted, as are at that time besieged, blocked up, or invested. And, except the cases in which any ship of war, or squadron, shall, in consequence of storms or other accidents at sea, be under the necessity of taking the cargo of any trading vessel or vessels, in which case they may stop the said vessel or vessels, and furnish themselves with necessaries, giving a receipt, in order that the power to whom the said ship of war belongs, may pay for the articles so taken, according to the price thereof, at the port to which they may appear to have been destined by the ship's papers: and the two contracting parties engage, that the vessels shall not be detained longer than may be absolutely necessary for their said ships to supply themselves with necessaries. That they will immediately pay the value of the

Discrimination as to articles not contraband.

Entire freedom of commerce in articles not contraband, except to blockaded places.

Public ships of either party, in distress at sea allowed to supply their vessels with necessaries from the cargoes or merchant vessels of the other, giving receipts for the same, for the purpose of payment, &c.

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alabardas, morteros, petardos, granadas, salitre, fusiles, balas, escudos, casquetes, corazas, cotas de malla, y otras armas de esta especie propias para armar á los soldados, portamosquetes, bandoleras, caballos con sus armas, y otros instrumentos de guerra sean los que fueren. Pero los generos y mercaderias que se nombrarán ahora, no se comprehenderán entre los de contrabando ó cosas prohibidas, á saber: toda especie de paños y qualesquiera otras telas de lana, lino, seda, algodon, ó otras qualesquiera materias, toda especie de vestidos con las telas de que se acostumbran hacer, el oro y la plata labrada en moneda ó no, el estaño, hierro, laton, cobre, bronce, carbon, del mismo modo que la cevada, el trigo, la avena, y qualquiera otro genero de legumbres. El tabaco y toda la especieria, carne salada y ahumada, pescado salado; queso y manteca, cerbeza, aceytes, vinos, azucar, y toda especie de sal, y en general todo genero de provisiones que sirven para el sustento de la vida. Ademas toda especie de algodon, cañamo, lino, alquitran, pez, cuerdas, cables, velas, telas para velas, ancoras, y partes de que se componen. Mastiles, tablas, maderas de todas especies, y qualesquiera otras cosas que sirvan para la construccion y reparacion de los buques, y otras qualesquiera materias que no tienen la forma de un instrumento preparado para la guerra por tierra ó por mar, no serán reputadas de contrabando, y menos las que están ya preparadas para otros usos. Todas las cosas que se acaban de nombrar deben ser comprehendidas entre las mercaderias libres, lo mismo que todas las demas mercaderias y efectss que no estan comprehendidos y nombra dos expresamente en la enumeracion de los generos de contrabando, de manera que podran ser transportados y conducidos con la mayor libertad por los subditos de las dos partes contratantes á las plazas enemigas, exceptuando sin embargo las que se hallasen en la actualidad sitiadas, bloqueadas, ó embestidas, y los casos en que algun buque de guerra ó esquadra que por efecto de averia, ó otras causas se halle en necesidad de tomar los efectos que conduzca el buque ó buques de comercio, pues en tal caso podra detenerlos para aprovisionarse, y dar un récibo para que la potencia cuyo sea el buque que tome los efectos los pague segun el valor que tendrian en el puerto adonde se dirigiese el propietario, segun lo expresen sus cartas de navegacion: obligandose las dos partes contratantes a no detener los buques mas de lo que sea absolutamente necesario para aprovisionarse, pagar inmediatamente los recibos, y indemnizar todos los

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receipts, and indemnify the proprietor for all losses which he may have sustained in consequence of such transaction.

One of the parties being engaged in war, the vessels of the other must be furnished with seal letters or passports, &c.

ART. 17. To the end, that all manner of dissentions and quarrels may be avoided and prevented on one side and the other, it is agreed, that in case either of the parties hereto, should be engaged in a war, the ships and vessels belonging to the subjects or people of the other party, must be furnished with sea letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby, that the ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form* annexed to this treaty. They shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year.

[*The form of this passport, after diligent search, cannot be found in the department of state, and is not annexed to the original treaty.]

Ships that are laden, to be provided also with certificates, &c. in the accustomed form.

It is likewise agreed, that such ships being laden, are to be provided not only with passports as abovementioned, but also with certificates, containing the several particulars of the cargo, the place whence the ship sailed, that so it may be known whether any forbidden or contraband goods be on board the same, which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; and if any one shall think it fit or advisable to express in the said certificate, the person to whom the goods on board belong, he may freely do so, without which requisites they may be sent to one of the ports of the other contracting party, and adjudged by the competent tribunal, according to what is above set forth, that all the circumstances of this omission having been well examined, they be shall adjuged to be legal prizes, unless they shall give legal satisfaction of their property by testimony entirely equivalent.

Vessels not being furnished with passports and certificates, may be condemned as prize, unless equivalentproof of property be furnished.

Vessels of war of either party, visiting merchantmen of the other, under the right of search to remain out of cannon shot, & board, in a boat, with two or three men only.

ART. 18. If the ships of the said subjects, people or inhabitants, of either of the parties, shall be met with, either sailing along the coasts or on the high seas, by any ship of war of the other, or by any privateer, the said ship of war or privateer, for the avoiding of any disorder, shall remain out of cannon shot, and may send their boats aboard the merchant ship, which they shall so meet with, and may enter her to number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passports, concerning the property of the ship, made out according to the form inserted in this present treaty, and the ship, when she shall have showed such passport, shall be free and at liberty to pur-

daños que sufra el propietario à consequencia de semejante suceso. 1795. October 27.

ART. 17. A fin de evitar entre ambas partes toda especie de disputas y quejas, se ha convenido que en el caso de que una de las dos potencias se hallase empeñada en una guerra, los buques y bastimentos pertenecientes á los subditos ó pueblos de la otra, deberán llevar consigo patentes de mar ó pasaportes que expresen el nombre, la propiedad, y el porte del buque, como tambien el nombre y morado de su dueño y commandante de dicho buque, para que de este modo conste que pertenece real y verdaderamente a los subditos de una de las dos partes contratantes; y que dichos pasaportes deberán expedirse segun el modelo adjunto al presente tratado. Todos los años deberán renovarse estos pasaportes en el caso de que el buque buelva a su pais en el espacio de un año.

Igaulmente se ha convenido en que los buques mencionados arriba, si estuviesen cargados, deberan llevar no solo los pasaportes sino tambien certificados que contengan el pormenor del cargamento, el lugar de donde ha salido el buque, y la declaracion de las mercaderias de contrabando que pudiesen hallarse á bordo; cuyos certificados deberan expedirse en la forma acostumbrada por los oficiales empleados en el lugar de donde el navio se hiciese a la vela, y si se juzgase util y prudente expresar en dichos pasaportes la persona proprietaria de las mercaderias se podra hacer libremente, sin cuyos requisitos será conducido á uno de los puertos de la potencia respectiva, y juzgado por el tribunal competente, con arreglo á lo arriba dicho, para que exáminadas bien las circunstancias de su falta, sea condenado por de buena presa si no satisfaciese legalmente con los testimonios equivalentes en un todo.

ART. 18. Quando un boque perteneciente á los dichos subditos peublos y habitantes de una de las dos partes fuese encontrado navegando á lo largo de la costa ó en plena mar por un buque de guerra de la otra ó por un corsairio, dicho buque de guerra ó corsaria, á fin de evitar todo desorden, se mantendrá fuera del tiro de cañon, y podrá enviar su chalupa á bordo del buque mercante, hacer entrar en el dos ó tres hombres à los quales enseñara el patron ó comandante del buque su pasaporte y demas documentos, que deberan ser conformes á lo prevenida en el presente tratado, y probara la propiedad del buque; y despues de haber exhibido semejante pasaporte y documentos, se les dejará seguir libremente su viage, sin

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sue her voyage, so as it shall not be lawful to molest or give her chase in any manner or force her to quit her intended course.

Each party permitted to establish consuls in the ports of the other, &c.

ART. 19. Consuls shall be reciprocally established with the privileges and powers which those of the most favored nations enjoy, in the ports where their consuls reside, or are permitted to be.

Free access allowed, for the purposes of justice, for the citizens or subjects of each party, to the courts within the dominions of the other.

ART. 20. It is also agreed, that the inhabitants of the territories of each party shall respectively have free access to the courts of justice of the other, and they shall be permitted to prosecute suits for the recovery of their properties, the payment of their debts, and for obtaining satisfaction for the damages which they may have sustained, whether the persons whom they may sue be subjects or citizens of the country in which they may be found, or any other persons whatsoever who may have taken refuge therein; and the proceedings and sentences of the said courts shall be the same as if the contending parties had been subjects or citizens of the said country.

Differences occasioned by losses sustained by American citizens, from Spanish captures, to be referred for decision to commissioners.

ART. 21. In order to terminate all differences on account of the losses sustained by the citizens of the United States, in consequence of their vessels and cargoes having been taken by the subjects of his catholic majesty, during the late war between Spain and France, it is agreed, that all such cases shall be referred to the final decision of commissioners, to be appointed in the following manner: His catholic majesty shall name one

Three commissioners; and the mode of appointing them.

commissioner, and the president of the UnitedStates, by and with the advice and consent of their senate, shall appoint another, and the said two commissioners shall agree on the choice of a third, or if they cannot agree so, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot in the presence of the two original commissioners; and the person whose name shall be so drawn, shall

The three commissioners to be sworn.

be the third commissioner: and the three commissioners so appointed, shall be sworn *impartially to examine and decide the claims in question, according to the merits of the several cases, and to justice, equity, and the laws of nations.* The said commissioners shall meet and sit at Philadelphia: and in the case

To sit at Philadelphia. Vacancies to be supplied in the manner of the first appointments.

of the death, sickness, or necessary absence of any such commissioner, his place shall be supplied in the same manner as he was first appointed, and the new commissioner shall take the same oaths, and do the same duties. They shall receive

Duties of the commissioners.

all complaints and applications authorized by this article, during eighteen months from the day on which they shall assemble. They shall have power to examine all such persons as

que les sea licito el molestarle ni procurar de modo alguno darle caza, ó obligarle á dejar el rumbo que seguia. 1795. Octob. 27.

Art. 19. Se establecerán consules reciprocamente con los privilegios y facultades que gozaren los de las naciones mas favorecidas en los puertos donde los tubieren estas ó les sea licito el tenerlos.

Art. 20. Se ha convenido igualmente que los habitantes de los territorios de una y otra parte respectivamente seran admitidos en los tribunales de justicia de la otra parte, y les será permitido el entabler sus pleytos para el recobro de sus propriedades, pago de sus duedas, y satisfaccion de les daños que hubiesen recibido bien sean las personas contra las quales se quejasen subditos ó cuidadanos del pais en el que se hallen: ò bien sean qualesquiera otros sugetos que se hayan refugiado alli; y los pleytos y sentencias de dichos tribunales seran las mismas que hubieran sido en el caso de que las partes litigantes fuesen subditos ó ciudadanos del mismo pais.

Art. 21. A fin de concluir todas las disensiones sobre las pèrdidas que los cuidadanos de los Estados Unidos hayan sufrido en sus buques y cargamentos apresados por los vasallos de S. M. catolica durante la guerra que se acaba de finalizar entre España y Francia, se ha convenido que todos estos casos se determinaran finalmente por comisarios que se nombrarán de esta manera. S. M. catolica nombrará uno, y el presidente de los Estados Unidos otro con consentimiento y aprobacion del senado, y estos dos comisarios nombrarán un tercero de comun acuerdo: pero si no pudieren acordarse, cada uno nombrará una persona, y sus dos nombres puestos en suerte se sacarán a presencia de los dos comisarios, resultando por tercero aquel cuyo nombre hubiese salido el primero. Nombrados asi estos tres comisarios jurarán que exáminarán y decidirán con imparcialidad las quejas de que se trata, segun el merito de la diferencia de los casos, y segun dicten la justicia, equidad, y derecho de gentes. Dichos comisarios se juntarán y tendrán sus sesiones en Philadelfia, y en caso de muerte, enfermedad, ó ausencia precisa de alguno de ellos, se reemplazará su plaza de la misma manera que se eligió, y el nuevo comisario hará igual juramento y exercera iguales funciones. En el termino de 18 meses contados desde el dia en que se junten admitirán todas las quejas y reclamaciones autorizadas por este articulo. Asi mismo tendran autoridad para exáminar baxo la sancion del juramento a todas las personas que ocurran ante ellos sobre puntos relativos á dichas quejas,

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Their powers.

come before them, on oath or affirmation, touching the complaints in question; and also to receive in evidence all written testimony, authenticated in such manner as they shall think proper to require or admit. The award of the said commissioners, or any two of them, shall be final and conclusive, both as to the justice of the claim and the amount of the sum to be paid to the claimants; and his catholic majesty undertakes to cause the same to be paid in specie, without deduction, at such times and places, and under such conditions, as shall be awarded by the said commissioners.

The award of any two of the commissioners to be final. The amount of awards to be paid in specie, &c.

The existing good correspondence and friendship to be strengthened by future extension and favor to the mutual commerce of the parties.

ART. 22. The two high contracting parties, hoping that the good correspondence and friendship which happily reigns between them, will be further increased by this treaty, and that it will contribute to augment their prosperity and opulence, will, in future, give to their mutual commerce all the extension and favor which the advantages of both countries may require.

In consequence of the stipulations of the 4th article, (see page 345,) the citizens of the U. States are allowed to deposite their merchandise and effects in the port of New Orleans, &c. for the space of three years, &c.

And, in consequence of the stipulations contained in the fourth article, his catholic majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandises and effects in the port of New Orleans, and to export them from thence without paying any other duty than a fair price for the hire of the stores; and his majesty promises either to continue this permission, if he finds, during that time, that it is not prejudicial to the interests of Spain; or, if he should not agree to continue it there, he will assign to them, on another part of the banks of the Mississippi, an equivalent establishment. (3.)

Ratifications to be exchanged in six months.

ART. 23. The present treaty shall not be in force until ratified by the contracting parties, and ratifications shall be exchanged in six months from this time, or sooner, if possible.

In witness whereof, we, the underwritten plenipotentiaries of his catholic majesty, and of the United States of America, have signed this present treaty of friendship, limits, and navigation, and have thereunto affixed our seals respectively.

Done at San Lorenzo el Real, this seven and twentieth day of October, one thousand seven hundred and ninety-five.

THOMAS PINCKNEY, [L. S.]
EL PRINCIPE DE LA PAZ. [L. S.]

NOTE.—Ratified on the 3d of March, 1796.

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y recibiran como evidente todo testimonio escrito que de tal manera sea autentico que ellos lo juzguen digno de pedirse ó admitirse. La decision de dichos comisarios, ó de dos de ellos, será final y concluyente, tanto por lo que toca á la justicia de la queja, como por lo que monte la suma que se deba satisfacer á los demandantes, y S. M. catolica se obliga a hacer las pagar en especio, sin rebaja y en las epocas, lugares, y baxo las condiciones que se decidan por los comisarios.

ART. 22. Esperando las dos altas partes contratantes que la buena correspondencia y amistad que reyna actualmente entre si se estrechará mas y mas con el presente tratado, y que contribuirá á aumentar su prosperidad y opulencia, concederán reciprocamente en lo succesivo al comercio todas las ampliaciones ó fabores que exigiese la utilidad de los dos paises.

Y desde luego à consequencia de lo estipulado en el articulo 4, permitirá S. M. catolica por espacio de tres años á los ciudadanos de los Estados Unidos que depositen sus mercaderias y efectos en el puerto de Nueva Orleans, y que las extraigan sin pagar mas derechos que un precio justo por el alquiler de los almacenes, ofreciendo S. M. continuar el termino de esta gracia, si se experimentase durante aquel tiempo que no se prejudicial á los intereses de la España, ó si no conveniese su continuacion an aquel puerto, proporcionará en otra parte de las orillas del rio Misisipi un igual establecimiento.

ART. 23. El presente tratado no tendrá efecto hasta que las partes contratantes le hayan ratificado; y las ratificaciones se cambiaran en el termino de seis meses; ó antes, si fuere posible contando desde este dia.

En fé de lo qual, nosotros, los infraescriptos plenipotenciarios de S. M. catolica, y de los Estados Unidos de America, hemos firmado en vertud de nuestros plenos poderes este tratado de amistad, limites, y navegacion, y le hemos puesto nuestros sellos respectivos.

Hecho en San Lorenzo el Real, a veinte y siete de Octubre, de mil setecientos noventa y cinco.

THOMAS PINCKNEY, [L. S.]
EL PRINCIPE DE LA PAZ [L. S.]

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(1) On the 24th of May, 1796, in conformity with this stipulation, Andrew Ellicott was appointed commissioner, and Thomas Freeman surveyor, on the part of the United States, for the purpose of running the boundary line mentioned in the second article of the treaty. Mr. Ellicott published his journal at large in the year 1803.

(2) According to the definitive treaty of peace between the United States and Great Britain, (see No. 2, art. 8, page 211,) "the navigation of the river Mississippi from its source to the ocean, shall forever remain free and open to the subjects of Great Britain, and the citizens of the United States." Whatsoever right his catholic majesty had to interdict the free navigation of the Mississippi to any nation, at the date of the treaty of San Lorenzo el Real, (the 27th of October, 1795,) that right was wholly transferred to the United States in virtue of the cession of Louisiana from France by the treaty of Paris, of the 30th April, 1803. See No. 6, art. 1, pages 109–110. And as the definitive treaty of peace with Great Britain was concluded previously to the transfer to the United States of the right of Spain to the dominion of the river Mississippi, and, of course, prior to the United States' possessing the Spanish right, it would seem that the stipulation contained in the 8th article of the definitive treaty with Great Britain, as quoted, could not have included any greater latitude of navigation on the Mississippi, than that which the United States were authorized to grant on the 3d of September, 1783. The additional right of sovereignity which was acquired over the river of the cession of Louisiana, was *paid for* by the American Government; and, therefore, any extension of it to a foreign power could scarcely be expected without an equivalent.

(3) The fourth article here alluded to, as the consideration for granting the right of deposite to American citizens of New Orleans, fixes the western boundary line between the United States and the Spanish province of Louisiana. In the year 1803, the Spanish intendant at New Orleans having shut the citizens of the United States out from this deposite, without assigning any equivalent establishment elsewhere, the act was highly resented. Representations, however, were made by the American executive to the government of Spain, and the deposite was restored. But the purchase of Louisiana, in 1803, put an end to further anxiety on the subject.—Ed. U. S. Laws.

1802.
August 11.

No. 2.—*A Convention between his Catholic Majesty and the United States of America, for the indemnification of those who have sustained losses, damages, or injuries, in consequence of the excesses of individuals, of either nation, during the late war, contrary to the existing treaty or the laws of nations.*

Convention of Indemnification Madrid 11th August 1802.

His Catholic Majesty and the government of the United States of America, wishing amicably to adjust the claims which have arisen from excesses committed during the late war, by individuals of either nation, contrary to the laws of nations or the treaty existing between the two countries: his Catholic Majesty has given, for this purpose, full powers to his excellency Don Pedro Cevallos, counsellor of state, gentleman of the bed chamber in employment, first secretary of state and universal despatch, and superintendant general of the posts and post offices in Spain and the Indies; and the government of the United States of America to Charles Pinckney, a citizen of the said States, and their minister plenipotentiary near his Catholic Majesty; who have agreed as follows:

Deseando su Magestad Catolica y el gobierno de los Estados Unidos de America, ajustar amistosamente las demandas que han ocasionado los excesos cometidos durante la ultima guerra por individuos de una y otra nacion, contra el derecho de gentes ó el tradado existente entre los dos paises; ha dado su Magestad Catolica plenos poderes á este efecto á Don Pedro Cevallos, se Consejero de Estado, gentilhombre de camara con exercicio, primer secretario de estado y del despacho universal, superintendente general de correos y postas de España é Indias; y el gobierno de los Estados Unidos de America á Don Carlos Pinkney, ciudadano de dichos Estados y su ministro plenipotenciario cerca de su Magestad Catolica, quienes han convenido en lo siguiente:

The parties wish to adjust claims amicably.

Negotiated by Pedro Cevallos and Charles Pinckney.

1. A Board of commissioners shall be formed, composed of five commissioners, two of whom shall be appointed by his Catholic Majesty, two others by the government of the United States, and the fifth by common consent; and in case they should not be able to agree on a person for the fifth Commis-

1°. Se formará una junta compuesta de cinco vocales de los quales, dos serán nombrados por su Magestad Catolica, otros dos por el gobierno de los Estados Unidos, y el quinto de comun consentimiento; y en el caso de no poderse convenir en el sugeto para quinto vocal, nombrará uno ca-

A board of five commissioners.

1802. August 11.

sioner, each party shall name one, and leave the decision to lot: And hereafter, in case of the death, sickness or necessary absence, of any of those already appointed, they shall proceed in the same manner, to the appointment of persons to replace them.

Commissioners to take an oath.

2. The appointment of the Commissioners being thus made, each one of them shall take an oath to examine, discuss, and decide, on the claims, which they are to judge, according to the laws of nations and the existing treaty, and with the impartiality justice may dictate.

Commissioners to meet and sit at Madrid, receive claims, &c

3. The Commissioners shall meet and hold their sessions in Madrid, where, within the term of eighteen months (to be reckoned from the day on which they may assemble) they shall receive all claims, which, in consequence of this Convention, may be made, as well by the subjects of his Catholic Majesty as by the citizens of the United States of America, who may have a right to demand compensation for the losses, damages, or injuries, sustained by them, in consequence of the excesses committed by Spanish subjects or American citizens.

The commissioners may examine every question on oath.

4. The Commissioners are authorized, by the said contracting parties, to hear and examine, on oath, every question relative to the said demands, and to receive, as worthy of credit, all testimony, the authenticity of which cannot reasonably be doubted.

No appeal from the commissioners; and the agreement of three of them conclusive.

5. From the decisions of the Commissioners there shall be no appeal; and the agreement of three of them shall give full force and effect to their decisions, as well with respect to the justice of the claims, as to the amount of the indemnification which may be adjudged to the claimaints; the said contracting parties obliging themselves to satisfy the said awards in specie, without deduction, at the times and places pointed out, and under the conditions which may be expressed by the Board of Commissioners.

Awards to be paid in specie.

Rights founded on claims originating from excesses of foreign cruisers reserved by each party.

6. It not having been possible for the said Plenipotentaries to agree upon a mode by which the above mentioned Board of Commissioners should arbitrate the claims originating from the excesses of foreign cruisers, agents, consuls, or tribunals, in their respective territories, which might be imputable to their two governments, they have expressly agreed that each government shall reserve (as it does by this Convention) to itself, its subjects or citizens, respectively, all the rights which they now have, and under which they may hereafter bring forward their claims, at such times as may be most convenient to them.

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da parte dexando la eleccion entre los dos a la suerte, y se procederá en la misma forma en adelante al nombramiento ulterior de los sugetos que reemplazaren á los que actualmente lo son en los casos de muerte, enfermedad ó precisa ausencia.

2°. Hecho asi el nombramiento prestará cada uno de los vocales el juramento de examinar, discutir, y sentenciar las demandas sobre que juzgaren con arreglo al derecho de gentes y tratado existente, y con la imparcialidad que dicta la justicia.

3°. Residerán los vocales y celebrerán las juntas en Madrid, en donde en el perfixo termino de diez y ocho meses, contados desde el dia en que se junten, admitirán todas las demandas que á consequencia de esta convencion hicieren tanto los vasallos de su Magestad Catolica como los ciudadanos de los Estados Unidos de America, que tuviren derecho á reclamar perdidas, daños y perjuicios, en consequencia de los excesos cometidos por Españoles y ciudadanos de dichos Estados durante la ultima guerra contra el derecho gentes y tratado existente.

4°. Se autoriza por dichas partes contratantes á los vocales para oir y examinar baxo la sancion del juramento qualezquiera puntos concernientos á las referidas demandas y á recibir como digno de fé todo testimonio de cuya autenticidad no puede dudarse con fundamento.

5°. Bastara el acuerdo de tres vocales para que sus sentencias tengan fuerza de irrevocables y sin apelacion tanto por lo que respecta á la justicia de las demandas, como por lo que hace á las cantidades que se adjudicaren por indemnizacion á los demandantes; pues se obligan las partes contratantes á satisfacerlas en especie, sin rebaxa, en las epocas y parages señalados, y baxo las condiciones que se expresaren en las sentencias de la junta.

6°. No haviendo sido posible ahora á dichos plenipotenciarios convenirse en el modo de que la referida junta arbitrase las reclamaciones originadas en consequencia de los excesos de los corsarios, agentes, consules, ó tribunales, extrangeros, en los respectivos territorios, que fueren imputables á los dos gobiernos: se han convenido expresamente en que cada gobierno se reserve, como por esta Convencion se hace, para si, sus vasallos y ciudadanos respectivamente, todos los derechos que ahora les asistan, y en que promuevan en adelante sus reclamciones en el tiempo que les acomodare.

1802. August 11.

7°. La presente Convencion no tendrá ningun valor ni efecto hasta que se haya ratificado por las partes contratantes, y se cangearan las ratificaciones lo mas pronto que sea posible.

En fé de lo qual, nosotros los infrascriptos Plenipotenciarios, hemos firmado esta Convencion y hemos puesto nuestros sellos respectivos.

Hecho en Madrid, a 11 de Agosto, de 1802.

[L. S.] PEDRO CEVALLOS.
[L. S.] CHARLES PINCKNEY.

Treaty of Washington, 22d Feb. 1819.

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:

Mutual desire to consolidate friendship, &c.

[ORIGINAL.]

No. 3.—*Treaty of Amity, Settlement, and Limits, between the United States of America and his Catholic Majesty.*

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.

John Quincy Adams and Luis De Onis, Negotiators.

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,

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7. The present Convention shall have no force or effect until it be ratified by the contracting parties, and the ratification shall be exchanged as soon as possible.

Convention effective on exchange of ratifications. [*Ratifications exchanged at Washington, on the 21st Dec. 1818.]

In faith whereof, we, the underwritten Plenipotentiaries, have signed this Convention, and have affixed thereto our respective seals.

Done at Madrid, this 11th day of August, 1802.

[L. S.] PEDRO CEVALLOS.
[L. S.] CHARLES PINCKNEY.

NOTE.—Ratified, by the President and senate, on the 9th Jan. 1804; and by the king of Spain on the 9th July, 1818.
[Annulled. See the 10th article of the next succeeding treaty, page 375.]

[ORIGINAL.]

DN. FERNANDO SEPTIMO.

Por la Gracia de Dios. y por la Constitucion de la Monarquia Española, Rey de las Españas.

Por cuanto en el dia veinte y dos de Febrero, del año proximo pasado de mil ocho cientos diez y nueve, se concluyó y firmo en la Ciudad de Washington, entre Dn. LUIS DE ONIS, mi Enviado Extraordinario y Ministro Plenipotenciario, y Dn. JUAN QUINCY ADAMS, Secretario de Estado de los Estados Unidos de America, autorizados competentemente por ambas partes, un Tradado compuesto de diez y seis articulos, que tiene por objeto el Arreglo de Diferiencias y de Limites entre ambos Gobiernos y sus respectivos Territorios; cuya forma y tenor literal es el siguiente:

[ORIGINAL.]

Tratado de Amistad. Arreglo de Diferencias, y Limites, entre S. M. Ca. y los Estados Unidos de America.

Deseando S. M. Católica y los Estados Unidos de America consolidar, de un modo permanente, la buena correspondencia y amistad que felizmente reyna entre ambas partes, han resuelto transigir y terminar todas sus diferencias y pretensiones por medio de un Tratado, que fixe, con precision, los limites de sus respectivos y confinantes territorios en la America Septentrional.

Con esta mira, han nombrado, Su M. Ca. al Exmo. Sor. Du. LUIS DE ONIS, Gonzales, Lopez y Vara, Señor de la Villa de Rayaces, Regidor perpetuo del Ayuntamiento de la Ciudad de Salamanca, Caballero Gran Cruz de la Real Orden Ameri-

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cana de Isabel la Católica, y de la Decoracion del Lis de la Vendea, Cabellero Pensionista de la Real y distinguida Orden Española de Carlos III, Ministro Vocal de la Supreme Asamblea de dicha Rl. Orden, de su Consejo, su Secretario con exercicio de Decretos, y su Enviado Extraordinario y Ministro Plenipotenciario cerca de los Estados Unidos de America: Y el Presidente de los Estados Unidos, à Don JUAN QUINCY ADAMS, Secretario de Estado de los mismos Estados Unidos.

Y ambos Plenipotentiarios, despues de haver cangeado sus Poderes, han ajustado y firmado los articulos siguientes:

ART. 1. Habrá una paz solida é inviolable y una amistad sincera entre S. M. Ca. sucesores y subditos, y los Estados Unidos y sus ciduadanos, sin excepcion de personas ni lugares.

ART. 2. S. M. Ca. cede á los Estados Unidos, en toda propiedad y soberania, todos los teritorios que le pertenecen, situados al Este del Misisipi, conocidos bajo el nombre de Florida Occidental y Florida Oriental. Son comprehendidos en este articulo las yslas adyacentes dependientes de dichas dos provincias, los sitios, plazas publicas, terrenos valdios, edificios publicos, fortificacionse, casernas y otros edificios, que no sean propiedad de algun individuo particular, los archivos y documentos directamente relativos á la propiedad y soberania de las mismas dos provincias. Dichos archivos y documentos se entregarán á los comisarios ú oficiales de los Estados Unidos debidamente autorizados para recibirlos.

ART 3. La linea divisoria entre los dos paises al occidente del Misisipi, arrancará del Seno Mexicano, en la embocadura del Rio Sabina, en el Mar, seguirá al Norte por la orilla occidental de este Rio, hasta el grado 32 de latitud; desde, alli por una liena recta al Norte, hasta el grado de latitud en que entra en el Rio Roxo de Natchitochez (Red River,) y continuará por el curso del Rio Roxo al oeste, hasta el grado 100 de longitud occidental de Londres y 23 de Washington; en que cortará este Rio; y seguirá por una liena recta al Norte, por el mismo grado, hasta el Rio Arkansas, cuya orilla meridional, seguirá hasta su nacimiento en el grado 42 de latitud Septentrional; y desde, dicho punto, se tirará una linea recta por el mismo paralelo de latitud, hasta el Mar del Sur. Todo segun el Mapa de los Estados Unidos de Melish, publicado en Philadelphia, y perfecionado en 1818. Pero si el nacimento del

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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 Vendee, 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.

Full Powers exchanged.

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

Firm and inviolable Peace and Friendship.

ART. 1. 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.

His Catholic Majesty cedes the Floridas.

ART. 2. 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.

What is included in the cession.

Boundary line west of the Mississippi—the Sabine, the Red River, the Arkansas, and latitude 42 degrees north, to the South Sea.

ART. 3. 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 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 being, as 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 Ar-

According to Melish's Map, 1st. Jan. 1818.

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Rio Arkansas se hallese al Norte ó Sur de dicho grado 42 de latitud, seguirá la linea desde el origen de dicho Rio recta al Sur ó Norte, segun fuese necesario, hasta que encuentre el expresado grado 42 de latitud, y desde, alli por el mismo paralelo, hasta el Mar del Sur. Pertenecerán á los Estados Unidos todas las yslas de los Rios Sabina, Roxo de Natchitochez, y Arkansas, en la extension de todo el curso descrito; pero el uso de las aguas; y la navegacion del Sabina hasta el Mar, y de los expresados Rios Roxo y Arkansas, en toda la extension de sus mencionados limites, en sus respectivas orillas, sera comun á los habitantes de las dos naciones.

Las dos altas partes contratantes convienen en ceder y renunciar todos sus derechos, reclamaciones, y pretensiones, sobre los territorios que se describen en esta linea; á saber, S. M. Ca. renuncia y cede, para siempre, por si, y á nombre de sus herederos y sucesores, todos los derechos que tiene sobre los territorios al Este y al Norte de dicha linea; y los Estados Unidos, en igual forma, ceden á S. M. Ca. y renuncian, para siempre, todes sus derechos, reclamaciones, y pretensiones, á qualesquiera territorios situados al Oeste y al Sur de la misma linea arriba descrita.

ART. 4. Para fixar esta linea con mas precision y establecer los mojones que señalen con exactitud los limites de ambas nacioness nombrará cada una de ellas un comisario y un geómetra, que se juntarán antes del termino de un año, contado desde la fecha de la ratificacion de este Tratado, en Natchitochez, en las orillas del Rio Roxo, y procederán á señalar y demarcar dicha linea, desde la embocadura del Sabina, hasta el Rio Roxo, y de este hasta el Rio Arkansas, y á averiguar, con certidumbre, el origen del expresado Rio Arkansas y fixar, segun queda estipulado y convenido en este Tratado, la linea que debe seguir, desde el grado 42 de latitud, hasta el Mar Pacifico. Llevaran diaros y levantarán planos de sus operaciones, y el resultado, convenido por ellos se tendrá por parte de este Tratado, y tendrá la misma fuerza que si estuviese inserto en el; deviendo convenir amistosamente los dos gobiernos en el arreglo de quanto necesiten estos individuos, y en la escolta respectiva que deban llevar, siempre que se crea necesario.

ART. 5. A los habitantes de todos los territorios cedidos se les conservará el exercicio libre de su religion, sin restriccion alguna, y á todos los que quisieren trasladarse á los dominios Españoles, se les permitirá la venta ó extraccion de sus efectos en qualquiera tiempo, sin que pueda exigirseles en uno ni otro casa derecho alguno.

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kansas 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 use of the waters of the Sabine, Red River, and Arkansas, common to both Countries.

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.

Territorial renunciations corresponding with the Boundary Line.

ART. 4. 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.

A commissioner & Surveyor to be appointed by each party, to meet at Natchitochez to run the boundary line.

ART. 5. 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.

Free exercise of religion in the ceded territories, and permission to remove, without duties.

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ART. 6. Los habitantes de los territorios que S. M. Ca. cede por este Trátado á los Estados Unidos, seran incorporados en la Union de los mismos Estados, lo mas presto posible, segun los principios de la Constitucion Federal, y admitidos al goce de todos los privilegios, derechos, é inmunidades, de que disfrutan los ciudadanos de los demas Estados.

ART. 7. Los oficiales y tropas de S. M. Ca. evacuarán los territorios cedidos á los Estados Unidos seis meses despues del cange de la ratificacion de este Tratado, ó antes si fuese posible, y daran posesion de ellos á los oficiales ó comisarios de los Estados Unidos debidamente autorizados para recibirlos: Y los Estados Unidos proveerán los transportes y escolta necesarios para llevar á la Habana los oficiales y tropas Españolas, y sus equipages.

ART. 8. Todas las concesiones de terrenos hechas por S. M. Ca. ó por sus legitimas autoridades antes del 24 de Enero, de 1818, en los expresados territorios que S. M. cede á los Estados Unidos, quedarán ratificadas y reconocidas á las personas que esten en posesion de ellas, del mismo modo que lo serian si S. M. hubiese continuado en el dominion de estos territorios; pero los propietarios que por un efecto de las circumstancias en que se ha hallado la Nacion Española y por las revoluciones de Europa, no hubiesen podido llenar todas las obligaciones de las concesiones, seran obligados á cumplirlas segun las condiciones de sus respectivas concesiones, desda la fecha de este Tratado, en defecto de lo qual seran nulas y de ningun valor. Todas las concesiones posteriores al 24 de Enero de 1818, en que fueron hechas las primeras proposiciones de parte de S. M. Ca. para la cesion de las dos Floridas, convienen y declaran las dos altas partes contratantes que quedan anuladas y de ningun valor.

ART. 9. Las dos altas partes contratanes, animadas de los mas vivos deseos de conciliacion, y con el objeto de cortar de raiz todas las discusiones que han existido entre ellas y afianzar la buena armonia que desean mantener perpetuamente, renuncian, una y otra, reciprocamente, á todas las reclamaciones de daños y perjuicios que asi ellas como sus respectivos subditos y ciudadanos hayan experimentado hasta el dia en que se firme este Tratado.

La renuncia de los Estados Unidos se extiende á todos los perjuicios mencionados en el Convenio de 11 de Agosto, de 802.

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ART. 6. 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.

Inhabitants of the ceded territories to be incorporated in the Union, &c.

ART. 7. 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.

Spanish troops to be withdrawn and possession given within six months after the exchange of Ratifications, &c.

United States to furnish transports for the troops, &c. to the Havana.

ART. 8. 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 his Catholic Majesty, for the cession of the Floridas was made, are hereby declared, and agreed to be, null and void.

Grants of land before 24th Jan. 1818, confirmed &c.

Owners to fulfil certain conditions.

Grants since 24th Jan. 1818, null and void.

ART. 9. The two high contracting parties, animated with most earnest desire of conciliation, and with the object of puting 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.

Reciprocal renunciation of all claims.

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

Claims renounced by the U. States.

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2. A todas las reclamaciones de presas hechas por los Corsarios Franceses, y condenadas por los Consules Franceses dentro del territorio y jurisdiccion de España.

3. A todas las reclamaciones de indemnizaciones por la suspension del derecho de deposito en Nueva Orleans en 1802.

4. A todas las reclamaciones de los ciudadanos de los Estados Unidos contra el gobierno Español, procedentes de presas y confiscaciones injustas asi en la mar como en los puertos y territorios de S. M. en España y sus colonias.

5. A todas las reclamaciones de los ciudadanos de los Estados Unidos contra el gobierno de España, en que se haya reclamado la interposicion del gobierno de los Estados Unidos antes de la fecha de este Tratado, y desde la fecha del Convenio de 1802, ó presentadas al Departamento de Estado de esta Republica, ó Ministro de los Estados Unidos en España.

La renuncia de S. M. Ca. se extiende:

1. A todos los perjuicios mencionados en el Convenio de 11 de Agosto. de 1802.

2. A las cantidades que suplió, para la vuelta del Capitan Pike, de las Provincias Internas.

3. A los perjuicios causados por la expedicion de Miranda, aramada y equipada en Nueva York.

4. A todas las reclamaciones de los subditos de S. M. Ca. contra el gobierno de los Estados Unidos, procedentes de presas y confiscaciones injustas asi en la mar como en los puertos y territorios de los Estados Unidos.

5. A todas las reclamaciones de los subditos de S. M. Ca. contra el gobierno de los Estados Unidos, en que se haya reclamado la interposicion del gobierno de España antes de la facha de este Tratado, y desde la facha del Convenio de 1802, ó que hayan sido presentadas al Departamento de Estado de S. M. ó á su Ministro en los Estados Unidos.

Las altas partes contratantes renuncian reciprocamente todos sus derchos á indemnizaciones por qualquirea de los ultimos acontecimientos y transacciones de sus respectivos comandantes y oficiales en las Floridas.

Y los Estados Unidos satisfarán los perjuicios, si los hubiese habido, que los habitantes y oficiales Españoles justifiquen legalmente haber sufrido por las operaciones del Exercito Americano en ellas.

Art. 10. Queda anulado el Convenio hecho entre los dos gobiernos, en 11 de Agosto, de 1802, cuyas ratificaciones fueron congeadas en 21 de Diciembre de 1818.

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 of deposit at New-Orleans, in the year 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:

Claims renounced by Spain.

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.

Renunciation of claims for transactions in the Floridas.

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.

Satisfaction, by the U. States, for injuries to inhabitants of Floridas.

The United States will cause satisfaction to be made for the injuries, if any, which, by process of laws 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.

Convention of 11th Aug. 1802, annulled. [*See that Convention, page 363.]

ART. 10. The Convention entered into between the two governments, on the 11th of August, 1802,* the ratifications of which were exchanged on the 21st December, 1818, is annulled.

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ART. 11. Los Estados Unidos decargando á la España para lo sucesivo de todas las reclamaciones de sus ciudadanos á que se extienden las renuncias hechas, en este Trado, y dandolas por enteramente canceladas, toman sobre si la satisfaccion ó pago de todas ellas hasta la cantidad de cinco millones de pesos fuertes. El Sor. Presidente nombrará, con consentimiento y approbacion del Senado, una Comision compuesta de tres Comisionados, ciudadanos de los Estados Unidos, para averiguar con certeumbre el importe total y justificacion de estas reclamaciones, la qual se reunirá en la Ciudad de Washington, y en el espacio de tres años, desde su reunion primera, recibirá, examinará, y decidirá, sobre el importe y justificacion de todas las reclamaciones arriba expresadas y descritas. Los dichos comisionados prestarán juramento, que se anotará en los quadernos de sus operaciones, para el desempeño fiel y eficaz de sus deberes, y en caso de muerte, enfermedad, ó ausencia precisa de alguno de ellos, será reemplazado del mismo modo, ó por el Sor. Presidente de los Estados Unidos, en ausencia del Senado. Los dichos comisionados se hallaran autorizados para oir y examinar bajo juramento qualquiera demanda relativa á dichas reclamaciones, y para recibir los testimonios autenticos y convenientes relativos á ellas. El gobierno Español subministrará todos aquellos documentos y aclaraciones que esten en su poder para el ajuste de las expresadas reclamaciones, segun los principios de justicia, el derecho de gentes, y las estipulaciones del Tratado entre las dos partes de 27 de Octubre, de 1795, cuyos documentos se especificarán quando se pidan á instancia de dichos comisionados.

Los Estados Unidos pagarán aquellas reclamaciones que sean admitidas y ajustadas por los dichos comisionados, ó por la mayor parte de ellos, hasta la cantidad de cinco millones de pesos fuertes, sea inmediatamente en su Tesoreria, ó por medio de una creacion de fondos con el interés de un seis por ciento al año, pagaderos de los productos de las ventas de los terrenos valdios en los territorios aqui cedidos á los Estados Unidos, ó de qualquiera otra manera que el Congreso de los Estados Unidos ordene por ley.

Se depositarán, despues de concluidas sus transacciones, en el Departamento de Estado de los Estados Unidos, los quadernos de las operaciones de los dichos Comisonados, juntamente con los documentos que se les presenten relativos á las reclamaciones due deben ajustar y decidir; y se entregarán copias de ellos ó de parte de ellos al Gobierno Español, y á

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ART. 11. 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 these 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 take an 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.

United States to satisfy claims of their citizens to amount of five millions of dollars.

Three commissioners—

To meet at Washington, & decide upon claims.

Commissioners to take an oath, &c.

In case of sickness, &c. their places may be supplied.

Commissioners may hear and examine on oath &c,

Spanish government to furnish documents, &c.

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.

Payment of the claims.

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

Records of proceedings, &c. to be deposited in the Department of State.

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peticion de su Ministro en los Estados Unidos, si lo solicitase.

Art. 12. El Tratado de Limites y Navegacion de 1795, queda confirmado en todos y cada uno de sus articulos, excepto los articulos, 2, 3, 4, 21, y la segunda clausula del 22, que habiendo sido alterados por este Tratado, ó cumplidos enteramente no pueden tener valor alguno.

Con respecto al articulo 15 del mismo Tratado de Amistad, Limites y Navegacion, de 1795, en que se estipula que la bandera cubre la propiedad, han convenido las dos altas partes contratantes en que esto se entienda asi con respecto á aquellas potencias que reconozcan este principo; pero que, si una de las dos partes contratantes estuviere en guerra con una tercera, y la otra neutral, la bandera de esta neutral cubrirá la propiedad de los enemigos cuyo gobierno reconozca este principio, y no de otros.

Art. 13. Deseando ambas potencias contratantes favorecer el comercio reciproco prestando cada una en sus puertos todos los auxilios convenientes á sus respectivos buques mercantes, han acordado en hacer prender y entregar los marineros que desierten de sus buques en los puertos de la otra, á instancia del Consul; quien sin embargo deberá probar que los desertores pertenecen á los buques que los reclaman, manifestando el documento de costumbre en su nacion; esto es, que el Consul Español en puerto Americano exhibirá el Roll del Buque, y el Consul Americano en puerto Español, el documento conocido bajo el nombre de *Articles*; y constando en uno ú otro el nombre ou nombres del desertor ó desertores que se reclaman, se procederá al arreste, custodia, y entrega al buque á que correspondan.

Art. 14. Los Estados Unidos certifican por el presente que no han recibido compensacion alguna de la Francia por los perjuicios que sufrieron de sus corsarios, consules y tribunales, en las costas y puertos de España, para cuya satisfaccion se provee en este Tratado, y presentaran una relacion justificada de las presas hechas, y de su verdadero valor, para que la España pueda servirse de ella en la manera que mas juzgue justo y conveniente.

Art. 15. Los Estados Unidos para dar á S. M. Ca. una prueba de sus deseos de cimentar las relaciones de Amistad que existen entre las dos naciones, y de favorecer el Comercio de los subditos de S. M. Ca. convienen en que, los buques Españoles que vengan solo cargados de productos de sus frutos ó manufacturas directamente de los puertos de España ó de

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Spanish government, if required at the demand of the Spanish Minister in the United States.

Treaty of 1795 confirmed, with exceptions. [*page 342.]

ART. 12. 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.

Neutral flag to cover enemies' property only where the government acknowledges the principle.

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 recognise 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.

Deserters to be delivered up on proof, &c.

ART. 13. Both contracting parties, wishing to favor 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.

United States certify that they received no compensation from France for claims provided for in this treaty.

ART. 14. 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.

Spanish vessels laden with Spanish productions, coming direct to Pensacola or St. Augustine, to be admitted without higher du-

ART. 15. 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 favor 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 co-

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sus colonias, sean admitidos por el espacio, de doce años en los puertos de Panzacola y San Augustin de las Floridas, sin pagar mas derechos por sus cargamentos, ni mayor derecho de tonelage, que el que paguen los buques de los Estados Unidos. Durante este tiempo ninguna nacion tendrá derecho á los mismos privilegios en los territorios cedidos. Los doce años empezaran á contarse tres meses despues de haberse cambiado las ratificaciones de este Tratado.

ART. 16. El presente Tratado sera ratificado en debida forma por las partes contratantes, y las ratificaciones se cangearán en el espacio de seis meses desde esta fecha, ó mas pronto si es posible.

En fé de lo qual nosotros los infrascritos Plenipotenciarios de S. M. Ca., y de los Estados Unidos de America, hemos firmado en virtud de nuestros poderes, el presente Tratado de Amisted, Arreglo de Diferencias, y Limites, y le he hemos puesto nuestros sellos respectivos.

Hecho en Washington, á veinte y dos de Febrero, de mil ochocientos diez y nueve.

[SEAL.] LUIS DE ONIS.
[SEAL.] JOHN QUINCY ADAMS.

Por tanto, haviendo visto y examinado los referidos diez y seis articulos, y habiendo precedido la anuencia y autorizacion de las Cortes Generales de la Nacion, por lo respectivo a la cesion que en los articulos 2° y 3° se menciona y estipula, he venido en aprobar y ratificar todos y cada uno de los referidos articulos y clausulas que en ellos se contiene; y un virtud de la presente los apruebo y ratifico; prometiendo en fé y palabra de Rey, cumplirlos y observarlos, y hacer que se cumplan y observen enteramente como si yo mismo los hubiese firmado: sin que sirva de obstaculo en manera alguna la circumstancia de haber transcurrido el termino de los seis meses prefijados para el cange de las ratificaciones en el articulo 16; pues mi deliberado voluntad es que la presenta ratificacion sea tan valida y subsistente y produzca los mismos efectos que si hubiese sido hecha dentro del termino prefijado. Yo deseando al mismo tiempo evitar qualquiera duda ó ambiguedad que pueda ofrecer al contenido del artículo 8°. del referido Tratado, con motivo de la fecha que en el se señala como termino para la validacion de las concesiones de tierras en las Floridas, hechas por mi ó por las autoridades competentes en mi real nombre, a cuyo señalamiento de fecha se procedió en la positiva inteligencia de dejar anuladas por su tenor las tres concesiones de tierras hechas a favor del Duque de Ala-

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lonies, 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.

ties than those of the U. States, for 12 years.

Art. 16. 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.

[*This privilege to Spanish vessels will expire on the 22d of May, 1833.]

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 hereunto affixed our seals, respectively.

Treaty to be ratified, and ratifications exchanged

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

[SEAL.] JOHN QUINCY ADAMS.
[SEAL.] LUIS DE ONIS.

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 tenor following:

[TRANSLATION.]

"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, Esquire, Secretary of State of the United States of America, competently authorized by both parties, consist-

[ORIGINAL.]

"Dn. Fernando Septimo, por la Gracia de Dios, y por la Constitucion de la Monarquia Española, Rey de las Españas.

Por cuanto en el dia veinte y dos de Febrero del año proximo pasado de mil ochocientos diez y nueve, se concluyó y firmo en la Ciudad de Washington, entre Dn. Luis de Onis, mi Enviado Extraordinario y Ministro Plenipotenciario, y Dn. Juan Quincy Adams, Secretario de Estado de los Estados Unidos de America, autorizados competentemente por ambas partes, un Tratado compuesto de diez

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gon, Conde de Puñonrostro, y Du. Pedro de Vargas; tengo a bien declarar que las referidas tres concesiones han quedado y quedan enteramento anuladas è invalidadas; sin que los tres individuos referidos, ni los que de estos tengan titulo ó causa, puedan aprovecharse de dichas concesiones en tiempo ni manera alguna: bajo cuya explicita declaracion se ha de entender ratificado el referido articulo 8°. En fé de todo lo cual mandé despachar la presente firmada de mi mano, sellada con mi sello secreto, y refrendada por el infrascripto mi Secretario del Despacho de Estado.

Dada en Madrid, a veinte y quatro de Octubre, de mil ochocientos veinte.

[Sig.] FERNANDO.

[Refren.]

Evaristo Perez de Castro.

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ing 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:

y seis articulos, que tiene por objeto el Arreglo de Diferiencias y fie Limites entre ambos Gobiernos y sus respectivos territorios; cuya forma y tenor literal es el siguiente:

[*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 contained 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,

"Por tanto, haviendo visto y examinados los referidos diez y seis articulos, y habiendo precedido la anuencia y habiendo autorizacion de las Cortes Generales de la Nacion por lo respectivo a la cesion que en los articulos 2° y 3° se menciona y estipula, he venido en aprobar y ratificar todos y cada uno de los referidos articulos y clausulas que en ellos se contiene; y en virtud de la presente los apruebo y ratifico; prometiendo en fé y palabra de Rey cumplirlos y observarlos, y hacer que se cumplan y observen enteramente como si Yo mismo los hubiese firmado: sin que sirva de obstacule en manera alguna la circumstancia de haber transcurrido el termino de los seis meses prefijados para el cange de las ratificaciones en el articulo 16; pues mi deliberada voluntad es que la presente ratification sea tan valida y subsistente y produzca los mismos efectos que si hubiese sido hecha dentro del termino prefijado. Yo deseando al mismo tiempo evitar qualquiera duda ó ambiguedad que pueda ofrecèr el contenido del

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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 lands 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.

[Sign.] FERNANDO.

[Countersigned]

EVARISTO PEREZ DE CASTRO."

articulo 8°. del referido Tratado con motivo de la fecha que en el se señela como termino para la validacion de las concesiones de tierras en las Floridas, hechas por mi ó por las autoridades competentes en mi real nombre, a cuyo señalamiento de fecha se procedió en la positiva inteligencia de dejar anuledas por su tenor las tres concesiones de tierras hechas a favor del Duque de Alagon, Conde de Puñonrostro, y Dn. Pedro de Vargos; tengo a bien declarar que las referidas tres concesiones han quedado y quedan enteramento anuladas é invalidadas; sin que los tres individuos referidos, ni los que de estos tengan titulo ó causa, puedan aprovecharse de dichas concesiones en tiempo ni manera alguna: bajo cuya explicita declaration se ha de entender ratificado el referido articulo 8°. En fé de todo lo cual mandé despachar la presente firmada de mi mano, sellada con mi sello secreto, y refrendada por el infrascripto mi Secretario del Despacho de Estado.

Dada en Madrid, a veinte y quatro de Octubre, de mil ochocientos veinte.

[Sig.] FERNANDO.

[Refren.]

EVARISTO PEREZ DE CASTRO."

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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 February, 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 [L. S.] hundred and twenty one, and of the sovereignty and Independence of the United States the forty-fifth.

By the President: JAMES MONROE.

JOHN QUINCY ADAMS, *Secretary of State.*

The following are the Grants which have been annulled by the foregoing treaty:

[COPIA.]

Don Antonio Porcel, Caballero pensionista de la Real y distinguida Orden de Carlos 3°, del Consejo de Estado, y Secretario de Estado, y del Despacho de la Gobernacion de Ultramar, &c.

Certifico que con fecha seis de Febrero, de mil ochocientos diez y ocho, se espidieron por el estinguido Consejo de las Indias, Reales Cedulas de igual tenor, al Gobernador Capitan general de isle de Cuba y su distrito, al Intendente de Exercito y Real Hacienda de la Havana y su distrito, y al Gobernador de las Floridas, para que Cada uno en la parte que le tocare dispusiese lo conveniente a que tuviese efecto la gracia concedida al Duque de *Alagon* de varios terrenos en la Florida Oriental, cuyo contenido es el siguiente.

"EL REY. Mi Gobernador y Capitan General de la Ysla de Cuba y su distrito. El Duque de Alagon, Baron de Espes, me hizo presente en esposicion de doce de Julio del año ultimo lo que sigue—Señor: El Duque de Alagon, Baron de Espes, Capitan de Guardias de la Real Persona de V. M. con el mayor respecto espone: que siendo un interes de la Corona, que se den a grandes Capitalistas los terrenes incultos para que se pueblen y cultiven, en lo que resultan unas ventajas demonstradas y aconsejadas por todos los Politicos, en cuyo caso se hallan muchos, ó casi los mas del fertil suelo de las Floridas; y siendo tambien un derecho de V. M. como dueno absoluto, el distribuirlos en obsequio de la Agricultura; y en premio y recompensa de los servicios interesantes que se le hacen con utilidad de V. M. y de su Reyno todo. Deseoso de merecer estas señales de aprecio de su magnanimo corazon, y de contribuir por mi parte a llenar las miras de poblacion tan interesantes al bien comuu: a V. M. suplica se digne concederle el terreno inculto que no se halle cedido en la Florida Oriental, situado entre las margenes de los Rios Santa Lucia y San Juan, hasta sus embocaduras en el mar, y la Costa de la Golfo de la Florida, e yslas adyacentes, con la embocadura en el rio Hijuelos, por el grado viente y seis de latitud, siguiendo su orilla izguierda hasta su nacimento, tiranda una linea ala Laguna Macaco, bajando luego por el Camino del Rio de San Juan hasta la laguna Valdes, cortando por otra linea desde el estremo norte de esta laguna hasta el nacimento del Rio Amarima, siguiendo la orilla derecha hasta su embocadura por los veinte y ocho u veinte y cinco de latitud, y contiuuando por la costa del mar, con todas sus yslas adyacentes, hasta la embocadura del Rio Hijuelos, en plena propiedad para si y sus herederos, y permitiendose la introduction de Negros para el travajo y cultivo de las tierras libre de derechos: gracia que espera merecer de la innata piedad de V. M. Enterado del contenido de esta esposicion, y atendiendo al distinguida merito da este sugeto, y a su acreditado celo por mi Real servicio, como tambien a las ventajas que resultaran al Estado del aumento de poblacion de los citados paises que pretende, he tenido a bien acceder ala gracia que solicita en quanto no se oponga a las Leyes de esos mis Reynos; y comunicarlo al mi Consejo de las Indias para su execucion, en Real order de diez y siete de Diciembre del referido año. En su consecuencia os mando y en cargo por esta mi real cedula que con arreglo a las Leyes que rigen en la materia, auxilieis eficazmente la execucion de la espresada gracia, tomando todas las disposiciones que se dirijan asu devido

The following are the Grants which have been annulled by the foregoing treaty:

[TRANSLATION.]

Don Antonio Porcel, Knight Pensioner of the Royal and distinguished Order of Charles III; of the Council of State, and Secretary of State and of Despatch of the Ultra-Marine Government, &c.

I certify, that, under date of the sixth of February, one thousand eight hundred and eighteen, royal letters patent of the same tenor were sent by the late Council of the Indies to the Governor Captain General of the Island of Cuba and its dependencies to the Intendant of the Army and Royal Business of the Havana and its district, and to the Governor of the Floridas, that each should do his utmost, in his particular department, to give effect to the grant, made to the Duke of *Alagon*, of various lands in East Florida, of the following tenor:

THE KING. My Governor and Captain General of the Island of Cuba and its dependencies: The Duke of Alagon, Baron de Espes, has manifested to me, on the twelfth of July last, as follows: "Sire: The Duke of Alagon, Baron de Espes, Captain of your Majesty's Royal Body Guards, with the greatest respect, exposes, that, it being the interest of the Crown that the uncultivated lands should be given to great capitalists, in order that they may be peopled and cultivated, from which flow the advantages pointed out and advised by all politicians, and by means of which much or nearly most of the fertile soil of the Floridas has been discovered, and it being a right of your Majesty, as absolute lord, to distribute them for the benefit of agriculture, and in reward and recompense of the eminent services which have been rendered to your Majesty, and your whole kingdom; being desirous of deserving those marks of the value of his magnanimous courage, and of contributing as far as possible to fulfil the designs of population, so interesting to the commonweal, he humbly requests your Majesty, that you would deign to grant him all the uncultivated land not ceded in East Florida which lies between the rivers Saint Lucia and St. John, as far as the mouths by which they empty themselves into the sea, and the coast of the Gulf of Florida, and the adjacent islands, with the mouth of the river Hijuelos, in the twenty-sixth degree of latitude, following the left bank up to its source, drawing a line from Lake Macaco, then descending by the way of the river Saint John to the Lake Valdes, crossing by another line from the extreme North of said lake to the source of the river Amarima, following its right bank as far as its mouth, in the twenty-eight or twenty fifth degree of latitude, and running along the sea-coast, with all the adjacent islands up to the mouth of the river Hijuelos in full property to himself and his heirs; allowing them also to import negroes, for the labor and cultivation of the lands, free of duties; A gift which I hope to obtain from your Majesty's innate goodness."

Having taken the premises into consideration, and bearing in mind the distinguished merit of the memorialist, and his signal zeal for my royal service, as well as the benefits to be derived by the state from an increase of population in the countries the cession whereof he has solicited, I have judged fit to grant him the same, in so far as is conformable to the laws of these my Kingdoms; and to make it known to my Council of the Indies, for its due execution, by a royal order of the seventeenth of December, in the year aforementioned: Wherefore, I charge and command you, by this my Royal Cedula, with due observance of the laws to such cases pertaining, to give full and effectual aid to the execution of the said cession, taking all

efecto, sin perjuico de tercero, y para que el espresado Duque de Alagon pueda desde, luego poner en execucion su designio conforme en todo con mis beneficos desoes en obsequio de la agricultura y comercio de dhas posesiones, que claman por una poblacion proporcionada ala feracidad de su suelo, y ala defensa y seguridad de las costas, dando cuenta succesivamente de su progreso; entendiendose que la introducion de negros que comprende la misma gracia, deve sujetarse en quanto al trafico de ellos, a las reglas prescriptas en mi Real Cedula de diez y nueve de Diciembre ultimo, que asi es mi voluntad; y que de esta cedula se tome razon en la Contaduria General de Indias. Fecha en Palacio a seis de Febrero, de mil ochocientos dez y ocho.

YO EL REY.

Por mandado del Rey Nuestro Señor:
ESTEBAN VAREA."

Ypara que conste firmo esta Certificacion en Madrid, a quince de Octubre de mil ochocientos viente.

ANTONIO PORCEL.

Don Evaristo Perez de Castro, Caballero de numero de la order de Carlos 3°. del Consejo de Estado, y Secretario del Despacho de Estado, &c.

Certifico que la firma que antecede del Exmo. Sor. Don Antonio Porcel, Secretario del Despacho de la Gobernacion de Ultramar, es la que acostumbra poner en todos sus escritos. Y para los efectos convenientes doy el presente certificado, firmado de mi mano y sellado con el escudo de mis armas, en Madrid, a viente y uno de mil ochocientos y viente.

EVARISTO PEREZ DE CASTRO.

[COPIA.]

Don Antonio Porcel, Cabellero pensionisto de la Real distinguida orden de Carlos tercero, del Consejo de Estado, y del Despatcho de la Gobernacion de Ultramar, &c.

Certifico que con fecha de seis Febrero, de mil ochocientos diez y ocho, se expedieron por el estinguido Consejo de las Indias Reales Cedulas de igual tenor al Gobernador Capitan General de la Ysla de Cuba y su distrito, al Intendente de exercito y real Hacienda de la Havana y su distrito, y al Gobernador de las Floridas, para que cada uno en la parte que le tocase dispusiese lo conveniente a que tubiese efecto la gracie concedida el Brigadier Conde de *Puñonrostro* de varios terrenos situados en la Florida Occidental, cuyo contenido es el siguente.

"EL REY. Mi Gobernador y Capitan General de la Ysla de Cuba y su distrito. El Brigadier Conde de Puñonrostro me hizo presente en exposicion de tres Noviembre del año ultimo lo que sigue—Señor: El Brigadier Conde de Puñonrostro, Grande de España de primera clase, y vuestro Gentilhombre de Camara con exercicio, &c. &c. P. A. L. R. P. de V. M. con el mas profundo respeto, expone: que movido del anhelo de procurar por todos los medios posibles el hacer productible parte de los immensos terrenos despoblados e incultos que V. M. tiene en las Americas, y que por su feracidad prometen las mayores ventajas, tanto al que expone como al Estado, si llegase a verificarse, como lo espera, el noble proyecto que anima

requisite measures for its accomplishment, without injury to any third party; and in order that the said Duke of Alagon may forthwith carry his plans into execution, in conformity with my beneficent desires in favor of the agriculture and commerce of the said territories, which require a population proportioned to the fertility of the soil and the defence and security of the coasts, he giving regular accounts of his proceedings; it being understood that the introduction of negroes, which the same cession comprehends, ought, as far as relates to the traffic in them, to be subject to the regulations prescribed in my royal cedula of the nineteenth of December last, for such is my will; and that due note be taken of the present cedula in the office of the Accountant General of the Indies.

Dated at the palace, the sixth of February, one thousand eight hundred and eighteen.

I THE KING.

By command of the King our Lord:

ESTEBAN VAREA.

And I confirm this exemplification, at Madrid, the fifteenth of October, one thousand eight hundred and twenty.

ANTONIO PORCEL.

Don Evaristo Perez de Castro, Knight of the Order of Charles III, of the Council of State, and Secretary of Despatch of State, &c.

I certify that the foregoing signature of his Excellency, Don Antonio Porcel, Secretary of Despatch of the Ultra-Marine Government, is that which he is accustomed to put to all his writings; and for the proper purposes, I give the present certificate, signed by my hand, and sealed with my seal of arms, at Madrid, the twenty-first of October, one thousand eight hundred and twenty.

EVARISTO PEREZ DE CASTRO.

[TRANSLATION.]

Don Antonio Porcel, Knight Pensioner of the royal and distinguished order of Charles 3d, of the Council of State, and Secretary of State and of Despatch of the Ultramarine Government, &c.

I certify, that, under date of the 6th of February, one thousand eight hundred and eighteen, royal letters patent of the same tenor were sent by the late Council of the Indies to the Governor Captain General of the Island of Cuba and its dependencies, to the Intendant of the Army and Royal Business of the Havana and its district, and to the Governor of the Floridas, that each should do his utmost, in his particular department, to give effect to the grant made to Brigadier the Count of *Puñonrostro*, of various lands situated in West Florida, of the following tenor:

THE KING. My Governor and Captain General of the Island of Cuba and its dependencies: The Brigadier Count of Punonrostro submitted to me, on the third of November last, what follows: "Sire: The Brigadier Count of Punonrostro, Grandee of Spain of the first class, and your Gentleman of the Bed Chamber in actual attendance, &c. &c. throws himself at your Majesty's royal feet with the most profound respect, and submits to your Majesty: That, prompted by the desire of promoting, by all possible means, the improvement of the extensive waste and unsettled lands possessed by your Majesty in the Americas, which, by their fertility, offer the greatest advantages, not only to your memorialist, but to the State, provided due effect, as is hoped, be given to the noble project formed by your

al exponente de convertir una pequeña parte de aquellos desiertos en morada de habitantes pacificos cristianos e industriosos, que aumentando la publacion de vuestros reydos, fomenten la agriculturo y el comercio, y por consiguiente hagan immensos los ingresos de vuestro real Herario. Esta empresa dirigida por persona que al conocimiente del pays reune las circumcias de poder comparer los progresos que han hecho por este medio otras naciones, como la de los Estados Unidos, que en una epoca muy limitida ha elevado su poder a un grado extraordinario, distinguiendose la Mobile adyacente a la Florida, que en los seis años ultimos aprovechandose de la emigracion se ha convertido de un pays inculto y desierto, en una Provincia rica y comerciante, cultivada y poblada com mas de 300,000 habitantes. Esto mismo debe suceder a la Florida en el corto tiempe de diez y ocho ó veinte años si se adoptan las medidas conducentes a ello, y si al exemplo del exponente avandonan otros la apatia y se dedican a labrar so furtuna individual, y por consiguente la del Estado. Confiados pues en lo recomendable de esta empresa, en los vivos deseos que animan a V. M. por la prosperidad de la Nacion, y en los servicos y sacrificios del exponente, se atreve a suplicar a V. M. que en remuneracion de ellos se digne concederle en plena propriedad y con arreglo a la leyes que rigen en la materia, todas las tierras incultas que no se hallen cedidas en la Florida, comprehendidas entre el rio Perdido al occidente del Golfo de Mexico, y los rios Amaruja y el Sn. Juan, desde Popa hasta su desague en el Mar por la parte de Oriente, por el Norte la linea de demarcacion con los Estados Unis, y al Sur por el Golfo de Mexico, incluyendo las yslas desiertos en la costa. Por tanto, a V. M. rendidament suplica, que en atencion a lo expuesto, y a las includables ventajas que resultan a la Nacion, se sirva acceder a esta solicitud y mandar al mismo tiempo se comuniquen las correspondientes ordenes a las Autoridades del Pays, prebiniendoles presten al exponente todos los auxilios y protecion necesaria, asi para la designacion de los terrenos, como para llevar a efecto la empresa en todas sus partes; gracia que espera de la munificiencia de V. M." Enterado del contenido de esta exposicion, y atendiendo al distinguido merito de este sugeto, y a su acreditado celo por mi real servicio, como tambien a las ventajas que resultaran al Estado del aumento de poblacion de los citados paises que pretende, he tenido a bien acceder a la gracia que solicita en cuanto no se oponga a las leyes de esos mis reynos, y comunicarlo al mi Consejo de Indias para su execucion en Real Orden de deiz y siete de Deciembre, del referido año. En su consecuencia os mando y encargo por esta mi Real Cedula, que con arreglo a las leyes que rigen en la materia auxilieis eficazemente la execucion de la espresada gracia, tomando todas las disposiciones que se dirijan a su debido efecto, sin perjucio de tercero, y para que al espresado Conde de Puñonrostro pueda desde luego poner en execucion su designio, conforme en todo con mis beneficos deseos, en obsequio de la agricultura y comercio de dichas posesiones que claman por una poblacion proporcionada a la feracidad de su suelo, y a la defensa y seguridad de la costas; dando cuenta succesivamente de su progreso; que asi es mi voluntad, y que de esta cedula se tome razon en la Contaduria General de Indias. Fecha en Palacio, a seis de Febrero, de mil ochocientos dies y ocho.

YO EL REY.

Por mandado del Rey Nuestro Señor:

ESTEBAN VAREA."

Majesty's memorialist, of converting a small portion of those deserts into the abode of peaceable Christians and industrious inhabitants, who will increase the population of your kingdoms, promote agriculture and commerce, and thereby add immensely to your royal revenues. This enterprise should be conducted by a person who, with a knowledge of the country, would combine the intelligence necessary for comparing the progress made by other nations in similar situations, and particularly by the United States, which, within a very recent period, have advanced their power to an extraordinary height, and especially in the instance of the Mobile country, adjoining Florida, which, in the last six years, has received such an influx of emigrants, as to be converted from a desert waste into a rich commercial province, highly improved, and peopled with more than three hundred thousand souls. A similar change would be effected in Florida within eighteen or twenty years, by the adoption of judicious arrangements, and by those exertions which your Majesty's memorialist proposes to employ for the promotion of his personal interest, and consequently that of the State. Relying on the merits of the case, and the lively interest felt by your Majesty in the national prosperity, and in the services and sacrifices of your Majesty's memorialist, he humbly requests your Majesty, that, taking them into consideration, you would be graciously pleased to grant and cede to him, in full right and property, and the mode and manner required by law, all the waste lands, not heretofore ceded, in Florida, lying between the river Perdido, westward of the Gulf of Mexico, and the rivers Amaruja and Saint Johns, from Popa to the point where it empties into the Ocean, for the Eastern limit; and, for the Northern, the boundary line of the United States; and, to the South, by the Gulf of Mexico, including the desert islands on the coast. He therefore humbly prays, in consideration of the premises, and the unquestionable advantages to be derived by the nation, Y. Majesty will be pleased to grant this his petition, and thereupon direct the necessary orders to be given to the local authorities to afford him all due aid and protection, as well in designating the territory referred to, as in giving full effect to the whole enterprise. All which he hopes from the munificence of your Majesty."

Having taken the premises into consideration, and bearing in mind the distinguished merits of the memorialist, and his signal zeal for my royal service, as well as the benefits to be derived by the state from an increase of population in the countries, the cession whereof he has solicited, I have judged fit to grant him the same, in so far as is conformable to the laws of these my kingdoms, and to make it known to my council of the Indies, for its due execution, by a royal order of the seventeenth of December, in the year aforementioned; wherefore, I charge and command you, by this, my royal cedula, with due observance of the laws to such cases pertaining, to give full and due effect to the said cession, taking all requisite measures for its accomplishment, without injury to any third party, and to the end that the said count of Punonrostro may forthwith carry his plans into execution, in conformity with my beneficient desires in favor of the agriculture and commerce of the said territories, which require a population proportioned to the fertility of the soil, and the defence and security of the coasts, he giving regular accounts of his proceedings, for such is my will; and that due note be taken of the present cedula in the office of the Accountant General of the Indies. Dated at the palace, the sixth of February, one thousand eight hundred and eighteen.

I THE KING.

By command of the King our Lord:

ESTEBAN VARELA.

Y para que conste firmo esta certification en Madrid, a quince de Octubre, de mil ochocientos y veinte.

ANTONIO PORCEL.

Don Evaristo Perez de Castro, Cabellero de numero de la orden de Carlos 3°, del Consejo de Estado, y Secretario del Despacho de Estado, &c.

Certifico que la firma que antecede del Exmo. Sor. Don Antonio Porcel, Secretario del Despacho de la Gobernacion de Ultramar, es la que acostumbra poner en todos sus escritos. Y para los efectos convenientes doy el presente certificado, firmado de mi mano y sellado con el escudo de mis armas, en Madrid, á veinte y uno de Octubre, de mil ochocientos y veinte.

EVARISTO PEREZ DE CASTRO.

[COPIA.]

Don Antonio Porcel, Cabellero pensionista de la real y distinguida orden de Carlos tercero, del Consejo de Estado, y Secretario de Estado y del Despacho de la Gobernacion de Ultramar, &c.

Certifico que con fecha de nueve de Abril, de mil ochocientos diez y ocho, se espedieron por el extinguido Consejo de las Indias reales cedulas de igual tenor al Gobernador Capitan General de la isla de Cuba y su distrito, al Intendente de exercito y Real Hacienda de la Habana y su distrito, y al Gobernador de las Floridas, para que cada uno en la parte que le tocase dispusiera lo conveniente a que tubiese efecto la gracia concedida a Don *Pedro de Vargas*, de varios terrenos situados en las Floridas; cuyo contenido es el siguiente:

"EL REY. Mi Gobernador y Capitan General de la isla de Cuba y su distrito. Confecha de veinte y cinco de Enero ultimo, me hizo presente Don Pedro Vargas lo que sigue—Señor: Don Pedro de Vargas, Caballero de la real orden militar de Alcantara, Tesorero General de la Real Casa y Patrimonio de V. M. con el mas profundo respeto á V. R. M. espone: Que hay una porcion de tierras vacantes y despoblades en el territorio de las Floridas, y deseando que si V. M. se digna premiar sus tales cuales servicios y las pruebas de lealtad que le tiene dadas, sea sin el mas minimo grabamen del Erario, ni perjuicio de tercero, como puede en el dia verificarse con algunas tierras de aquel pais á V. M. suplica que por un efecto de su soberana piedad se digne concederle la propiedad del terreno que esta comprehendida en la siguiente demarcacion, á saver; Desde la embocadura del rio Perdido y de su bahia en el Golfo de Mexico, siguiendo la costa del mar, subir por la bahia del Buen Socorro, y de la Mobila, continuar por el rio de Mobila hasta tocar la linea Norte de los Estados Unidos, y baxar por ella con una recta al origin del rio Perdido y siguiendo por el rio de la Mobila abaxo y la bahia de su nombre volver por la costa del mar acia el Oeste, con todas las calas entradas é islas advacentes que pertenecen á la España en la epoca presente hasta llegar á la lienea del Oeste de los Estados Unidos y volver por la del Norte, comprehendiendo todas las tierras baldias, que corresponden ó puedan corresponden á la España y estan en disputa ó reclamacion con los Estados Unidos, segun el tenor de los tratados, y asi mismo el terreno baldio y no cedido a otro particular que hay entre el Rio Hijuelos en la Florida Oriental y el rio Santa Lucia tirando una linea *desde el nacimiento del uno al del otro y siguiendo por la costa del*

And I confirm this exemplification, at Madrid, the fifteenth of October, one thousand eight hundred and twenty.

ANTONIO PORCEL.

Don Evaristo Perez de Castro, Knight of the order of Charles 3d, of the Council of State, and Secretary of State, &c.

I certify that the foregoing signature of his Excellency Don Antonio Porcel, Secretary of Despatch of the Ultra Marine Government, is that which he is accustomed to put to all his writings. And, for the proper purposes, I give the present certificate, signed by my hand, and sealed with my seal of arms, at Madrid, the twenty-first of October, one thousand eight hundred and twenty.

EVARISTO PEREZ DE CASTRO.

[TRANSLATION.]

Don Antonio Porcel, Knight Pensioner of the royal and distinguished order of Charles 3d, of the Council of State, and Secretary of State and of Despatch of the Ultra Marine Government, &c.

I certify that, under date of the ninth of April, one thousand eight hundred and eighteen, royal letters patent of the same tenor were sent by the late Council of the Indies to the Governor Captain General of the Island of Cuba and its dependencies, to the Intendant of the Army and Royal Business of the Havana and its district, and to the Governor of the Floridas, that each should do his utmost, in his particular department, to give effect to the grant made to Don Pedro de *Vargas*, of various lands situated in the Floridas, of the following tenor:

THE KING. My Governor and Captain General of the Island of Cuba and its dependencies: Under date of the twenty-fifth of January last, Don Pedro de *Vargas* manifested to me as follows: "Sire: Don Pedro de *Vargas*, Knight of the Royal Order of Alcantara, Treasurer General of the Royal House and Patrimony of your Majesty, with the most profound respect, at your royal feet, exposes—That there is a quantity of vacant and unpeopled land in the Territory of the Floridas, and desiring that, if your Majesty shall deign to reward his passable services, and the proofs which he has given of his loyalty, it may be without the least burthen on the public treasury, or in prejudice of any third person, as may be done at present by some lands of that country, he beseeches your Majesty, that, by an effect of your sovereign goodness, you would deign to grant him the property of the land which lies comprised within the following limits: that is to say—from the mouth of the river Perdido, and its bay in the Gulf of Mexico, following the sea coast, to ascend by the Bay of Buen Socorro, and of Mobile, continuing by the river Mobile, till it touches the Northern line of the United States, and descending by that in a right line to the source of the river Perdido, and following the river Mobile in its lower part, and the Bay of that name, returns by the sea coast towards the West; comprehending all the creeks, entries, and islands, adjacent, which may belong to Spain at the present time, till it reaches the West line of the United States, then, returning by their Northern line, comprehending all the waste lands which belong, or may belong, to Spain, and are in dispute or reclamation with the U. S., according to the tenor of the treaties, and also all the waste land not ceded to any other individual, which is between the river Hijuelos, in East Florida, and the river St. Lucia, drawing a line *from the source of one river to the*

Golfo de Mexico, desde la embocadura del rio Hijuelos, hasta la punta de ta cha, y doblando esta por la costa del Golfo de Florida hasta la embocadura del rio Santa Lucia con las islas y cayos adyacentes."

Enterado del contenido de esta esposicion, y atendiendo al merito de este sugeto y á su acreditado celo por mi real servicio como tambien á las ventajas que resultaran al estado de la poblacion de los citados paises, he tenido á bien acceder a la gracia que solicita, en cuanto no se oponga a las leyes de esos mis reinos, y comunicarlo al mi Consejo de las Indias para su complimiento en real orden de dos de Febrero proximo pasado. En su consequencia os mando y encargo por esta mi real Cedula, que con arreglo a las leyes que rigen en la materia y sin perjuicio de tercero auxilieis eficazmente la execucion de la expresada gracia, tomando todas las disposiciones que se dirigan á su debido efecto, como tambien al aumento de poblacion, agricultura y comercio de las referidas posesiones; dando cuento succesivamente de su progreso: que asi es mi voluntad, y que de esta Cedula se tome razon en la Contaduria General de Indias. Fecha en Palacio, á nueve de Abril, de mil ochocientos diez y ocho.

YO EL REY.

Por mandado del Rey Nuestro Señor:

ESTEBAN VAREA."

Y para que conste firmo esta certification en Madrid, á quince de Octobre, de mil ochocientos y viente.

ANTONIO PORCEL.

Don Evaristo Perez de Castro, Cabellero de numero de la orden de Carlos 3°, del Consejo de Estado y Secretario del Despacho de Estado, &c.

Certifico que la firma que antecede del Exmo. Sor. Don Antonio Porcel, Secretario del Despacho de la Gobernacion de Ultramar, es la que acostumbra poner en todos sus escritos. Y para los electos convenientes doy el presente certificado, firmado de mi mano y sellado con el escudo de mis armas en Madrid, á veinte y uno de Octubre, de mil ochocientos y veinte

EVARISTO PEREZ DE CASTRO.

source of the other, and following by the coast of the Gulf of Mexico, from the mouth of the Hijuelos to the point of Tancha, and doubling this, by the coast of the Gulf of Florida, to the mouth of the river Saint Lucia, with the islands and keys adjacent."

Considering the contents of this exposition, and attending to the merit of the individual, and his accredited zeal for my royal service, as also to the advantages to result to the state from the peopling the said countries, I have thought proper to accede to the favor which he solicits, in as far as it be not opposed to the laws of these, my kingdoms, and communicated it to my Council of the Indies, for its accomplishment, in a royal order of the second of February last. Consequently, I command and charge you, by this my royal cedula, that, conforming to the laws which regulate in these affairs, and without prejudice to third persons, that you efficaciously aid the execution of the said grant, taking all the measures which may conduce to its due effect, as also to the augmentation of the population, agriculture, and commerce, of the aforesaid possessions, giving account, from time to time, of the progress made, for this is my will; and that due notice shall be taken of this cedula in the office of the Accountant General of the Indies. Dated at the Palace, the ninth of April, one thousand eight hundred and eighteen. I THE KING.

By command of the King our lord:

ESTEBAN VAREA.

I confirm this exemplification, at Madrid, the fifteenth of October, one thousand eight hundred and twenty.

ANTONIO PORCEL.

Don Evaristo Perez de Castro, Knight of the Order of Charles 3d, of the Council of State, and Secretary of Despatch of State, &c.

I certify that the foregoing signature of his excellency Don Antonio Porcel, Secretary of Despatch of the Ultra Marine Government, is that which he is accustomed to put to all his writings. And, for the proper purposes, I give the present certificate, signed by my hand, and sealed with my seal of arms, at Madrid, the twenty-first day of October, one thousand eight hundred and twenty. EVARISTO PEREZ DE CASTRO.

SURRENDER OF THE FLORIDAS BY SPAIN.

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, eighteen hundred and nineteen, 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 abovementioned place, and said day, month, and year.

ROBERT BUTLER,
JOSE 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.

ST. AUGUSTINE, 10th July, 1821.

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

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 dependences, 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 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 beforementionened 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 dependences, 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 buildings which are not private pro-

perty, 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 Onis, 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.

JOSE CALLAVA.
Por mandato de su señoria el Coronel Comisario del Gobierno de España.

El Secretario de la Comision.
JOSE Y. CRUZAT.

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 third 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 meantime, 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 entrusted 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.

By the Governor:

ANDREW JACKSON.

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

St. Augustine, East Florida, July 10, 1821.

By the Governor:

Robert Butler, *United States' Commissioner*

1824.
Ap 1 17 (5.)

TREATY WITH RUSSIA.

A Convention between the United States of America, and his Majesty the Emperor of all the Russias.

By the President of the United States of America. A Proclamation.

Whereas a convention between the United States of America and his Majesty the Emperor of all the Russias, was concluded and signed at St. Petersburg on the $\frac{\text{fifth}}{\text{seventeenth}}$ day of April, in the year of our Lord one thousand eight hundred and twenty-four; which convention, being in the French language, is, word for word, as follows—a translation of the same being hereto annexed:

[TRANSLATION.]

In the name of the most Holy and indivisible Trinity.

Henry Middleton, Count Nesselrode and P. de Poletica, negotiators.

The president of the United States of America and his majesty the emperor of all the Russias, wishing to cement the bonds of amity which unite them, and to secure between them the invariable maintenance of a perfect concord, by means of the present convention, have named, as their plenipotentiaries, to this effect, to wit: The president of the United States of America, HENRY MIDDLETON, a citizen of said States, and their Envoy Extraordinary and minister plenipotentiary near his imperial majesty: and his majesty the emperor of all the Russias, his beloved and faithful CHARLES ROBERT Count of NESSELRODE, actual privy counsellor, member of the council of State, secretary of state directing the administration of foreign affairs, actual chamberlain, knight of the order of St. Alexander Nevsky, grand cross of the order of St. Wladimir of the first class, knight of that of the white eagle of Poland, grand cross of the order of St. Stephen of Hungary, knight of the orders of the Holy Ghost and of St. Michael, and grand cross of the legion of honor of France, knight grand cross of the orders of the black and of the red eagle of Prussia, of the annunciation of Sardinia, of Charles III. of Spain, of St Ferdinand and of Merit of Naples, of the Elephant Denmark, of the polar star of Sweden, of the Crown of Wirtemberg, of the Guelphs of Hanover, of the Belgic Lion, of Fidelity of Baden, and of St. Constantine of Parma, and PIERRE de POLETICA, actual counsellor of state, knight of the order of St. Anne of the first class, and grand cross of the order of St. Wladimir of the second; who, after having exchanged their full powers, found in good and due form, have agreed upon, and signed the following stipulations:

1824.
April 17 (5.)

TRAITÉ AVEC LA RUSSIE.

[ORIGINAL.]

Au nom de la très Sainte et Indivisible Trinité:

Le Président des Etats Unis d'Amérique, et Sa Majesté l'Empereur de toutes les Russies, voulant, cimenter les liens d'amitié qui les unissent, et assurer entre eux le maintien invariable d'un parfait accord, moyennant la présente Convention, ont nommé pour leurs Plénipotentiaires à cet effet, savoir: Le Président des Etats Unis d'Amérique, le Sieur HENRY MIDDLETON, citoyen des dits Etats, et leur Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Impériale: et Sa Majesté l'Empereur, de toutes les Russies, ses amés et féaux les Sieurs CHARLES ROBERT Comte de NESSELRODE, Conseiller Privé actuel, Membre du Conseil d'Etat, Secrétaire d'Etat Dirigeant le Ministère des affaires étrangères, Chambellan actuel, Chevalier de l'ordre de St. Alexandre Nevsky, Grand Croix de l'ordre de St. Wladimir de la 1re classe, Chevalier de celui de l'aigle blanc de Pologne, Grand Croix de l'ordre de St. Etienne d'Hongrie, Chevalier des ordres du St. Esprit et de St. Michael et Grand Croix de celui de la Légion d'Honneur de France, Chevalier Grand Croix des ordres de l'aigle noir et de l'aigle rouge de Prusse, de l'annonciade de Sardaigne, de Charles III. d'Espagne, de St. Ferdinand et du mérite de Naples, de l'Eléphant de Danemarc, de l'Etoile Polaire de Suède, de la Couronne de Wurtemberg, des Guelphes de Hanovre, du Lion Belge, de la Fidelité de Bade, et de St. Constantin de Parme: et PIERRE de POLETICA, Conseiller d'Etat actuel, Chevalier de l'ordre de St. Anne de la 1re classe et Grand Croix de l'ordre de St. Wladimir de la seconde; lesquels après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les stipulations suivantes:

1824. April 17 (5)

Navigation and Fisheries of the Pacific free to both parties.

ART. 1. It is agreed, that in any part of the Great Ocean, commonly called the Pacific Ocean, or south sea, the respective citizens or subjects of the high contracting powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts, upon points which may not already have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles:

* * *

Illicit trade how to be prevented.

ART. 2. With the view of preventing the rights of navigation and of fishing, exercised upon the great ocean by the citizens and subjects of the high contracting powers, from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the North West Coast.

54 deg. 40 min. the U. S. boundary—*south* of the same to be the Russian boundary.

ART. 3. It is moreover agreed, that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said states, any establishment upon the Northwest coast of America, nor in any of the islands adjacent, *to the north* of fifty-four degrees and forty minutes of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, *south* of the same parallel.

Interior seas, &c. free to both for ten years, for fishing and trade.

ART. 4. It is nevertheless, understood, that, during a term of ten years, counting from the signature of the present convention, the ships of both powers, or which belong to their citizens or subjects, respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbours, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

Articles always excepted from this trade.

ART. 5. All spirituous liquors, fire-arms, other arms, powder, and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding article; and the two powers engage, reciprocally, neither to sell, or suffer them to be sold to the natives by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext, nor be advanced in any case, to authorize either search or detention of the vessels, seizure of

1824. April 17 (5.)

ART. 1. Il est convenu que dans aucune partie du grand océan, appelé communément Océan Pacifique ou Mer du Sud, les citoyens ou sujets respectifs des hautes puissances contractantes ne seront ni troubles, ni genés soit dans la navigation, soit dans l'exploitation de la peche, soit dans la faculte d'aborder aux côtes sur des points qui ne seroient pas déjà occupés, afin d'y faire le commerce avec les indigènes, sauf toutefois les restrictions et conditions déterminées par les articles qui suivent.

ART. 2. Dans la vue d'empêcher que les droits de navigation et de peche exercées sur le grand océan par les citoyens et sujets des hautes puissances contractantes ne deviennent le prétexte d'un commerce illicite, il est convenu, que les citoyens des Etats Unis n'aborderont à aucun point où il se trouve un établissement Russe, sans la permission du Gouverneur ou Commandant; et que reciproquement les sujets Russes ne pourront aborder sans permission à aucun établissement des Etats-Unis sur la côte nord ouest.

ART. 3. Il est convenu en outre, que dorénavant il ne pourra être formé par les citoyens des Etats-Unis, ou sous l'autorité des dits Etats, aucun établissement sur la Côte nord ouest d'Amérique, ni dans aucune des îles adjacentes *au nord* du cinquante quatrième degré et quarante minutes de latitude septentrionale; et que de même il n'en pourra être formé aucun par des sujets Russes, ou sous l'autorité de la Russie, *au sud* de la même parallele.

ART. 4. Il est néanmoins entendu que pendant un terme de dix années à compter de la signature de la présente convention, les vaisseaux de deux Puissances, ou qui appartiendroient à leurs citoyens ou sujets respectifs, pourront reciproquement fréquenter, sans entrave quelconque, les mers intérieurs, les golfes, hâvres, et criques sur la côte mentionée dans l'article précédent, afin d'y faire la peche et le commerce avec les naturels du pays.

ART. 5. Sont toutefois exceptées de ce même commerce accordé par l'article précédent, toutes les liqueurs spiritueuses, les armes à feu, armes blanches, poudre, et munitions de guerre de toute espèce, que les deux Puissances s'engagent reciproquement à ne pas vendre, ni laisser vendre aux Indigenes par leurs citoyens et sujets respectifs, ni par aucun individu qui se trouveroit sous leur autorité. Il est egalement stipulé que cette restriction ne pourra jamais servir de pretexte, ni etre allegüée dans aucun cas, pour autoriser soit la visite ou la

1824. April 17 (5.)

the merchandise, or, in fine, any measures of constraint whatever towards the merchants or the crews who may carry on this commerce; the high contracting powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishments in case of the contravention of this article, by their respective citizens or subjects.

Ratifications to be exchanged in ten months.

ART. 6. When this convention shall have been duly ratified by the president of the United States, with the advice and consent of the senate on the one part, and on the other by his majesty the emperor of all the Russias, the ratifications shall be exchanged at Washington in the space of ten months from the date below, or sooner, if possible. In faith whereof, the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at St Petersburg, the $\frac{17}{5}$ April, of the year of Grace one thousand eight hundred and twenty-four.

HENRY MIDDLETON, [L. S.]
Le Comte CHARLES NESSELRODE, [L. S.]
PIERRE DE POLETICA. [L. S.]

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the eleventh day of the present month, by John Quincy Adams, secretary of state of the United States, and the Baron de Tuyll, envoy extraordinary and minister plenipotentiary of his imperial majesty, on the part of their respective governments:

Now, therefore, be it known, that I, James Monroe, president of the United States, have caused the said convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed. Done at the City of Washington, this twelfth day of
L. S.] January, in the year of our Lord one thousand eight hundred and twenty-five, and of the Independence of the United States the forty-ninth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,
Secretary of State.

1824. April 17 (5.)

détention des vaisseaux, soit la saisie de la marchandise, soit enfin des mesures quelconques de contrainte envers les armateurs ou les équipages qui feroient ce commerce; les hautes Puissances contractantes s'étant réciproquement reservé de statuer sur les peines à encourir, et d'infliger les amendes encourues en cas de contravention à cet article, par leurs citoyens ou sujets respectifs.

Art. 6. Lorsque cette Convention aura été duement ratifiée par le Président des Etats-Unis de l'avis et du consentement du Sénat, d'une part, et de l'autre par Sa Majesté l'Empereur de toutes les Russies, les ratifications en seront échangées à Washington dans le délai de dix mois de la date ci-dessous ou plutôt si faire se peut.—En foi de quoi les Plénipotentiaries respectifs l'ont signée, et y ont fait apposer les cachets de leurs arms.

Fait à St. Pétersbourg le 17 (5) Avril de l'an de grâce mil huit cent vingt quatre.

HENRY MIDDLETON. [L. S.]
Le Comte CHARLES NESSELRODE. [L. S.]
PIERRE DE POLETICA. [L. S.]

1826.
April 26.

TREATY WITH DENMARK.

By the President of the United States of America. A Proclamation.

Whereas a general convention of friendship, commerce, and navigation, between the United States and his majesty the king of Denmark, was concluded and signed at Washington, on the twenty-sixth day of April last, by Henry Clay, secretary of state of the United States, on the part of the United States, and Peter Pedersen, minister resident from Denmark, on the part of Denmark, the respective plenipotentiaries of the two powers: and whereas the said convention has been duly and respectively ratified by me, by and with the advice and consent of the senate of the U. States, and by his majesty the king of Denmark, and the ratifications of the same have been exchanged on the tenth day of August last, at the city of Copenhagen, by John Rainals, consul of the United States, on the part of the United States, and Count Schimelmann, minister of foreign affairs of his majesty the king of Denmark, on the part of Denmark, which convention is in the words following, to wit:

General Convention of Friendship, Commerce, and Navigation, between the United States of America and his majesty the King of Denmark.

Peace, &c.

The United States of America and his majesty the king of Denmark, being desirous to make firm and permanent the peace and friendship which happily prevail between the two nations, and to extend the commercial relations which subsist between their respective territories and people, have agreed to fix, in a manner clear and positive, the rules which shall in future be observed between the one and the other party, by means of a general convention of friendship, commerce, and navigation. With that object, the president of the United States of America has conferred full powers on Henry Clay, their secretary of state, and his majesty the King of Denmark has conferred like powers on Peter Pedersen, his privy counsellor of legation, and minister resident near the said states, knight of the Dannebrog, who, after having exchanged their said full powers, found to be in due and proper form, have agreed to the following articles:

Commerce and Navigation.

ART. 1. The contracting parties, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage, mutually, not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediate-

ly become common to the other party, who shall enjoy the same freely, if the concession were freely made, or on allowing the same compensation, if the concession were conditional.

Navigation, equality, and reciprocity

ART. 2. The contracting parties being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens and subjects of each may frequent all the coasts and countries of the other, (with the exception hereafter provided for in the sixth article,) and reside and trade there in all kinds of produce, manufactures, and merchandize; and they shall enjoy all the rights, privileges, and exemptions, in navigation and commerce, which native citizens or subjects do, or shall enjoy, submitting themselves to the laws, decrees, and usages, there established, to which native citizens or subjects are subjected. But is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

Produce and manufactures

ART. 3. They likewise agree that whatever kind of produce, manufacture, or merchandize, of any foreign country, can be, from time to time, lawfully imported into the United States, in vessels belonging wholly to the citizens thereof, may be also imported in vessels wholly belonging to the subjects of Denmark; and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And, in like manner, that whatever kind of produce, manufacture, or merchandize, of any foreign country, can be, from time to time, lawfully imported into the dominions of the King of Denmark, in the vessels thereof, (with the exception hereafter mentioned in the sixth article,) may be also imported in the vessels of the United States; and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And they further agree, that whatever may be lawfully exported or re-exported, from the one country in its own vessels, to any foreign country, may in like manner, be exported or re-exported in the vessels of the other country. And the same bounties, duties, and drawbacks, shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of Denmark. Nor shall higher or other charges of any kind be imposed, in the ports of one party, or vessels of the other, than are, or shall be, payable in the same ports by native vessels.

1826. April 26.

Reciprocal duties the basis of this treaty.

ART. 4. No higher or other duties shall be imposed on the importation into the United States of any article, the produce or manufacture of the dominions of his majesty the king of Denmark; and no higher or other duties shall be imposed on the importation into the said dominions of any article, the produce or manufacture of the United States, than are, or shall be payable on the like articles, being the produce or manufacture of any other foreign country. Nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States, or to the dominions of his majesty the king of Denmark, respectively, than such as are, or may be, payable on the exportation of the like articles to any other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufacture of the United States, or of the dominions of his majesty the king of Denmark, to, or from, the territories of the United States, or to or from the said dominions, which shall not equally extend to all other nations.

Sound, or the Belt, duties.

ART. 5. Neither the vessels of the United States nor their cargoes shall, when they pass the Sound, or the Belts, pay higher or other duties than those which are or may be paid by the most favored nation.

Possessions excepted, in this convention.

ART. 6. The present convention shall not apply to the northern possessions of his majesty the king of Denmark; that is to say, Iceland, the Ferroe Islands, and Greenland, nor to places situated beyond the Cape of Good Hope, the right to regulate the direct intercourse with which possessions and places is reserved by the parties respectively. And it is further agreed that this convention is not to extend to the direct trade between Denmark and the West India colonies of his Danish majesty, but in the intercourse with those colonies, it is agreed that whatever can be lawfully imported into or exported from the said colonies in vessels of one party from or to the ports of the United States, or from or to the ports of any other foreign country, may, in like manner, and with the same duties and charges, applicable to vessel and cargo, be imported into or exported from the said colonies in vessels of the other party.

Both parties may dispose of their effects or remove them on paying the usual duties of their respective nations.

ART. 7. The United States and his Danish Majesty mutually agree, that no higher or other duties, charges, or taxes of any kind, shall be levied in the territories or dominions of either party, upon any personal property, money, or effects, of their respective citizens or subjects, on the removal of the same from

1826. April 26.

their territories or dominions reciprocally, either upon the inheritance of such property, money, or effects, or otherwise, than are or shall be payable in each State, upon the same, when removed by a citizen or subject of such State respectively.

Consuls and Vice Consuls.

ART. 8. To make more effectual the protection which the United States and his Danish Majesty shall afford, in future, to the navigation and commerce of their respective citizens and subjects, they agree mutually to receive and admit Consuls and Vice Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, privileges, and immunities, of the Consuls and Vice Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

Rights, privileges, &c. of the same.

ART. 9. In order that the Consuls and Vice Consuls of the contracting parties may enjoy the rights, privileges, and immunities, which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and having obtained their exequatur, which shall be granted gratis, they shall be held and considered as such by all the authorities, magistrates, and inhabitants, in the Consular district in which they reside.

Concerning Consuls.

ART. 10. It is likewise agreed, that the Consuls and persons attached to their necessary service, they not being natives of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay, on account of commerce, or their property, to which inhabitants, native and foreign, of the country in which such Consuls reside, are subject, being in every thing besides subject to the laws of the respective States. The archives and papers of the Consulate shall be respected inviolably, and, under no pretext whatever, shall any magistrate seize or in any way interfere with them.

Convention to be in force for ten years.

ART. 11. The present Convention shall be in force for ten years from the date hereof, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of the said term of ten years; and it is hereby agreed, between them, that, on the expiration of one year after such notice shall have been received

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by either, from the other party, this Convention, and all the provisions thereof, shall altogether cease and determine.

Convention to be approved of by the President, &c.

ART. 12. This Convention shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by his Majesty the King of Denmark, and the ratifications shall be exchanged in the City of Copenhagen, within eight months from the date of the signature hereof, or sooner, if possible.

In faith whereof, we, the Plenipotentiaries of the United States of America, and of his Danish Majesty, have signed and sealed these presents.

Done in triplicate, at the City of Washington, on the twenty-sixth day of April, in the year of our Lord one thousand eight hundred and twenty-six, in the fiftieth year of the Independence of the United States of America.

H. CLAY,
PR. PEDERSEN.

Now, therefore, be it known, that I, JOHN QUINCY ADAMS, President of the United States, have caused the said Convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States, and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the City of Washington, this fourteenth day of October, in the year of our Lord one thousand eight hundred and twenty-six, and of the Independence of the United States the fifty-first.

JOHN QUINCY ADAMS

By the President:
H. CLAY,
Secretary of State.

ADDENDUM.

1826. April 26.

Addendum

Mr. Clay to Mr. Pedersen.

DEPARTMENT OF STATE,
Washington, April 25, 1826.

The undersigned, Secretary of State of the United States, by direction of the President thereof, has the honor to state to Mr. Pederson, the Minister resident of his Majesty the King of Denmark, that it would have been satisfactory to the Government of the United States, if Mr. Pedersen had been charged with instructions in the negotiation which has just terminated, to treat of the indemnities to citizens of the United States, in consequence of the seizure, detention, and condemnation of their property, in the ports of his Danish Majesty. But as he has no instructions to that effect, the undersigned is directed, at and before proceeding to the signature of the Treaty of Friendship, Commerce, and Navigation, on which they have agreed, explicitly to declare, that the omission to provide for those indemnities is not hereafter to be interpreted as a waiver or abandonment of them by the Government of the United States, which, on the contrary, is firmly resolved to persevere in pursuit of them, until they shall be finally arranged, upon principles of equity and justice. And, to guard against any misconception of the fact of the silence of the Treaty, in the above particular, or of the views of the American Government, the undersigned requests that Mr. Pedersen will transmit this official declaration to the Government of Denmark. And he avails himself of this occasion to tender to Mr. Pedersen assurances of his distinguished consideration.

H. CLAY.

The Chevalier PEDERSEN,
Minister resident from Denmark.

The Chevalier Peter Pedersen to Mr. Clay.

WASHINGTON, 25*th April*, 1826.

The undersigned, Minister resident of his Majesty the King of Denmark, has the honor, herewith, to acknowledge having received Mr. Clay's official note of this day, declaratory of the advanced claims against Denmark, not being waived, on the part of the United States, by the Convention agreed upon, and about to be signed, which note he, as requested, will transmit to his Government. And he avails himself of this occasion to renew to Mr. Clay assurances of his distinguished consideration.

P. PEDERSEN.

To the Hon. HENRY CLAY,
Secretary of State of the United States.

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TREATIE

DIPLOMATIC CODE

OF

The United States of North America.

PART II.

TREATIES WITH THE BARBARY POWERS.

No. 1.—*Trea*
States of A
Morocco.

To all persons

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TREATY WITH MOROCCO.

No. 1.—*Treaty of peace and friendship between the United States of America, and his imperial majesty the Emperor of Morocco.*

To all persons to whom these presents shall come, or be made known.

Whereas the United States of America, in congress assembled, by their commission bearing date the twelfth day of May, one thousand seven hundred and eighty-four, thought proper to constitute John Adams, Benjamin Franklin, and Thomas Jefferson, their ministers plenipotentiary; giving to them, or a majority of them, full powers to confer, treat, and negotiate with the ambassador, minister, or commissioner, of his majesty the emperor of Morocco, concerning a treaty of amity and commerce; to make and receive propositions for such treaty, and to conclude and sign the same, transmitting it to the United States in congress assembled, for their final ratification; and by one other commission, bearing date the eleventh day of March, one thousand seven hundred and eighty-five, did further empower the said ministers plenipotentiary, or a majority of them, by writing under their hands and seals, to appoint such agent in the said business as they might think proper, with authority, under the directions and instructions of the said ministers, to commence and prosecute the said negotiations and conferences for the said treaty, provided that the said treaty should be signed by the said ministers: And whereas we, the said John Adams and Thomas Jefferson, two of the said ministers plenipotentiary, (the said Benjamin Franklin being absent,) by writing under the hand and seal of the said John Adams, at London, October the fifth, one thousand seven hundred and eighty-five, and of the said Thomas Jefferson, at Paris, October the eleventh, of the same year, did appoint Thomas Barclay agent in the business aforesaid, giving him the powers therein, which, by the said second commission, we were authorized to give; and the said Thomas Barclay, in pursuance thereof, hath arranged articles for a treaty of amity and commerce between the United States of America, and his majesty the emperor of Morocco, which articles written in the Arabic language, confirmed by his said majesty the emperor of Morocco, and sealed with his royal seal, being translated into the language of the said United States of America, toge-

John Adams, Benjamin Franklin, and Thomas Jefferson, appointed by congress, on 12th May, 1784, to negotiate a treaty of amity and commerce with the emperor of Morocco &c. and empowered to appoint an agent, &c.

Thomas Barclay appointed agent.

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ther with the attestations thereto annexed, are in the following words, to wit:

[Royal Seal.]

IN THE NAME OF ALMIGHTY GOD.

Treaty of peace and friendship between the U. States and Morocco.

This is a treaty of peace and friendship, established between us and the United States of America, which is confirmed, and which we have ordered to be written in this book, and sealed with our royal seal, at our court of Morocco, on the twenty-fifth day of the blessed month of Shaban, in the year one thousand two hundred; trusting in God it will remain permanent.

Mutual agreement of the parties to the articles of the treaty.

ART. 1. We declare that both parties have agreed that this treaty, consisting of twenty-five articles, shall be inserted in this book, and delivered to the honorable Thomas Barclay, the agent of the United States, now at our court, with whose approbation it has been made, and who is duly authorized, on their part, to treat with us concerning all the matters contained therein.

Neither party to take commissions from an enemy.

ART. 2. If either of the parties shall be at war with any nation whatever, the other party shall not take a commission from the enemy, nor fight under their colors.

Persons or goods of one party, captured in an enemy vessel by the other, to be released.

ART. 3. If either of the parties shall be at war with any nation whatever, and take a prize belonging to that nation, and there shall be found on board subjects or effects belonging to either of the parties, the subjects shall be set at liberty, and the effects returned to the owners. And if any goods, belonging to any nation, with whom either of the parties shall be at war, shall be loaded on vessels belonging to the other party, they shall pass free and unmolested, without any attempt being made to take or detain them.

Enemy goods, laden on board a vessel of either party, to pass free.

Vessels to have passports.

ART. 4. A signal, or pass, shall be given to all vessels belonging to both parties, by which they are to be known when they meet at sea; and if the commander of a ship of war of either party shall have other ships under his convoy, the declaration of the commander shall alone be sufficient to exempt any of them from examination.

Ships under convoy free.

Visit of vessels at sea.

ART. 5. If either of the parties shall be at war, and shall meet a vessel at sea belonging to the other, it is agreed, that if an examination is to be made, it shall be done by sending a boat with two or three men only; and if any gun shall be fired, and injury done, without reason, the offending party shall make good all damages.

Satisfaction for damages.

American citizens and effects to be restored.

ART. 6. If any Moor shall bring citizens of the United States, or their effects, to his majesty, the citizens shall im-

mediately be set at liberty, and the effects restored; and, in like manner, if any Moor, not a subject of these dominions, shall make prize of any of the citizens of America, or their effects, and bring them into any of the ports of his majesty, they shall be immediately released, as they will then be considered as under his majesty's protection. 17[illegible]. October 5.

Vessels in port to be supplied.

ART. 7. If any vessel of either party shall put into a port of the other, and have occasion for provisions, or other supplies, they shall be furnished without any interruption or molestation.

No duty in case of vessels putting in to repair.

ART. 8. If any vessel of the United States shall meet with a disaster at sea, and put into one of our ports to repair, she shall be at liberty to land and reload her cargo without paying any duty whatever.

Stranded vessels to be protected

ART. 9. If any vessel of the United States shall be cast on shore on any part of our coasts, she shall remain at the disposition of the owners, and no one shall attempt going near her without their approbation, as she is then considered particularly under our protection; and if any vessel of the United States shall be forced to put into our ports by stress of weather, or otherwise, she shall not be compelled to land her cargo, but shall remain in tranquillity until the commander shall think proper to proceed on his voyage.

Vessels putting in from stress of weather, not compelled to land cargoes.

Vessels engaged within gunshot of forts to be protected.

ART. 10. If any vessel of either of the parties shall have an engagement with a vessel belonging to any of the christian powers, within gunshot of the forts of the other, the vessel so engaged shall be defended and protected as much as possible, until she is in safety; and if any American vessel shall be cast on shore on the coast of Wadnoon or any coast thereabout, the people belonging to her shall be protected and assisted, until, by the help of God, they shall be sent to their country.

Vessels stranded at Wadnoon, &c.

Enemy vessels not allowed to follow for twenty-four hours, &c.

ART. 11. If we shall be at war with any christian power, and any of our vessels sail from the ports of the United States, no vessel belonging to the enemy shall follow, until twenty-four hours after the departure of our vessels; and the same regulation shall be observed towards the American vessels sailing from our ports, be their enemies Moors or christians.

Ships of war not to be examined in port, &c.

Fugitive slaves.

ART. 12. If any ship of war belonging to the United States, shall put into any of our ports, she shall not be examined on any pretence whatever, even though she should have fugitive slaves on board, nor shall the governor or commander of the place compel them to be brought on shore on any pretext, nor require any payment for them.

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Salutes to be returned.

ART. 13. If a ship of war of either party shall put into a port of the other, and salute, it shall be returned from the fort with an equal number of guns, not with more or less.

American commerce on the most favored footing &c.

ART. 14. The commerce with the United States shall be on the same footing as is the commerce with Spain, or as that with the most favored nation, for the time being; and their citizens shall be respected and esteemed, and have full liberty to pass and repass our country and seaports, whenever they please, without interruption.

Employment of interpreters &c. Loading of vessels.

ART. 15. Merchants of both countries shall employ only such interpreters, and such other persons to assist them in their business, as they shall think proper. No commander of a vessel shall transport his cargo on board another vessel; he shall not be detained in port longer than he may think proper; and all persons employed in loading or unloading goods, or in any other labor whatever, shall be paid at the customary rates, not more and not less.

No detention in port. Wages of laborers.

Prisoners to be exchanged.

ART. 16. In case of war between the parties, the prisoners are not to be made slaves, but to be exchanged one for another, captain for captain, officer for officer, and one private man for another; and if there shall prove a deficiency on either side, it shall be made up by the payment of one hundred Mexican dollars for each person wanting. And it is agreed, that all prisoners shall be exchanged in twelve months from the time of their being taken, and that this exchange may be effected by a merchant, or any other person, authorized by either of the parties.

Balance of prisoners to be paid for $100 per man.

Exchanges in 12 months, &c.

No compulsion in buying or selling.

ART. 17. Merchants shall not be compelled to buy or sell any kind of goods but such as they shall think proper; and may buy and sell all sorts of merchandise but such as are prohibited to the other christian nations.

No examination of goods on board, except on proof of contraband, &c.

ART. 18. All goods shall be weighed and examined before they are sent on board; and to avoid all detention of vessels, no examination shall aferwards be made, unless it shall first be proved that contraband goods have been sent on board; in which case, the persons who took the contraband goods on board, shall be punished according to the usage and custom of the country, and no other person whatever shall be injured, nor shall the ship or cargo incur any penalty or damage whatever.

No detention of vessels.

Freight, &c.

ART. 19. No vessel shall be detained in port on any pretence whatever, nor be obliged to take on board any article without the consent of the commander, who shall be at full liberty to agree for the freight of any goods he takes on board.

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ART. 20. If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the consul shall decide between the parties; and whenever the consul shall require any aid or assistance from our government, to enforce his decisions, it shall be immediately granted to him.

Disputes between Americans, &c. to be decided by the consul, &c.

ART. 21. If a citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the consul assisting at the trial; and if any delinquent shall make his escape, the consul shall not be answerable for him in any manner whatever.

Killing or wounding on either side, punishable by the law of the country, &c.

Escape of delinquents.

ART. 22. If an American citizen shall die in our country and no will shall appear, the consul shall take possession of his effects; and if there shall be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; but if the heir to the person deceased be present, the property shall be delivered to him without interruption; and if a will shall appear, the property shall descend agreeable to that will, as soon as the consul shall declare the validity thereof.

Persons dying intestate, &c. care of their effects.

Validity of wills.

ART. 23. The consuls of the United States of America, shall reside in any seaport of our dominions that they shall think proper; and they shall be respected, and enjoy all the privileges which the consuls of any other nation enjoy; and if any of the citizens of the United States shall contract any debts or engagements, the consul shall not be in any manner accountable for them, unless he shall have given a promise in writing for the payment or fulfilling thereof; without which promise in writing, no application to him for any redress shall be made.

Residence of consuls. [It is generally Tangier.]

American consul not accountable for debts of citizens.

ART. 24. If any differences shall arise by either party infringing on any of the articles of this treaty, peace and harmony shall remain notwithstanding, in the fullest force, until a friendly application shall be made for an arrangement; and until that application shall be rejected, no appeal shall be made to arms. And if a war shall break out between the parties, nine months shall be granted to all the subjects of both parties, to dispose of their effects and retire with their property. And it is further declared, that whatever indulgence in trade or otherwise, shall be granted to any of the christian powers, the citizens of the United States shall be equally entitled to them.

No appeal to arms until refusal of friendly arrangement.

In case of war, nine months allowed to settle affairs, &c.

ART. 25. This treaty shall continue in full force, with the help of God, for fifty years.

This treaty to last fifty years.

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We have delivered this book into the hands of the beforementioned Thomas Barclay, on the first day of the blessed month of Ramadan, in the year one thousand two hundred.

I certify, that the annexed is a true copy of the translation made by Isaac Cardoza Nunnez, interpreter at Morocco, of the treaty between the emperor of Morocco, and the United States of America.

THOMAS BARCLAY.

Additional article.

ADDITIONAL ARTICLE.

Grace to the only God.

I, the underwritten, the servant of God, Tahar ben Abdelkack Tennish, do certify, that his imperial majesty, my master, (whom God preserve,) having concluded a treaty of peace and commerce with the United States of America, has ordered me, the better to complete it, and in addition of the tenth article of the treaty, to declare, "That if any vessel belonging "to the United States, shall be in any of the ports of his ma- "jesty's dominions, or within gunshot of his forts, she shall "be protected as much as possible; and no vessel whatever, "belonging either to Moorish or christian powers, with whom "the United States may be at war, shall be permitted to fol- "low or engage her, as we now deem the citizens of America "our good friends."

American vessels in ports of Morocco, to be protected; and not followed out of port by an enemy.

And in obedience to his majesty's commands, I certify this declaration, by putting my hand and seal to it, on the eighteenth day of Ramadan,* in the year one thousand two hundred.

The servant of the king my master, whom God preserve.

TAHER BEN ABDELKACK TENNISH.

Thomas Barclay's certificate to the translation.

I do certify, that the above is a true copy of the translation made at Morocco, by Isaac Cordoza Nunnez, interpreter, of a declaration made and signed by Sidi Hage Taher Tennish, in addition to the treaty between the emperor of Morocco and the United States of America, which declaration the said Taher Tennish made by the express directions of his majesty.

THOMAS BARCLAY.

Approval by J. Adams and Th: Jefferson.

Now, know ye, that we the said John Adams, and Thomas Jefferson, ministers plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained; reserving the same, nevertheless, to the United States in congress assembled, for their final ratification.

In testimony whereof, we have signed the same with our names and seals, at the places of our respective residence, and at the dates expressed under our signatures respectively. 1785. October 5.

THOMAS JEFFERSON. [L. S.]

PARIS, January 1st, 1787.

JOHN ADAMS. [L. S.]

LONDON, January 25th, 1787.

*The Ramadan of the year of the Hegira 1200, commenced on the 28th June, in the year of our Lord, 1786.

TREATIES WITH ALGIERS.

No. 1.—*A Treaty of Peace and Amity, concluded the present day, I—ima artasi, the twenty-first of the Luna safer, year of the Hegira* 1210; *corresponding with Saturday, the fifth of September, one thousand seven hundred and ninety-five; between Hassan Bashaw, Dey of Algiers, his divan and subjects, and George Washington, President of the United States of North America, and the citizens of the said United States.* Treaty between the United States and Algiers.

ART. 1. From the date of the present treaty, there shall subsist a firm and sincere peace and amity between the President and citizens of the United States of North America, and Hassan Bashaw, Dey of Algiers, his divan and subjects; the vessels and subjects of both nations reciprocally treating each other with civility, honor, and respect. Firm and sincere peace.

ART. 2. All vessels belonging to the citizens of the United States of North America, shall be permitted to enter the different ports of the regency, to trade with our subjects, or any other persons residing within our jurisdiction, on paying the usual duties at our custom house that is paid by all nations at peace with this regency; observing that all goods disembarked and not sold here, shall be permitted to be reimbarked without paying any duty whatever, either for disembarking or embarking. All naval and military stores, such as gunpowder, lead, iron, plank, sulphur, timber for building, tar, pitch, rosin, turpentine, and any other goods denominated naval and military stores, shall be permitted to be sold in this regency, without paying any duties whatever at the custom-house of this regency. Free trade with Algiers. Duties, &c. Naval and military stores may be sold duty free.

ART. 3. The vessels of both nations shall pass each other without any impediment or molestation; and all goods, moneys, or passengers, of whatsoever nation, that may be on Vessels and effects to pass free.

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board of the vessels belonging to either party, shall be considered as inviolable, and shall be allowed to pass unmolested.

Visit of American merchantmen by Algerine ships of war, &c.

ART. 4. All ships of war belonging to this regency, on meeting with merchant vessels belonging to citizens of the United States, shall be allowed to visit them with two persons only beside the rowers; these two only permitted to go on board said vessel, without obtaining express leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage unmolested. All ships of war belonging to the United States of North America, on meeting with an Algerine cruiser, and shall have seen her passport and certificate from the consul of the United States of North America, resident in this agency, shall be permitted to proceed on her cruise unmolested: no passport to be issued to any ships but such as are absolutely the property of citizens of the United States: and eighteen months shall be the term allowed for furnishing the ships of the United States with passports.

American ships of war meeting Algerine cruizers, &c.

Ships, the property of citizens only, entitled to passports, &c.

Persons not to be taken out of American vessels, &c.

ART. 5. No commander of any cruiser belonging to this regency, shall be allowed to take any person, of whatever nation or denomination, out of any vessel belonging to the United States of North America, in order to examine them, or under pretence of making them confess any thing desired; neither shall they inflict any corporal punishment, or any way else molest them.

Stranded vessels to receive assistance.

ART. 6. If any vessel belonging to the United States of North America shall be stranded on the coast of this regency, they shall receive every possible assistance from the subjects of this regency: all goods saved from the wreck shall be permitted to be reimbarked on board of any other vessel, without paying any duties at the custom-house.

Goods wrecked free of duty.

The Algerines not to sell vessels of war to enemies of the United States.

ART. 7. The Algerines are not, on any pretence whatever, to give or sell any vessel of war to any nation at war with the United States of North America, or any vessel capable of cruising to the detriment of the commerce of the United States.

Prizes bought of Algerines by Americans, &c.

ART. 8. Any citizen of the United States of North America, having bought any prize condemned by the Algerines, shall not be again captured by the cruisers of the regency then at sea, although they have not a passport; a certificate from the consul resident being deemed sufficient, until such time they can procure such passport.

Barbary powers, at war with the Unit. States, not to sell their

ART. 9. If any of the Barbary states, at war with the United States of North America, shall capture any American vessel and bring her into any of the ports of this regency, they

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shall not be permitted to sell her, but shall depart the port on procuring the requisite supplies of provision.

prizes in Algerine ports, &c.

ART. 10. Any vessel belonging to the United States of North America, when at war with any other nation, shall be permitted to send their prizes into the ports of the regency, have leave to dispose of them, without paying any duties on sale thereof. All vessels wanting provisions or refreshments, shall be permitted to buy them at market price.

American vessels may sell their prizes in ports of Algiers, &c.

Refreshments, &c.

ART. 11. All ships of war belonging to the United States of North America, on anchoring in the ports of the regency, shall receive the usual presents of provisions and refreshment, gratis. Should any of the slaves of this regency make their escape on board said vessels, they shall be immediately returned: No excuse shall be made that they have hid themselves amongst the people and cannot be found, or any other equivocation.

Presents of provisions to ships of war.

Fugitive slaves, &c.

ART. 12. No citizen of the United States of North America shall be obliged to redeem any slave against his will, even should he be his brother: neither shall the owner of a slave be forced to sell him against his will: but all such agreements must be made by consent of parties. Should any American citizen be taken on board an enemy ship, by the cruisers of this regency, having a regular passport, specifying they are citizens of the United States, they shall be immediately set at liberty. On the contrary, they having no passport, they and their property shall be considered lawful prize; as this regency know their friends by their passports.

Redemption of slaves.

Americans taken on board enemy ships, &c.

Personal passports essential.

ART. 13. Should any of the citizens of the United States of North America die within the limits of this regency, the dey and his subjects shall not interfere with the property of the deceased; but it shall be under the immediate direction of the consul; unless otherwise disposed of by will. Should there be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; when they shall render an account of the property. Neither shall the dey or divan give hindrance in the execution of any will that may appear.

Effects of persons dying intestate, &c.

Validity of wills.

ART. 14. No citizen of the United States of North America, shall be obliged to purchase any goods against his will; but, on the contrary, shall be allowed to purchase whatever it pleaseth him. The consul of the United States of America, or any other citizen, shall not be amenable for debts contracted by any one of their own nation; unless previously they have given a written obligation so to do. Should the dey want to freight any American vessel that may be in the re-

Freedom in buying goods.

Consul not responsible for debts of citizens.

The Dey wanting to freight an

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gency, or Turkey, said vessel not being engaged, in consequence of the friendship subsisting between the two nations he expects to have the preference given him, on his paying the same freight offered by any other nation.

American vessel, &c.

Disputes to be decided by the Dey.

ART. 15. Any disputes or suits at law, that may take place between the subjects of the regency, and the citizens of the United States of North America, shall be decided by the dey in person, and no other. Any disputes that may arise between the citizens of the United States, shall be decided by the consul, as they are in such cases not subject to the laws of this regency.

Disputes to be decided by the Consul.

Killing or wounding an Algerine, &c.

ART. 16. Should any citizen of the United States of North America, kill, wound, or strike, a subject of this regency, he shall be punished in the same manner as a Turk, and not with more severity. Should any citizen of the United States of of North America, in the above predicament, escape prison the consul shall not become answerable for him.

Security, liberty, and privileges of the American Consul; religious indulgence to christian slaves, &c.

ART. 17. The consul of the United States of North America shall have every personal security given him and his household: he shall have liberty to exercise his religion in his own house: all slaves of the same religion, shall not be impeded in going to said consul's house, at hours of prayer. The consul shall have liberty and personal security given him to travel whenever he pleases, within the regency: he shall have free license to go on board any vessel lying in our roads, whenever he shall think fit. The consul shall have leave to appoint his own drogaman and broker.

In case of war, American citizens may embark, &c.

ART. 18. Should a war break out between the two nations, the consul of the United Statrs of North America, and all citizens, of said states, shall have leave to embark themselves and property, unmolested, on board of what vessels they shall think proper.

Persons and property, captured on board enemy vessels, to be discharged.

ART. 19. Should the cruisers of Algiers capture any vessel, having citizens of the United States of North America on board, they having papers to prove they are really so, they and their property shall be immediately discharged. And should the vessels of the United States capture any vessels of nations at war with them, having subjects of this regency on board, they shall be treated in like manner.

Salutes to be returned.

ART. 20. On a vessel of war, belonging to the United States of North America, anchoring in our ports, the consul is to inform the dey of her arrival; and she shall be saluted with twenty-one guns; which she is to return in the same quantity or number. And the dey will send fresh provisions on board, as is customary, gratis.

Presents of fresh provisions.

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ART. 21. The consul of the United States of North America shall not be required to pay duty for any thing he brings from a foreign country for the use of his house and family.

Household articles of the consul, duty free.

ART. 22. Should any disturbance take place between the citizens of the United States and the subjects of this regency, or break any article of this treaty, war shall not be declared immediately; but every thing shall be searched into regularly; the party injured shall be made reparation.

Inquiry and reparation to prevent war.

On the 21st of the Luna of Safer, 1210, corresponding with the 5th of September, 1795, Joseph Donaldson, jr. on the part of the United States of North America, agreed with Hassan Bashaw, dey of Algiers, to keep the articles contained in this treaty sacred and inviolable; which we, the dey and divan, promise to observe, on consideration of the United States paying annually the value of twelve thousand Algerine sequins in maritime stores. Should the United States forward a larger quantity, the overplus shall be paid for in money, by the dey and regency. Any vessel that may be captured, from the date of this treaty of peace and Amity, shall immediately be delivered up on her arrival in Algiers.

Mutual promise to observe this treaty.

The U. States to pay annually 12,000 sequins: ($21,600.)

Vessels captured in future, to be released.

VIZIR HASSAN BASHAW.
JOSEPH DONALDSON, JR.

Seal of Algiers, stamped at the foot of the original treaty, in Arabic.

To all to whom these presents shall come, or be made known.

Whereas, the underwritten David Humphreys hath been duly appointed commissioner plenipotentiary, by letters patent under the signature of the president, and seal of the United States of America, dated the 30th of March, 1795, for negotiating and concluding a treaty of peace with the dey and governors of Algiers; whereas, by instructions given to him on the part of the executive, dated the 28th of March, and 4th of April, 1795, he hath been further authorized to employ Joseph Donaldson, junior, on an agency in the said business; whereas, by a writing under his hand and seal, dated the 21st May, 1795, he did constitute and appoint Joseph Donaldson, junior, agent in the business aforesaid; and the said Joseph Donaldson, junior, did, on the 5th of September, 1795, agree with Hassan Bashaw, day of Algiers, to keep the articles of the preceding treaty sacred and inviolable:

David Humphreys appointed to negotiate a treaty with Algiers, with power to employ Joseph Donaldson, jr as agent, &c.

Now know ye, that I, David Humphreys, commissioner plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained; reserving the same, nevertheless, for the final ratification of the pre-

Approved by David Humphreys, &c.

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sident of the United States of America, by and with the advice and consent of the senate of the said United States.

In testimony whereof, I have signed the same with my hand and seal, at the city of Lisbon, this 28th of November, 1795.

[L. S.] DAVID HUMPHREYS.

NOTE.—A rupture of the peace and friendship between the United States and the dey of Algiers, took place in July, 1812. The American ship Allegany, sent with a cargo of naval and military stores for the regency, arrived there on the 17th of that month. At first, the dey expressed entire satisfaction; but, on the 20th, when the officers of the regency began to discharge the cargo, he suddenly became outrageous, on the pretext that the quantity of gunpowder, cables, cordage, &c. was not so great as he had previously demanded, and had expected by this conveyance. The consul general of the United States urged various arguments, and used some mild remonstrances, to appease the offended sovereign, but they were altogether fruitless. An adjustment of accounts took place, under the treaty, (the consul general's copy of which instrument the dey desired to see, and refused to return,) when there was found only $15,826 due from the United States, which the cargo of the Allegany would have paid, had it been accepted. But the Algerine minister insisted on counting by the Mahometan calendar, which allows but 354 days to the year, and claimed a balance of $27,000. In payment of this sum, or any part of it, the cargo of the Allegany was refused to be received, and the consul general was allowed only until the 2d of July, to discharge the amount in cash the dey threatening, otherwise, to detain all the Americans in Algiers in slavery, confiscate the ship Allegany, and declare war against the United States. To effect the payment, the consul general had to raise the money upon a bill, at thirty days sight, which was negotiated, on the spot, at a discount of 25 per cent. thereby swelling the amount to $33,750. On the 25th of July, all the Americans at Algiers embarked on board the Allegany, to the number of seventeen persons, including the consul general and his family. They proceeded in the vessel to Gibraltar, where she was seized, with her cargo, and detained by the British authorities; the United States having declared war against Great Britain on the 18th of June, in the same year. Computing the duration of the treaty with the regency of Algiers at seventeen years, up to the 5th of September, 1812, the whole of their annuities amount, according to stipulation, to $367,200; but the Algerine minister, by his method of reckoning time, extorted $10,800 additional; which extortion was still further increased, by $363, under the plea of round numbers. *See message of the President of the United States to congress, transmitting copies of a letter from Tobias Lear, consul general of the United States to Algiers, stating the circumstances preceding and attending his departure from that regency, communicated November 17, 1812.*

1815.
June 30.

[This Treaty was concluded at Algiers on the 30th of June, 1815, by Stephen Decatur and William Shaler, for the United States, and Omar Bashaw, the Dey of Algiers. It was ratified by the President of the United States, by and with the advice and consent of the Senate, on the 26th of December, 1815.]

No. 2.—*Treaty of Peace and Amity, concluded between the United States of America and his highness Omar Bashaw, Dey of Algiers.*

Treaty with Algiers.

Peace and Friendship.

ART. 1. There shall be, from the conclusion of this treaty, a firm, inviolable, and universal peace and friendship between the President and citizens of the United States of America, on the one part, and the Dey and subjects of the Regency of Algiers, in Barbary, on the other, made by the free consent of both parties, and on the terms of the most favored nations: And if either party shall hereafter grant to any other nation any particular favor or privilege in navigation or commerce, it shall immediately become common to the other party; freely, when it is freely granted to such other nations: but when the grant is conditional, it shall be the option of the contracting parties to accept, alter, or reject, such conditions, in such manner as shall be most conducive to their respective interests.

Favors in navigation and commerce granted to other nations, to be common to each, &c.

Abolition of tribute in any form

ART. 2. It is distinctly understood between the contracting parties that no tribute, either as biennial presents, or under any other form or name whatever, shall ever be required by the Dey and Regency of Algiers from the United States of America, on any pretext whatever.

American citizens to be delivered up.

ART. 3. The Dey of Algiers shall cause to be immediately delivered up to the American squadron now off Algiers, all the American citizens now in his possession, amounting to ten, more or less; and all the subjects of the Dey of Algiers, now in possession of the United States, amounting to five hundred, more or less, shall be delivered up to him; the United States, according to the usages of civilized nations, requiring no ransom for the excess of prisoners in their favor.

Subjects of Algiers delivered up without ransom.

Indemnification to American citizens for detention and loss of property, &c.

ART. 4. A just and full compensation shall made by the Dey of Algiers to such citizens of the United States as have been captured and detained by Algerine cruisers, or who have been forced to abandon their property in Algiers, in violation of the twenty-second article of the Treaty of Peace and Amity, concluded between the United States and the Dey of Algiers, on the fifth of September, one thousand seven hundred and ninety-five.*

[*See the treaty, page 421.]

1815. June 30.

And it is agreed between the contracting parties, that in lieu of the above, the Dey of Algiers shall cause to be delivered forthwith into the hands of the American consul residing at Algiers, the whole of a quantity of bales of cotton left by the late consul general of the United States in the public magazines in Algiers: and that he shall pay into the hands of the said consul the sum of ten thousand Spanish dollars.

Bales of cotton and 100,000 dollars in lieu.

Enemies' property to pass free in the vessels of each party.

ART. 5. If any goods belonging to any nation with which either of the parties are at war, should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempts shall be made to take or detain them.

Citizens or subjects taken on board enemy vessels to be liberated; and American citizens and property not to be held captive or detained on any account.

ART. 6. If any citizens or subjects, with their effects, belonging to either party, shall be found on board a prize vessel taken from an enemy by the other party, such citizens or subjects shall be liberated immediately, and in no case, or on any other pretence whatever, shall any American citizen be kept in captivity or confinement, or the property of any American citizen found on board of any vessel belonging to any other nation with which Algiers may be at war, be detained from its lawful owners after the exhibition of sufficient proofs of American citizenship and of American property, by the consul of the United States residing at Algiers.

Passports to vessels of either party: and right of visit restricted.

ART. 7. Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the vessels of war belonging to the Regency of Algiers, on meeting with merchant vessels belonging to the citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; these only shall be permitted to go on board without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage; and should any of the subjects of Algiers insult or molest the commander, or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the consul of the United States residing in Algiers, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Algerine ship or vessel of war, as well as the offenders, shall be punished in the most exemplary manner.

Offenders to be punished for abusing the right of visit.

Vessels of war of the U. States to suffer Algerine cruisers to pass, on being satisfied as to

All vessels of war belonging to the United States of America, on meeting a cruiser belonging to the Regency of Algiers, on having seen her passports and certificates from the consul of the United States residing in Algiers, shall permit her to

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proceed on her cruise unmolested and without detention. No passport shall be granted to either party to any vessels, but such as are absolutely the property of citizens or subjects of the said contracting parties, on any pretence whatever.

their consular Document.

Certificates of condemnation and bill of sale sufficient passport for six months, in case of purchase of prizes.

ART. 8. A citizen or subject of either of the contracting parties having bought a prize vessel condemned by the other party, or by any other nation, the certificates of condemnation and bill of sale shall be sufficient passport for such vessel for six months, which, considering the distance between the two countries, is no more than a reasonable time for her to procure proper passports.

Provisions to be furnished to the vessels of each party in ports of the other at market price. In case of repair, cargoes may be landed without duty; but no compulsion to land cargoes.

ART. 9. Vessels of either of the contracting parties putting into ports of the other, and having need of provisions, or other supplies, shall be furnished at the market price; and if any such vessel should so put in from a distance at sea, and have occasion to repair, she shall be at liberty to land and re-embark her cargo, without paying any customs or duties whatever; but in no case shall she be compelled to land her cargo.

When vessels are cast ashore in the territory of either party, assistance to be given to the crews and protection to the property.

ART. 10. Should a vessel of either of the contracting parties be cast on shore within the territories of the other, all proper assistance shall be given to her crew, no pillage shall be allowed, the property shall remain at the disposal of the owners; and, if re-shipped on board of any vessel for exportation, no customs or duties whatever shall be required to be paid thereon, and the crew shall be protected and succored until they be sent to their own country.

Vessels of either party to be protected within cannot shot, and in port; and and an enemy not permitted to pursue within 24 hours.

ART. 11. If a vessel of either of the contracting parties shall be attacked by an enemy within cannot shot of the forts of the other, she shall be protected as much as is possible. If she be in port, she shall not be seized or attacked, when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall not be permitted to pursue her from the same port within twenty-four hours after her departure.

Commerce, protection to merchants, rights of establishing consuls, &c. on the footing of the most favored nations.

ART. 12. The commerce between the United States of America and the regency of Algiers, the protections to be given to merchants, masters of vessels, and seamen, the reciprocal rights of establishing consuls in each country, and the privileges, immunities, and jurisdictions, to be enjoyed by such consuls, are declared to be on the same footing, in every respect, with the most favored nations, respectively.

Consuls of the U. States not responsible for debts of citizens, unless, &c.

ART. 13. The consul of the United States of America shall not be responsible for the debts contracted by citizens of his own nation, unless he previously gives written obligations so to do.

1815. June 30.

Saluting to vessels of war of the U. States, as to the most favored nations.

ART. 14. On a vessel or vessels of war belonging to the United States anchoring before the city of Algiers, the consul is to inform the dey of her arrival, when she shall receive the salutes which are, by treaty or custom, given to the ships of war of the most favored nations on similar occasions, and which shall be returned gun for gun; and if after such arrival, so announced, any christians whatsoever, captives in Algiers,

Christian captives taking refuge on board American ships of war, cannot be reclaimed.

make their escape and take refuge on board any of the ships of war, they shall not be required back again, nor shall the consul of the United States or commanders of said ships be required to pay any thing for the said christians.

Pretexts arising from religious opinions not to interrupt harmony, &c.

ART. 15. As the government of the United States of America has, in itself, no character of enmity against the laws, religion, or tranquillity of any nation, and as the said states have never entered into any voluntary war, or act of hostility, except in defence of their just rights on the high seas, it is declared by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two nations; and the consuls

Liberty to celebrate religious rights.

and agents of both nations shall have liberty to celebrate the rites of their respective religions in their own houses.

Consuls may travel within the territories of each party.

The consuls, respectively, shall have liberty and personal security given them to travel within the territories of each other, both by land and sea, and shall not be prevented from going on board any vessels they may think proper to visit: they shall likewise have liberty to appoint their own drogoman and broker.

In case of dispute arising from violation of this Treaty, the grievances to be stated, and three months allowed for an adjustment of differences, &c.

ART. 16. In case of any dispute arising from the violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared on any pretext whatever; but if the consul residing at the place where the dispute shall happen, shall not be able to settle the same, the government of that country shall state their grievance in writing and transmit the same to the government of the other, and the period of three months shall be allowed for answers to be returned, during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and a war

If war ensues, Consuls, citizens, and subjects to be permitted to embark unmolested, &c.

should be the event, the consuls, and citizens, and subjects of both parties, respectively, shall be permitted to embark with their effects unmolested, on board of what vessel or vessels they shall think proper, reasonable time being allowed for that purpose.

Prisoners of war not to be

ART. 17. If, in the course of events, a war should break out between the two nations the prisoners captured by either

1815. June 30.

party shall not be made slaves, they shall not be forced to hard labor, or other confinement than such as may be necessary to secure their safe keeping, and shall be exchanged rank for rank: and it is agreed that prisoners shall be exchanged in twelve months after their capture, and the exchange may be effected by any private individual legally authorized by either of the parties.

made slaves; but to be exchanged, rank for rank, within 12 months. &c.

ART. 18. If any of the Barbary States, or other powers at war with the United States, shall capture any American vessel and send her into any port of the regency of Algiers, they shall not be permitted to sell her, but shall be forced to depart the port on procuring the requisite supplies of provisions; but the vessels of war of the United States, with any prizes they may capture from their enemies, shall have liberty to frequent the ports of Algiers for refreshments of any kind, and to sell such prizes in the said ports, without any other customs or duties than such as are customary on ordinary commercial importations.

Powers at war with the United States, not to be suffered to sell American captured vessels at Algiers; but the vessels of war of the United States may sell their prizes at Algiers, &c.

ART. 19. If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the consul shall decide between the parties; and whenever the consul shall require any aid or assistance from the government of Algiers to enforce his decision, it shall be immediately granted to him: and if any disputes shall arise between any citizens of the U. States and the citizens or subjects of any other nation having a consul or agent in Algiers, such disputes shall be settled by the consuls or agents of the respective nations; and any disputes or suits at law that may take place between any citizens of the United States and the subjects of the regency of Algiers, shall be decided by the dey in person, and no other.

Consul of the U. States to decide disputes between American citizens, &c.

Other disputes to be settled by the consuls or agents of the nations to which the parties belong.

Disputes between citizens of the U. States and subjects of Algiers to be decided by the dey in person.

ART. 20. If a citizen of the United States should kill, wound, or strike a subject of Algiers, or, on the contrary, a subject of Algiers should kill, wound or strike a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the consul assisting at the trial; but the sentence of punishment against an American citizen shall not be greater or more severe than it would be against a Turk in the same predicament; and if any delinquent should make his escape, the consul shall not be responsible for him in any manner whatever.

In case of killing, wounding, or striking, the law of the country to prevail, the consul assisting at the trial, and punishments to be equal. &c.

ART. 21. The consul of the United States of America shall not be required to pay any customs or duties whatever on any thing he imports from a foreign country for the use of his house and family.

Consul of the U. States not to pay duties on domestic articles.

1815. June 30.

Citizens of the United States dying within the regency of Algiers, their property to be under the direction of the consul, unless otherwise disposed of by will. If no consul, the effects to be deposited, &c. Dey, &c. not to hinder execution of a will.

ART. 22. Should any of the citizens of the United States of America die, within the limits of the regency of Algiers, the dey and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the consul, unless otherwise disposed of by will. Should there be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property; neither shall the dey or his subjects, give hindrance in the execution of any will that may appear.

I certify the foregoing to be a true copy of a Treaty of Peace negotiated by Commodore Decatur and myself with the Regency of Algiers, and signed by the dey of that Regency on the 30 June, 1815. *On board the U. S. S. Guerrier*, 6 *July*, 1815.

WM. SHALER.

[Some interruption having taken place with regard to the preceding Treaty, negotiations were renewed in the year 1816, the result of which will be found below.

RENEWED TREATY WITH ALGIERS.

No. 3.—*Treaty of Peace and Amity, concluded between the United States of America and the Dey and Regency of Algiers.*

The President of the United States and the Dey of Algiers, being desirous to restore and maintain, upon a stable and permanent footing the relations of peace and good understanding between the two powers, and for this purpose to renew the Treaty of Peace and Amity which was concluded between the two States by William Shaler and Commodore Stephen Decatur, as Commissioners Plenipotentiary on the part of the United States, and his Highness Omar Bashaw, Dey of Algiers, on the 30 June, 1815:

The President of the United States having subsequently nominated and appointed, by Commission, the above named William Shaler and Isaac Chauncey, commodore and Commander in Chief of all the Naval Forces of the United States in the Mediterranean, Commissioners Plenipotentiary to treat with his Highness the Dey of Algiers, for the renewal of the

Treaty aforesaid; and they have concluded, settled, and signed, the following Articles: 1816. December 23.

Peace and Friendship.

ART. 1. There shall be, from the conclusion of this treaty, a firm, perpetual, inviolable and universal peace and friendship between the president and citizens of the United States of America, on the one part, and the dey and subjects of the regency of Algiers, in Barbary, on the other, made by the free consent of both parties, and on the terms of the most favored nations: And if either party shall hereafter grant to any other nation any particular favor or privilege in navigation or commerce, it shall immediately become common to the other party; freely, when it is freely granted to such other nations; but when the grant is conditional it shall be at the option of the contracting parties to accept, alter, or reject, such conditions, in such manner as shall be most conducive to their respective interests.

Favors in navigation and commerce granted to other nations, to be common to each, &c.

Abolition of tribute in any form

ART. 2. It is distinctly understood between the contracting parties that no tribute, either as biennial presents, or under any other form or name whatever, shall be required by the Dey and Regency of Algiers from the United States of America, on any pretext whatever.

American citizens to be delivered up.

ART. 3. [The Dey of Algiers shall cause to be immediately delivered up to the American squadron now off Algiers, all the American citizens now in his possession, amounting to ten, more or less; and all the subjects of the Dey of Algiers, now in possession of the United States, amounting to five hundred, more or less, shall be delivered up to him; the United States, according to the usages of civilized nations, requiring no ransom for the excess of prisoners in their favor. *]

Subjects of Algiers delivered up without ransom.

* This stipulation has been duly fulfilled.

Indemnification to American citizens for detention and loss of property, &c.

ART. 4. [A just and full compensation shall made by the Dey of Algiers to such citizens of the United States as have been captured and detained by Algerine cruisers, or who have been forced to abandon their property in Algiers, in violation of the twenty-second article of the Treaty of Peace and Amity, concluded between the United States and the Dey of Algiers, on the fifth of September, one thousand seven hundred and ninety-five. *]

[*See the treaty, page 421.]

Bales of cotton and 10,000 dollars in lieu.

[And it is agreed between the contracting parties, that in lieu of the above, the Dey of Algiers shall cause to be delivered forthwith into the hands of the American consul residing at Algiers, the whole of a quantity of bales of cotton left by the late consul general of the United States in the public magazines in Algiers: and that he shall pay into the hands of the said consul the sum of ten thousand Spanish dollars. *]

* This stipulation has been duly fulfilled.

1816. December 23.

ART. 5. If any goods belonging to any nation with which either of the parties are at war, should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempts shall be made to take or detain them.

Enemies' property to pass free in the vessels of each party.

ART. 6. If any citizens or subjects, belonging to either party, shall be found on board a prize vessel, taken from an enemy, by the other party, such citizens or subjects shall be liberated immediately, and, in no case, or on any other pretence whatever, shall any American citizen be kept in captivity or confinement, or the property of any American citizen found on board of any vessel belonging to any nation, with which Algiers may be at war, be detained from its lawful owners after the exhibition of sufficient proofs of American citizenship and of American property, by the consul of the United States residing at Algiers.

Citizens or subjects taken on board enemy vessels to be liberated; and American citizens and property not to be held captive or detained on any account.

ART. 7. Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the vessels of war belonging to the Regency of Algiers, on meeting with merchant vessels belonging to the citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; these only shall be permitted to go on board without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage; and should any of the subjects of Algiers insult or molest the commander, or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the consul of the United States residing in Algiers, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Algerine ship or vessel of war, as well as the offenders, shall be punished in the most exemplary manner.

Passports to vessels of either party; and right of visit restricted.

Offenders to be punished for abusing the right of visit.

All vessels of war belonging to the United States of America, on meeting a cruiser belonging to the Regency of Algiers, on having seen her passports and certificates from the consul of the United States residing in Algiers, shall permit her to proceed on her cruise unmolested and without detention. No passport shall be granted to either party to any vessels, but such as are absolutely the property of citizens or subjects of the said contracting parties, on any pretence whatever.

Vessels of war of the U. States to suffer Algerine cruisers to pass, on being satisfied as to their consular Document.

ART. 8. A citizen or subject of either of the contracting parties having bought a prize vessel condemned by the other party, or by any other nation, the certificates of condemna-

Certificates of condemnation and bill of sale sufficient passport for six

1816. December 23.

tion and bill of sale shall be sufficient passport for such vessel for six months, which, considering the distance between the two countries, is no more than a reasonable time for her to procure proper passports.

months, in case of purchase of prizes.

Provisions to be furnished to the vessels of each party in ports of the other at market price.

ART. 9. Vessels of either of the contracting parties putting into the ports of the other, and having need of provisions, or other supplies, shall be furnished at the market price; and if any such vessel should so put in from a distance at sea, and have occasion to repair, she shall be at liberty to land and re-embark her cargo, without paying any customs or duties whatever; but in no case shall be compelled to land her cargo.

In case of repair, cargoes may be landed without duty; but no compulsion to land cargoes.

When vessels are cast ashore in the territory of either party, assistance to be given to the crews and protection to the property.

ART. 10. Should a vessel of either of the contracting parties be cast on shore within the territories of the other, all proper assistance shall be given to her and her crew, no pillage shall be allowed, the property shall remain at the disposal of the owners; and, if re-shipped on board of any vessel for exportation, no customs or duties whatever shall be required to be paid thereon, and the crew shall be protected and succored until they can be sent to their own country.

Vessels of either party to be protected within cannon shot, and in port; and an enemy not permitted to pursue within 24 hours.

ART. 11. If a vessel of either of the contracting parties shall be attacked by an enemy within cannot shot of the forts of the other, she shall be protected as much as is possible. If she be in port, she shall not be seized or attacked, when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall not be permitted to pursue her from the same port within twenty-four hours after her departure.

Commerce, protection to merchants, rights of establishing consuls, &c. on the footing of the most favored nations.

ART. 12. The commerce between the United States of America and the regency of Algiers, the protections to be given to merchants, masters of vessels, and seamen, the reciprocal rights of establishing consuls in each country, and the privileges, immunities, and jurisdictions, to be enjoyed by such consuls, are declared to be on the same footing, in every respect, with the most favored nations, respectively.

Consuls of the U. States not responsible for debts of citizens, unless, &c.

ART. 13. The consul of the United States of America shall not be responsible for the debts contracted by the citizens of his own nation, unless he gives previously written obligations so to do.

Salutes to vessels of war of the U. States, as to the most favored nations.

ART. 14. On a vessel or vessels of war belonging to the United States anchoring before the city of Algiers, the consul is to inform the dey of her arrival, when she shall receive the salutes which are, by treaty or custom, given to the ships of war of the most favored nations on similar occasions, and which shall be returned gun for gun; and if after such arrival, so announced, any christians whatever, captives in Algiers,

Christian captives taking refuge on board American ships,

1816. December 23.

make their escape and take refuge on board any of the said ships of war, they shall not be required back again, nor shall the consul of the United States, or commanders of said ships be required to pay any thing for the said christians.

of war, cannot be reclaimed.

Pretexts arising from religious opinions not to interrupt harmony, &c.

ART. 15. As the government of the United States of America has, in itself, no character of enmity against the laws, religion, or tranquillity of any nation, and as the said states have never entered into any voluntary war, or act of hostility, except in defence of their just rights on the high seas, it is declared by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony between the two nations; and the consuls and agents of both nations shall have liberty to celebrate the rites of their respective religions in their own houses.

Liberty to celebrate religious rights.

Consuls may travel within the territories of each party.

The consuls, respectively, shall have liberty and personal security given them to travel within the territories of each other, by land and sea, and shall not be prevented from going on board any vessels they may think proper to visit: they shall likewise have the liberty to appoint their own drogoman and broker.

In case of dispute arising from violation of this Treaty, the grievances to be stated, and three months allowed for an adjustment of differences, &c.

ART. 16. In case of any dispute arising from the violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared on any pretext whatever; but if the consul residing at the place where the dispute shall happen, shall not be able to settle the same, the government of that country shall state their grievance in writing and transmit the same to the government of the other, and the period of three months shall be allowed for answers to be returned, during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and a war should be the event, the consuls, and citizens, and subjects of both parties, respectively, shall be permitted to embark with their effects unmolested, on board of what vessel or vessels they shall think proper, reasonable time being allowed for that purpose.

If war ensues, Consuls, citizens, and subjects to be permitted to embark unmolested, &c.

Prisoners of war not to be made slaves; but to be exchanged, rank for rank, within 12 months. &c.

ART. 17. If, in the course of events, a war should break out between the two nations the prisoners captured by either party shall not be made slaves, they shall not be forced to hard labor, or other confinement than such as may be necessary to secure their safe keeping, and shall be exchanged rank for rank; and it is agreed that prisoners shall be exchanged in twelve months after their capture, and the exchange may be effected by any private individual legally authorized by either of the parties.

1816. December 23.

ART. 18. If any of the Barbary powers, or other states at war with the United States, shall capture any American vessel and send her into any port of the regency of Algiers, they shall not be permitted to sell her, but shall be forced to depart the port on procuring the requisite supplies of provisions; but the vessels of war of the United States, with any prizes they may capture from their enemies, shall have liberty to frequent the ports of Algiers for refreshments of any kind, and to sell such prizes in the said ports, without paying any other customs or duties than such as are customary on ordinary commercial importations.

Powers at war with the United States, not to be suffered to sell American captured vessels at Algiers; but the vessels of war of the United States may sell their prizes at Algiers, &c.

ART. 19. If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the consul shall decide between the parties; and whenever the consul shall require any aid or assistance from the government of Algiers to enforce his decision, it shall be immediately granted to him; and if any disputes shall arise between any citizens of the U. States and the citizens or subjects of any other nations having a consul or agent in Algiers, such disputes shall be settled by the consuls or agents of the respective nations; and any disputes or suits at law that may take place between any citizens of the United States and the subjects of the regency of Algiers, shall be decided by the dey in person, and no other.

Consul of the U. States to decide disputes between American citizens, &c.

Other disputes to be settled by the consuls or agents of the nations to which the parties belong.

Disputes between citizens of the U. States and subjects of Algiers to be decided by the dey in person.

ART. 20. If a citizen of the United States should kill, wound, or strike a subject of Algiers, or, on the contrary, a subject of Algiers should kill, wound or strike a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the consul assisting at the trial; but the sentence of punishment against an American citizen shall not be greater or more severe than it would be against a Turk in the same predicament; and if any delinquent should make his escape, the consul shall not be responsible for him in any manner whatever.

In case of killing, wounding or striking, the law of the country to prevail, the consul assisting at the trial, and punishments to be equal, &c.

ART. 21. The consul of the United States of America shall not be required to pay any customs or duties whatever on any thing he imports from a foreign country for the use of his house and family.

Consul of the U. States not to pay duties on domestic articles.

ART. 22. Should any of the citizens of the United States of America die, within the regency of Algiers, the dey and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the consul, unless otherwise disposed of by will. Should there be no consul, the effects shall be deposited in the hands

Citizens of the U. States dying within the regency of Algiers, their property to be under the direction of the consul, unless o-

1816. December 23.

of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property; neither shall the dey or his subjects, give hindrance in the execution of any will that may appear.

therwise disposed of by will. If no consul, the effects to be deposited, &c. Dey, &c. not to hinder execution of a will.

ARTICLE ADDITIONAL AND EXPLANATORY.

The United States of America, in order to give to the Dey of Algiers a proof of their desire to maintain the relations of peace and amity between the two powers upon a footing the most liberal, and in order to withdraw any obstacle which might embarrass him in his relations with other states, agree to annul so much of the eighteenth Article of the foregoing Treaty, as gives to the United States any advantage in the ports of Algiers over the most favored nations having Treaties with the Regency.

Part of the 18th article of the foregoing treaty annulled.

Done at the Palace of the Government, in Algiers, on the 22d day of December, 1816, which corresponds to the third of the Moon Safar, year of the Hegira 1232.

Whereas the undersigned William Shaler, a citizen of the State of New-York, and Isaac Chauncey, Commander in Chief of the Naval Forces of the United States, stationed in the Mediterranean, being duly appointed Commissioners by Letters Patent under the signature of the President and Seal of the United States of America, bearing date at the City of Washington, the twentyfourth day of August, A. D. 1816, for negotiating and concluding the renewal of a Treaty of Peace between the United States of America and the dey and Subjects of the Regency of Algiers, we, therefore, William Shaler and Isaac Chauncey, Commissioners as aforesaid, do conclude the foregoing Treaty, and every Article and Clause therein contained, reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the Advice and Consent of the Senate of the United States.

Done in the Chancery of the Consulate General of the United States, in the City of Algiers, on the 23d day of December, in the year 1816, and of the Independence of the United States the forty first.

[L. S.] WM. SHALER.
[L. S.] I. CHAUNCEY.

The signature of the dey is stamped at the end of the Treaty.

1796.
November 4.

TREATIES WITH TRIPOLI.

No. 1.—*Treaty of peace and friendship between the United States of America, and the bey and subjects of Tripoli, of Barbary.*

Peace between the U. States and Tripoli, guaranteed by the dey of Algiers.

ART. 1. There is a firm and perpetual peace and friendship between the United States of America, and the bey and subjects of Tripoli, of Barbary made by the free consent of both parties, and guaranteed by the most potent dey and regency of Algiers.

Enemy goods, etc. free.

ART. 2. If any goods belonging to any nation with which either of the parties is at war, shall be loaded on board of vessels belonging to the other party, they shall pass free, and no attempt shall be made to take or detain them.

Citizens or subjects in enemy vessels, etc.

ART. 3. If any citizens, subjects, or effects, belonging to either party, shall be found on board a prize vessel taken from an enemy by the other party, such citizens or subjects shall be set at liberty, and the effects restored to the owners.

Vessels of both parties to be furnished with passports, etc.

ART. 4. Proper passports are to be given to all vessels of both parties, by which they are to be known. And, considering the distance between the two countries, eighteen months from the date of this treaty shall be allowed for procuring such passports. During this interval, the other papers belonging to such vessels shall be sufficient for their protection.

Prize vessels bought by citizens or subjects of either party, allowed a year to procure regular passports.

ART. 5. A citizen or subject of either party having bought a prize vessel, condemned by the party or by any other nation, the certificate of condemnation and bill of sale shall be a sufficient passport for such vessel for one year; this being a reasonable time for her to procure a proper passport.

Provisions.

ART. 6. Vessels of either party putting into the ports of the other, and having need for provisions or other supplies, they shall be furnished at the market price: and if any such vessel shall so put in from a disaster at sea, and have occasion to repair, she shall be at liberty to land and re-embark her cargo, without paying any duties. But in no case shall she be compelled to land her cargo.

Repairs.

Landing cargoes.

Stranded vessels.

ART. 7. Should a vessel of either party be cast on the shore of the other, all proper assistance shall be given to her and her people. No pillage shall be allowed; the property shall remain at the disposition of the owners, and the crew protected and succored till they can be sent to their country.

No pillage, etc.

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Vessels within gunshot of forts to be defended.

ART. 8. If a vessel of either party should be attacked by an enemy, within gunshot of the forts of the other, she shall be defended as much as possible. If she be in port, she shall not be seized or attacked, when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be allowed to pursue her, from the same port, within twenty-four hours after her departure.

Commerce, etc. on the most favored footing.

ART. 9. The commerce between the United States and Tripoli; the protection to be given to merchants, masters of vessels and seamen; the reciprocal right of establishing consuls in each country, and the privileges, immunities, and jurisdictions, to be enjoyed by such consuls, are declared to be on the same footing with those of the most favored nations, respectively.

Acknowledgment by the bey of the receipt of a sum in gross, which, with certain stipulated consular presents, is to exonerate the U. States from all future tribute.

ART. 10. The money and presents demanded by the bey of Tripoli, as a full and satisfactory consideration on his part, and on the part of his subjects, for this treaty of perpetual peace and friendship, are acknowleged to have been received by him previous to his signing the same, according to a receipt which is hereto annexed; except such part as is promised, on the part of the United States; to be delivered and paid by them on the arrival of their consul in Tripoli, of which part a note is likewise hereunto annexed. And no pretence of any periodical tribute, or farther payment, is ever to be made by either party.

No pretext arising from religious opinions ever to interrupt the harmony between the two countries.

ART. 11. As the government of the United States of America, is not, in any sense, founded on the christian religion; as it has, in itself, no character of enemity against the laws, religion, or tranquility of Musselmen; and as the said states never have entered into any war or act of hostility against any mahometan nation; it is declared by the parties, that no pretext arising from religious opinions, shall ever produce an interruption of the harmony existing between the two countries.

No appeal to arms in case of a dispute concerning a violation of this treaty, etc. The consul failing to settle disputes, amicable reference to be made to the dey of Algiers.

ART. 12. In case of any dispute arising from a violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared on any pretext whatever. But if the consul residing at the place where the dispute shall happen, shall not be able to settle the same, an amicable reference shall be made to the mutual friend of the parties, the dey of Algiers, the parties hereby engaging to abide by his decision. And he, by virtue of his signature to this treaty, engages, for himself and his successors, to declare the justice of the case according to the true interpretation of the treaty and to use

all the means in his power to enforce the observance of the same. 1796. November 4.

Signed and sealed at Tripoli, of Barbary, the 3d day of Jumad, in the year of the Hegira, 1211; corresponding with the 4th day of November, 1796; by

[L. s.] JUSSUF BASHAW MAHOMET, *bey.*
[L. s.] MAMET, *treasurer.*
[L. s.] AMET, *minister of marine.*
[L. s.] AMET, *chamberlain.*
[L. s.] ALLY, *chief of the divan.*
[L. s.] SOLIMAN, *kaya,*
[L. s.] GALIL, *general of the troops.*
[L. s.] MAHOMET, *commandant of the city.*
[L. s.] MAMET, *Secretary.*

Signed and sealed at Algiers, the 4th day of Argil, 1211; corresponding with the 3d day of January, 1797; by

[L. s.] HASSAN BASHAW, *dey.*

And by the agent plenipotentiary of the United States of America,

[L. s.] JOEL BARLOW.

Certificate by J. Barlow, that the foregoing is a true copy of the treaty between the U. States and Tripoli.

I, Joel Barlow, agent and consul general of the United States of America for the city and kingdom of Algiers, certify and attest, that the foregoing is a true copy of the treaty concluded between the said United States and the bey and subjects of Tripoli, of Barbary, of which the original is to be transmitted by me to the minister of the United States in Lisbon.

In testimony whereof, I sign these presents with my hand, [L. s.] and affix thereto the seal of the consulate of the United States, at Algiers, this 4th day of January, 1797.

JOEL BARLOW.

To all to whom these presents shall come, or be made known.

Recitation of the powers of D. Humphreys.

Whereas the underwritten David Humphreys hath been duly appointed commissioner plenipotentiary, by letters patent under the signature of the president and seal of the United States of America, dated the 30th of March, 1795, for negotiating and concluding a treaty of peace with the most illustrious, the bashaw, lords, and governors of the city and kingdom of Tripoli: whereas, by a writing under his hand and seal, dated the 10th of February, 1796, he did (in conformity to the authority committed me therefor) constitute and appoint Joel Barlow and Joseph Donaldson, junior, agents, jointly and separately, in the business aforesaid: whereas the annexed treaty of peace

J. Barlow and J. Donaldson, jr. constituted agents to frame a treaty with Tripoli.

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and friendship was agreed upon, signed, and sealed, at Tripoli, of Barbary, on the 4th of November, 1796, in virtue of the powers aforesaid, and guaranteed by the most potent dey and regency of Algiers: and whereas the same was certified at Algiers on the 3d of January, 1797, with the signature and seal of Hassan Bashaw, dey, and of Joel Barlow, one of the agents aforesaid, in the absence of the other:

Approval of the treaty by D. Humphreys.

Now, know ye, that I, David Humphreys, commissioner plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained; reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

In testimony whereof, I have signed the same with my name and seal, at the city of Lisbon, this 10th of February, 1797.

[L. S.] DAVID HUMPHREYS.

No. 2.—*Treaty of peace and amity between the United States of America and the Bashaw, Bey, and subjects of Tripoli, in Barbary.*

Firm & inviolable peace, on terms of the most favored nation.

ART. 1. There shall be, from the conclusion of this treaty, a firm, inviolable, and universal peace, and a sincere friendship between the president and citizens of the United States of America, on the one part, and the bashaw, bey, and subjects of the regency of Tripoli, in Barbary, on the other, made by the free consent of both parties, and on the terms of the most favored nation. And if either party shall hereafter grant to any other nation any particular favor or privilege in navigation or commerce, it shall immediately become common to the other party; freely, where it is freely granted to such other nation; but where the grant is conditional, it shall be at the option of the contracting parties, to accept, alter, or reject such conditions, in such manner as shall be most conducive to their respective interests.

Favors granted to other nations by one party, to be common to the other; free, if freely allowed; otherwise, as the parties may agree.

Americans to be delivered to the squadron of the U. States off Tripoli: Tripolines to be given up to the bashaw.

ART. 2. The bashaw of Tripoli shall deliver up to the American squadron now off Tripoli, all the Americans in his possession; and all the subjects of the bashaw of Tripoli, now in the power of the United States of America, shall be delivered up to him; and as the number of Americans in possession of the bashaw of Tripoli amounts to three hundred persons, more or less, and the number of Tripoline subjects in the power of

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the Americans to about one hundred, more or less, the bashaw of Tripoli shall receive from the United States of America the sum of sixty thousand dollars, as a payment for the difference between the prisoners herein mentioned.

The U. States to pay $ 0,000 for the balance of prisoners; (about 200.)

ART. 3. All the forces of the United States, which have been, or may be, in hostility against the bashaw of Tripoli, in the province of Derne, or elsewhere within the dominions of the said bashaw, shall be withdrawn therefrom, and no supplies shall be given by or in behalf of the said United States, during the continuance of this peace, to any of the subjects of the said bashaw, who may be in hostility against him, in any part of his dominions; and the Americans will use all means in their power to persuade the brother of the said bashaw, who has co-operated with them at Derne, &c. to withdraw from the territory of the said bashaw of Tripoli; but they will not use any force or improper means to effect that object; and in case he should withdraw himself as aforesaid, the bashaw engages to deliver up to him his wife and children now in his power.

The forces of the U. States to be withdrawn, &c.

ART. 4. If any goods, belonging to any nation with which either of the parties are at war, should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempts shall be made to take or detain them.

Enemy goods on board vessels of either party, to pass free.

ART. 5. If any citizens or subjects with their effects, belonging to either party, shall be found on board a prize vessel, taken from an enemy by the other party, such citizens or subjects shall be liberated immediately, and their effects, so captured, shall be restored to their lawful owners, or their agents.

Citizens or subjects in enemy vessels, etc.

ART. 6. Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the vessels of war belonging to the regency of Tripoli, on meeting with merchant vessels belonging to citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; these two only shall be permitted to go on board said vessel, without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage; and should any of the said subjects of Tripoli insult or molest the commander, or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the consul of the United States of America resident at Tripoli, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Tripoline ship or vessel of war, as well as the

The vessels of both parties to be furnished with passports. Visit of American vessels by Tripoline cruisers, etc.

1804. June 5.

offenders, shall be punished in the most exemplary manner. All vessels of war belonging to the United States of America, on meeting with a cruiser belonging to the regency of Tripoli, and having seen her passport and certificate from the consul of the United States of America residing in the regency, shall permit her to proceed on her cruise unmolested, and without detention. No passport shall be granted by either party to any vessels, but such as are absolutely the property of citizens or subjects of said contracting parties, on any pretence whatever.

American vessels of war meeting Tripoline cruisers, &c.

Passports, &c.

Purchase of prize vessels, &c.

ART. 7. A citizen or subject of either of the contracting parties, having bought a prize vessel, condemned by the other party, or by any other nation, the certificate of condemnation and bill of sale, shall be a sufficient passport for such vessel for two years; which, considering the distance between the two countries, is no more than a reasonable time for her to procure proper passports.

Provisions.

ART. 8. Vessels of either party, putting into the ports of the other, and having need of provisions or other supplies, they shall be furnished at the market price; and if any such vessel should so put in, from a disaster at sea, and have occasion to repair, she shall be at liberty to land and reimbark her cargo, without paying any duties; but in no case shall she be compelled to land her cargo.

Repairs.

Landing cargo.

Stranded vessels.

ART. 9. Should a vessel of either party be cast on the shore of the other, all proper assistance shall be given to her and her crew. No pillage shall be allowed; the property shall remain at the disposition of the owners, and the crew protected and succored, till they can be sent to their country.

No pillage, &c.

Vessels attacked within gunshot of forts, &c.

ART. 10. If a vessel of either party shall be attacked by an enemy, within gunshot of the forts of the other, she shall be defended as much as possible. If she be in port, she shall not be seized or attacked when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be allowed to pursue her from the same port, within twenty-four hours after her departure.

Commerce, &c. on the most favored footing.

ART. 11. The commerce between the United States of America and the regency of Tripoli; the protections to be given to merchants, masters of vessels, and seamen; the reciprocal right of establishing consuls in each country, and the privileges, immunities, and jurisdictions, to be enjoyed by such consuls, are declared to be on the same footing, with those of the most favored nations, respectively.

Consul not answerable for debts, &c.

ART. 12. The consul of the United States of America shall not be answerable for debts contracted by citizens of his own nation, unless he previously gives a written obligation so to do.

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Salutes.

ART. 13. On a vessel of war, belonging to the United States of America, anchoring before the city of Tripoli, the consul is to inform the bashaw of her arrival, and she shall be saluted with twenty-one guns, which she is to return in the same quantity or number.

No pretext arising from religious opinions to interrupt prevailing harmony, &c.

ART. 14. As the government of the United States of America has, in itself, no character of enmity against the laws, religion, or tranquillity of Musselmen, and as the said states never have entered into any voluntary war or act of hostility against any Mohometan nation, except in the defence of their just rights to freely navigate the high seas, it is declared by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two nations. And the consuls and agents of both nations, respectively, shall have liberty to exercise his religion in his own house. All slaves of the same religion shall not be impeded in going to the said consul's house at hours of prayer. The consuls shall have liberty and personal security given them, to travel within the territories of each other, both by land and sea, and shall not be prevented from going on board any vessel that they may think proper to visit. They shall have, likewise, the liberty to appoint their own drogaman and brokers.

Exercise of religion.

Indulgence to christian slaves.

Consular privileges, &c.

No immediate appeal to arms in case of dispute, &c.

ART. 15. In case of any dispute arising, from the violation of any of the articles of this treaty, no appeal shall be made to arms; nor shall war be declared on any pretext whatever; but if the consul residing at the place where the dispute shall happen, shall not be able to settle the same, the government of that country shall state their grievances in writing, and transmit it to the government of the other; and the period of twelve calendar months shall be allowed for answers to be returned; during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and war should be the event, the consuls, and citizens or subjects of both parties, reciprocally, shall be permitted to embark unmolested on board of what vessel or vessels they shall think proper.

In event of war consuls may embark.

Prisers of war to be exchand, &c.

Deficiency in prisers to be paid.

Prisers to be exchaed in twelve onths.

ART. 16. If, in the fluctuation of human events, a war should break out between the two nations, the prisoners captured by either party shall not be made slaves, but shall be exchanged, rank for rank. And if there should be a deficiency on either side, it shall be made up by the payment of five hundred Spanish dollars for each captain, three hundred dollars for each mate and supercargo, and one hundred Spanish dollars for each seamen so wanting. And it is agreed, that pri-

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soners shall be exchanged in twelve months from the time of their capture; and that the exchange may be effected by any private individual legally authorized by either of the parties.

Enemies of the U. States not to sell prizes in Tripoline ports: but Americans may, &c.

ART. 17. If any of the Barbary states, or other powers, at war with the United States of America, shall capture any American vessel and send her into any of the ports of the regency of Tripoli, they shall not be permitted to sell her, but shall be obliged to depart the port, on procuring the requisite supplies of provisions; and no duties shall be exacted on the sale of prizes, captured by vessels sailing under the flag of the United States of America, when brought into any port in the regency of Tripoli.

Disputes to be settled by the American consul.

ART. 18. If any of the citizens of the United States, or any person under their protection, shall have any dispute with each other, the consul shall decide between the parties; and whenever the consul shall require any aid or assistance from the government of Tripoli to enforce his decisions, it shall immediately be granted to him; and if any dispute shall arise between any citizen of the United States and the citizens or subjects of any other nation having a consul or agent in Tripoli, such disputes shall be settled by the consuls or agents of the respective nations.

Other disputes.

Killing or wounding on either side, punishable by the law of the country, &c.

ART. 19. If a citizen of the United States should kill or wound a Tripoline; or, on the contrary, if a Tripoline shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the consul assisting at the trial; and if any delinquent shall make his escape, the consul shall not be answerable for him in any manner whatever.

Persons dying intestate, &c.

ART. 20. Should any citizen of the United States of America die within the limits of the regency of Tripoli, the bashaw and his subjects shall not interfere with the property of the deceased; but it shall be under the immediate direction of the consul, unless otherwise disposed of by will. Should there be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; when they shall render an account of the property. Neither shall the bashaw or his subjects give hindrance in the execution of any will that may appear.

Validity of wills

Recitation of the powers of Tobias Lear, for concluding a treaty with the bashaw of Tripoli.

Whereas, the undersigned, Tobias Lear, consul general of the United States of America, for the regency of Algiers, being duly appointed commissioner, by letters patent under the signature of the president, and seal of the United States of America, bearing date at the City of Washington, the 18th

day of November, one thousand eight hundred and three, for negotiating and concluding a treaty of peace between the United States of America, and the bashaw, bey, and subjects of the regency of Tripoli, in Barbary: 1805. June 4.

Now, know, ye, that I, Tobias Lear, commissioner as aforesaid, do conclude the foregoing treaty, and every article and clause therein contained, reserving the same, nevertheless, for the final ratification of the president of the United States of America, by and with the advice and consent of the senate of the said United States. Conclusion of the treaty by Tobias Lear.

Done at Tripoli, in Barbary, the fourth day of June, in the year one thousand eight hundred and five; corresponding with the sixth day of the first month of Rabbia, 1220.

TOBIAS LEAR.

Having appeared in our presence, colonel Tobias Lear, consul general of the United States of America, in the regency of Algiers, and commissioner for negotiating and concluding a treaty of peace and friendship between us and the United States of America, bringing with him the present treaty of peace, with the within articles, they were by us minutely examined, and we do hereby accept, confirm, and ratify them, ordering all our subjects to fulfil entirely their contents without violation, and under no pretext. Ratification of the treaty by the bashaw of Tripoli, &c.

In witness whereof, we, with the heads of our regency, subscribe it.

Given at Tripoli, in Barbary, the sixth day of the first month of Rabbia, 1220; corresponding with the fourth day of June, 1805.

[L. s.] JUSUF CARAMANLY, *Bashaw.*
[L. s.] MOHAMET CARABNALLY, *bey.*
[L. s.] MOHAMET, *kahia.*
[L. s.] HAMET, *rais de marine.*
[L. s.] MOHAMET, DGHIES, *first minister.*
[L. s.] SALAH, *aga of divan.*
[L. s.] SELIM, *hasnadar.*
[L. s.] MURAT, *dulartile.*
[L. s.] MURAT RAIS, *admiral.*
[L. s.] SOLIMAN, *kehia.*
[L. s.] ABDALLA, *basa aga.*
[L. s.] MAHOMET, *scheig al belad.*
[L. s.] ALLI BEN DIAB, *first secretary.*

1805. June 4.

NOTE. By the 1st and 10th articles of the treaty, says the editor of the U. S. laws, with Tripoli, it will appear that the relations which it established between the United States and that power, were guaranteed by the dey of Algiers, and that it forbids the expectation of any payment of annual tribute by the American government. In the year 1800, the reigning bey having, as he supposed, intimidated one or more of the christian powers of Europe, into terms deemed additionally advantageous to Tripoli, he thought the opportunity favorable for imposing new conditions on the United States. The principal object of the bey seems to have been, to free his state from the subserviency to Algiers, which the guarantee of that regency apparently implied, and to procure a yearly stipend for himself. Accordingly, he commenced by making unauthorized demands upon James Leander Cathcart, the consul of the United States at Tripoli, which were resisted; and warning was given by him, to persons interested, of the probability of an open rupture. On the 14th of May, 1801, matters were carried by the bey, to extremity. The American flag staff was cut down, about 6 feet from the ground, and left reclining on the terrace. Mr. Cathcart departed from Tripoli, with his family, on the 24th of the same month. Thomas Jefferson, then president of the United States, had early sent a small squadron of frigates into the Mediterranean, with assurances to the bey of a sincere desire to reman in peace, but orders to protect American commerce against the threatened attack. The measure was seasonable and salutary. The bey had already declared war in form. His cruisers were out. Two had arrived at Gibraltar. Our commerce in the Mediterranean was blockaded; and that of the Atlantic in peril. The arrival of the squadron dispelled the danger. On the 6th of February, 1802, the president was authorized to equip, officer, man, and employ such of the armed vessels of the United States as he might judge requisite for effectually protecting their commerce and seamen. He was further authorized to instruct the commanders of the respective public vessels to subdue, seize, and make prize of all vessels, goods, and effects, belonging to the bey of Tripoli or to his subjects, and also, to cause to be done all such other acts of precaution or hostility as the state of war would justify, &c. Private armed vessels were likewise commissioned, according to law, to cruise against the subjects of that power. During the contest, which was carried on by sea and land, the reputation of the Americans, for naval and military enterprise and skill, was well supported, and much increased. The bey having been eventually reduced to what were considered reasonable terms, peace was concluded with him, on the conditions mentioned in the treaty. No. 2. *See the message of the president, at the opening of the first session of the seventh congress, &c.*

The treaty with Tripoli, of the 4th of November, 1796, was annulled by war. It is supplied by the foregoing treaty of the 4th of June, 1805.

1799.
March 27.

TREATIES WITH TUNIS.

No. 1.—*Treaty of peace and friendship between the United States of America and the kingdom of Tunis.*

[TRANSLATION.]

God is infinite.

This treaty made under the auspices of the Ottoman emperor, Selim.

Under the auspices of the greatest, the most powerful of all the princes of the Ottoman nation who reign upon the earth, our most glorious and most august emperor, who commands the two lands and the two seas, Selim Kan, the victorious, son of the sultan Moustafa, whose realm may God prosper until the end of ages, the support of kings, the seal of justice, the emperor of emperors.

The most illustrious and most magnificent prince, Hamouda Pacha, bey, who commands the Odgiak of Tunis, the abode of happiness, and the most honored Ibrahim Dey, and Soliman, aga of the janissaries, and chief of the divan, and all the elders of the Odgiak; and the most distinguished and honored President of the Congress of the United States of America, the most distinguished among those who profess the religion of the Messiah, of whom may the end be happy.

We have concluded between us the present treaty of peace and friendship, all the articles of which have been framed by the intervention of Joseph Stephen Famin, French merchant residing at Tunis, chargé d'affaires of the United States of America; which stipulations and conditions are comprised in twenty-three articles, written and expressed in such a manner as to leave no doubt of their contents, and in such a way as not to be contravened.

Perpetual peace.

ART. 1. There shall be a perpetual and constant peace between the United States of America and the magnificent pacha, bey of Tunis; and also a permanent friendship, which shall more and more increase.

Persons and property of either party, on board enemy vessels, &c.

ART. 2. If a vessel of war of the two nations shall make prize of an enemy vessel, in which may be found effects, property, and subjects of the two contracting parties, the whole shall be restored. The bey shall restore the property and subjects of the United States, and the latter shall make a reciprocal restoration; it being understood, on both sides, that the just right to what is claimed shall be proved.

1799. March 26.

ART. 3. Merchandise belonging to any nation which may be at war with one of the two contracting parties, and loaded on board of the vessels of the other, shall pass without molestation, and without any attempt being made to capture or detain it.

Enemy goods on board vessels of either party, free.

Passports, &c.

ART. 4. On both sides sufficient passports shall be given to vessels that they may be known and treated as friendly; and, considering the distance between the two countries, a term of eighteen months is given, within which term respect shall be paid to the said passports, without requiring the congé, or document, (which at Tunis is called testa); but after the said term, the congé shall be presented.

Merchant vessels under convoy, to pass on the word of the commander.

ART. 5. If the corsairs of Tunis shall meet at sea with ships of war of the United States, having under their escort merchant vessels of their nation, they shall not be searched or molested; and in such case the commanders shall be believed upon their word, to exempt their ships from being visited, and to avoid quarantine. The American ships of war shall act in like manner towards merchant vessels escorted by the corsairs of Tunis.

No exactions by vessels of war.

ART. 6. If a Tunisian corsair shall meet with an American merchant vessel, and shall visit it with her boat, she shall not exact any thing, under pain of being severely punished. And, in like manner, if a vessel of war of the United States shall meet with a Tunisian merchant vessel, she shall observe the same rule. In case a slave shall take refuge on board of an American vessel of war, the consul shall be required to cause him to be restored; and if any of their prisoners shall escape on board of the Tunisian vessels, they shall be restored; but if any slave shall take refuge in any American merchant vessel, and it shall be proved that the vessel has departed with the said slave, then he shall be returned, or his ransom shall be paid.*

Refugee slaves and prisoners.

Slaves carried away.

*Altered, see page 456.

Passports for prize vessels purchased.

ART. 7. An American citizen having purchased a prize vessel from our Odgiak, may sail with our passport, which we will deliver for the term of one year; by force of which our corsairs which may meet with her shall respect her; the consul, on his part, shall furnish her with a bill of sale; and, considering the distance of the two countries, this term shall suffice to obtain a passport in form. But, after the expiration of this term, if our corsairs shall meet with her without the passport of the United States, she shall be stopped and declared good prize, as well the vessel as the cargo and crew.

Consular bill of sale.

1799. March 26.

ART. 8. If a vessel of one of the contracting parties shall be obliged to enter into a port of the other, and may have need of provisions and other articles, they shall be granted to her without any difficulty, at the price current at the place: and if such a vessel shall have suffered at sea, and shall have need of repairs, she shall be at liberty to unload, and reload her cargo without being obliged to pay any duty; and the captain shall only be obliged to pay the wages of those whom he shall have employed in loading and unloading the merchandize.

Provisions for vessels in port.

Repairs.

Unloading cargo, &c.

Wages of laborers

ART. 9. If, by accident, and by the permission of God, a vessel of one of the contracting parties shall be cast by tempest upon the coasts of the other, and shall be wrecked, or otherwise damaged, the commandant of the place shall render all possible assistance for its preservation, without allowing any person to make any opposition; and the proprietor of the effects shall pay the costs of salvage to those who may have been employed.

Vessels wrecked to be assisted, &c.

Salvage.

ART. 10. In case a vessel of one of the contracting parties shall be attacked by an enemy under the cannon of the forts of the other party, she shall be defended and protected as much as possible, and when she shall set sail, no enemy shall be permitted to pursue her from the same port, or any other neighboring port, for forty-eight hours after her departure.

Vessels attacked near forts, to be defended.

Enemies not to pursue from port.

ART. 11. When a vessel of war of the United States of America shall enter the port of Tunis, and the consul shall request that the castle may salute her, the number of guns shall be fired which he may request; and if the said consul does not want a salute, there shall be no question about it.

Salutes when requested.

But in case he shall desire the salute, and the number of guns shall be fired which he may have requested, they shall be counted, and returned by the vessel in as many barrels of cannon powder.

Salutes to be returned in barrels of powder.

The same shall be done with respect to the Tunisian corsairs, when they shall enter any port of the United States.*

*Annulled, see page 456.

ART. 12. When citizens of the United States shall come within the dependencies of Tunis, to carry on commerce there, the same respect shall be paid to them which the merchants of other nations enjoy; and if they wish to establish themselves within our ports, no opposition shall be made thereto, and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usages of other nations, and if a Tunisian subject shall go to establish himself within the dependencies of the United States, he shall be treated in like manner.

Merchants free to carry on commerce.

Interpreters.

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If any Tunisian subject shall freight an American vessel, and load her with merchandise, and shall afterwads want to unlade or ship them on board of another vessel, we will not permit him, until the matter is determined by a reference of merchants who shall decide upon the case, and after the decision, the determination shall be conformed to.

Freight of American vessels by subjects of Tunis, &c.

No captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other nations; which may take place with respect to merchant vessels, but not to those of war.

Captains not to be detained in ports.

The subjects of the two contracting powers shall be under the protection of the prince, and under the jurisdiction of the chief of the place where they may be, and no other person shall have authority over them. If the commandant of the place does not conduct himself agreeable to justice, a representation of it shall be made to us.

Citizens and subjects under the protection of the sovereign authority.

In case the government shall have need of an American merchant vessel, it shall cause it to be freighted, and then a suitable freight shall be paid to the captain agreeably to the intention of the government, and the captain shall not refuse it.*

The government of Tunis may freight American vessels.

Altered, see p. 457.

ART. 13. If, among the crews of merchant vessels of the United States, there shall be found subjects of our enemies, they shall not be made slaves, on condition that they do not exceed a third of the crew; and when they do exceed a third, they shall be made slaves: the present article only concerns the sailors, and not the passengers, who shall not be in any manner molested.

Crews of American merchantmen to be two-thirds friends of Tunis, &c.

ART. 14. A Tunisian merchant, who may go to America with a vessel of any nation soever, loaded with merchandise which is the production of the kingdom of Tunis, shall pay duty (small as it is) like the merchants of other nations; and the American merchants shall equally pay for the merchandise of their country, which they may bring to Tunis under their flag, the same duty as the Tunisians pay in America.

Duty on Tunisian goods in *any* vessels, and on American goods in *American* vessels.

But if an American merchant, or a merchant of any other nation, shall bring American merchandise under any other flag he shall pay six per cent. duty: in like manner if a foreign merchant shall bring the merchandise of his country under the American flag, he shall also pay six per cent.*

American merchandise under *foreign* flag, to pay six per cent, &c.

Altered, see p. 458.

ART. 15. It shall be free for the citizens of the United States to carry on what commerce they please in the kingdom of Tunis, without any opposition, and they shall be treated like the merchants of other nations; but they shall not carry on commerce in wine, nor in prohibited articles: and if any

Free commerce in Tunis, wine excepted, &c.

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one shall be detected in a contraband trade, he shall be punished according to the laws of the country. The commandants of ports and castles shall take care that the captains and sailors shall not load prohibited articles, but if this should happen, those who shall not have contributed to the smuggling shall not be molested nor searched, no more than shall the vessel and cargo; but only the offender, who shall be demanded to be punished. No captain shall be obliged to receive merchandise on board of his vessel, nor to unlade the same against his will, until the freight shall be paid.

Smuggling.

Payment of freight.

Anchorage duty.

ART. 16. The merchant vessels of the United States, which shall cast anchor in the road of Gouletta, or any other port of the kingdom of Tunis, shall be obliged to pay the same anchorage, for entry and departure, which French vessels pay, to wit: seventeen piasters and a half, money of Tunis for entry, if they import merchandise; and the same for departure, if they take away a cargo; but they shall not be obliged to pay anchorarge if they arrive in ballast, and depart in the same manner.

Consuls, their privileges, &c.

ART. 17. Each of the contracting parties shall be at liberty to establish a consul in the dependencies of the other; and if such consul does not act in conformity with the usages of the country, like others, the government of the place shall inform his government of it, to the end that he may be changed and replaced; but he shall enjoy, as well for himself as his family and suite, the protection of the government; and he may import for his own use all his provisions and furniture, without paying any duty; and if he shall import merchandise, (which it shall be lawful for him to do,) he shall pay duty for it.

Consuls, &c. not answerable for debts of others, &c. unless bound in writing.

ART. 18. If the subjects or citizens of either of the contracting parties, being within the possessions of the other, contract debts, or enter into obligations, neither the consul nor the nation, nor any subjects or citizens thereof, shall be in any manner responsible, except they or the consul shall have previously become bound in writing. And without this obligation in writing, they cannot be called upon for indemnity or satisfaction.

Effects of persons dying intestate, &c.

ART. 19. In case of a citizen or subject of either of the contracting parties dying within the possessions of the other, the consul or the vekil shall take possession of his effects, (if he does not leave a will,) of which he shall make an inventory; and the government of the place shall have nothing to do therewith. And if there shall be no consul, the effects shall be deposited in the hands of a confidential person of the place, tak-

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ing an inventory of the whole, that they may eventually be delivered to those to whom they of right belong.

The consul judge of disputes between citizens, &c.

ART. 20. The consul shall be the judge all disputes between his fellow citizens or subjects, as also between all other persons who may be immediately under his protection: and in all cases wherein he shall require the assistance of the government where he resides to sanction his decisions, it shall be granted to him.

Killing, &c. a citizen or subject, punishable according to the laws of the country.

ART. 21. If a citizen or subject of one of the parties shall kill, wound, or strike, a citizen or subject of the other, justice shall be done according to the laws of the country where the offence shall be committed: the consul shall be present at the trial; but if any offender shall escape, the consul shall be in no manner responsible for it.

Civil disputes to be tried in presence of the consul, &c.

ART. 22. If a dispute or lawsuit, on commercial or other civil matters, shall happen, the trial shall be had in the presence of the consul, or of a confidential person of his choice, who shall represent him, and endeavor to accommodate the difference which may have happened between the citizens or subjects of the two nations.

War not to take place until a demand and refusal of justice.

ART. 23. If any difference or dispute shall take place concerning the infraction of any article of the present treaty, on either side, peace and good harmony shall not be interrupted, until a friendly application shall have been made for satisfaction; and resort shall not be had to arms therefore, except where such application shall have been rejected; and if war be

In case of war, one year allowed to citizens, &c.

then declared, the term of one year shall be allowed to the citizens or subjects of the contracting parties to arrange their affairs, and to withdraw themselves, with their property.

The terms of this treaty to be punctually observed.

The agreements and terms above concluded by the two contracting parties, shall be punctually observed, with the will of the Most High: and for the maintenance and exact observance of the said agreements, we have caused their contents to be here transcribed, in the present month of Rebia Elul, of the Hegira one thousand two hundred and twelve, corresponding with the month of August, of the christian year one thousand seven hundred and ninety-seven.

The Aga Soliman's signature and [L. S.]
Ibrahim Dey's signature and [L. S.]
The Bey's signature and [L. S.]

Recitation of the powers of Richard O'Brien, William Eaton, and

Whereas the president of the United States of America, by his letters patent under his signature and the seal of state, dated the eighteenth day of December, one thousand seven hundred and ninety-eight, vested Richard O'Brien, William Ea-

ton, and James Leander Cathcart, or any two of them, in the absence of the third, with full powers to confer, negotiate, and conclude, with the bey and regency of Tunis, on certain alterations in the treaty between the United States and the government of Tunis, concluded by the intervention of Joseph Etienne Famin, on behalf of the United States in the month of August, one thousand seven hundred and ninety-seven; we, the underwritten William Eaton and James Leander Cathcart, (Richard O'Brien being absent,) have concluded on and entered, in the foregoing treaty, certain alterations in the eleventh, twelfth, and fourteenth articles, and do agree to said treaty, with said alterations, reserving the same, nevertheless, for the final ratification of the president of the United States, by and with the advice and consent of the senate.

1799. March 26.

James Leander Cathcart, relative to this treaty, &c.

In testimony whereof, we annex our names and the consular seal of the United States. Done in Tunis, the twenty-sixth day of March, in the year of the christian era one thousand seven hundred and ninety-nine, and of American independence the twenty-third.

WILLIAM EATON.
JAMES LEANDER CATHCART.

No. 2.—*Altered articles in the foregoing treaty of peace and friendship with Tripoli.*

By the President of the United States of America. A Proclamation.

Whereas certain alterations in the treaty of peace and friendship, of August, 1797, between the United States and the Bashaw and Bey of Tunis, were agreed upon and concluded, between his highness Sidi Mahmoud, the Bey, and S. D. Heap, Chargé d'Affaires of the United States at Tunis, on the twenty-fourth day of February, one thousand eight hundred and twenty-four, by the articles in the words following, to which are annexed the altered articles, as they were in the treaty before the alterations:

Whereas sundry articles of the treaty of peace and friendship, concluded between the United States of America and Hamuda Bashaw, of happy memory, in the month of Rebia Elul, in the year of the Hegira 1212, corresponding with the month of August, of the Christian year 1797, have, by experience, been found to require alteration and amendment: In order, therefore, that the United States should be placed on the same footing with the most favored nations having treaties with Tunis, as well as to manifest a respect for the American government, and a desire to continue, unimpaired, the friendly relations which have always existed between the two nations,

1824. February 24. it is hereby agreed and concluded, between his highness Sidi Mahmoud, Bashaw, Bey of Tunis, and S. D. Heap, Esquire, Chargé d'Affaires of the United States of America, that alterations be made in the sixth, eleventh, twelfth, and fourteenth articles of said treaty, and that the said articles shall be altered and amended in the treaty, to read as follows:

ARTICLE 6—*as it now is.*

Visits at sea regulated.

If a Tunisian corsair shall meet with an American vessel, and shall visit it with her boat, two men only shall be allowed to go on board, peaceably, to satisfy themselves of its being American, who, as well as any passengers of other nations they may have on board, shall go free, both them and their goods; and the said two men shall not exact any thing, on pain of being severely punished. In case a slave escapes, and takes refuge on board an American vessel of war, he shall be free, and no demand shall be made either for his restoration or for payment.

Fugitives escaping in ships of war to be free.

ARTICLE 6—*as it was.*

If a Tunisian corsair shall meet with an American merchant vessel, and shall visit it with her boat, she shall not exact any thing, under pain of being severely punished; and, in like manner, if a vessel of war of the United States shall meet with a Tunisian merchant vessel, she shall observe the same rule. In case a slave shall take refuge on board of an American vessel of war, the consul shall be required to cause him to be restored; and if any of their prisoners shall escape on board of the Tunisian vessels, they shall be restored; but if any slave shall take refuge in any American merchant vessel, and it shall be proved that the vessel has departed with the said slave, then he shall be returned, or his ransom shall be paid.

ARTICLE 11—*as it now is.*

Salutes to a ship of war to consist of 21 guns; and no powder present

When a vessel of war of the United States shall enter the port of the Gouletta, she shall be saluted with twenty-one guns, which salute the vessel of war shall return, gun for gun only, and no powder will be given, as mentioned in the ancient eleventh article of this treaty, which is hereby annulled.

ARTICLE 11—*as it was.*

When a vessel of war of the United States of America shall enter the port of Tunis, and the Consul shall request that the Castle may salute her, the number of guns shall be fired which he may request; and if the said Consul does not want a salute, there shall be no question about it.

But, in case he shall desire

1824. February 24.

the salute, and the number of guns shall be fired which he may have requested, they shall be counted, and returned by the vessel in as many barrels of cannon powder.

The same shall be done with respect to the Tunisian Corsairs, when they shall enter any port of the United States.

ARTICLE 12—*as it now is.*

When citizens of the United States shall come within the dependencies of Tunis to carry on commerce there, the same respect shall be paid to them which the merchants of other nations enjoy; and if they wish to establish themselves within our ports, no opposition shall be made thereto; and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usages of other nations; and if a Tunisian subject shall go to establish himself within the dependencies of the United States, he shall be treated in like manner. If any Tunisian subject shall freight an American vessel, and load her with merchandize, and shall afterwards want to unload, or ship them on board of another vessel, we shall not permit him, until the matter is determined by a reference of merchants, who shall decide upon the case, and, after the deci-

ARTICLE 12—*as it was.*

When citizens of the United States shall come within the dependencies of Tunis, to carry on commerce there, the same respect shall be paid to them which the merchants of other nations enjoy; and if they wish to establish themselves within our ports, no opposition shall be made thereto; and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usages, of other nations; and if a Tunisian subject shall go to establish himself within the dependencies of the United States, he shall be treated in like manner.

Commerce to be on an equal footing with the most favored nations.

If any Tunisian subject shall freight an Amercan vessel, and load her with merchandize, and shall afterwards want to unlade or ship them on board of another vessel, we will not permit him, until the matter is determined by a reference of merchants, who shall decide upon the

Rules for receiving freight.

1824. February 24.

sion, the determination shall be conformed to.

Captains not to be detained against their will

No captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other nations, which may take place with respect to merchant vessels, but not to those of war.

Princes or chiefs of the place, only to have jurisdiction.

The subjects and citizens of the two nations, respectively, Tunisians and Americans, shall be protected in the places where they may be, by the officers of the government there existing; but, on failure of such protection, and for redress of every injury, the party may resort to the chief authority in each country, by whom adequate protection and complete justice shall be rendered. In case the government of Tunis shall have need of an American vessel for its service, such vessel being within the Regency, and not previously engaged, the government shall have the preference, on its paying the same freight as other merchants usually pay for the same service, or at the like rate, if the service be without a customary precedent.

Tunisians to have a preference in freighting.

The trade with both parties on an equal footing.

ARTICLE 14—*as it now is.*

All vessels belonging to the citizens and inhabitants of the United States shall be permitted to enter the ports of the kingdom of Tunis, and freely trade with the subjects and inhabitants thereof, on paying the usual duties which are

case, and after the decision the determination shall be conformed to.

No captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other nations; which may take place with respect to merchant vessels, but not to those of war.

The subjects of the two contracting powers shall be under the protection of the Prince, and under the jurisdiction of the chief of the place where they may be, and no other person shall have authority over them. If the Commandant of the place does not conduct himself agreeably to justice, a representation of it shall be made to us.

In case the Government shall have need of an American merchant vessel, it shall cause it to be freighted, and then a suitable freight shall be paid to the Captain, agreeably to the intention of the Government, and the Captain shall not refuse it.

ARTICLE 14—*as it was.*

A Tunisian merchant, who may go to America with a vessel of any nation soever, loaded with merchandize, which is the production of the kingdom of Tunis, shall pay duty (small as it is) like the merchants of other nations; and

paid by other most favored nations at peace with the Regency. In like manner, all vessels belonging to the subjects and inhabitants of the kingdom of Tunis shall be permitted to enter the different ports of the United States, and freely trade with the citizens and inhabitants thereof, on paying the usual duties which are paid by other most favored nations at peace with the United States.

the American merchants shall equally pay for the merchandize of their country, which they may bring to Tunis, under their flag, the same duty as the Tunisians pay in America. But, if an American merchant, or a merchant of any other nation, shall bring American merchandize, under any other flag, he shall pay six per cent. duty: in like manner, if a foreign merchant shall bring the merchandize of his country, under the American flag, he shall also pay six per cent. 1824. February 24

Concluded, signed, and sealed, at the Palace of Bardo, near Tunis, the 24th day of the moon jumed-teni, in the year of the Hegira, 1239, corresponding the 24th of February, 1824, of the Christian year, and the 48th year of the Independence of the United States, reserving the same, nevertheless, for the final ratification of the President of the United States, by and with the advice and consent of the Senate.

S. D. HEAP, Chargé d'Affaires. [L. s.]
SIDI MAHMOUD'S signature and [L. s.]

And whereas the Senate of the United States did, on the 13th of January instant, two thirds of the Senators present concurring therein, advise and consent the ratification of the Convention containing the said alterations; and whereas, in pursuance of the said advice and consent, I have ratified, on the part of the United States, the said articles: Ratification

Now, therefore, I do hereby proclaim the same, and have caused the said articles to be made public; to the end that they, and every clause thereof, as they now are, may be observed and fulfilled with good faith by the United States and their citizens.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the City of Washington, this twenty-first day of January, in the year of our Lord one thousand eight hundred and twenty-five, and of the Independence of the United States the forty-ninth.

By the President: JAMES MONROE.

JOHN QUINCY ADAMS, *Secretary of State.*

DIPLOMATIC CODE

OF

The United States of North America.

PART III.

TREATIES WITH THE NEW NATIONS OF SOUTH AMERICA.

1824.
October 3.

TREATY WITH COLOMBIA.

By the President of the United States. A Proclamation

Whereas a General Convention of Peace, Amity, Navigation, and Commerce, between the United States of America and the Republic of Colombia, was concluded and signed at Bogota, on the third day of October, in the year of our Lord one thousand eight hundred and twenty-four; which Convention, being in the English and Spanish languages, is word for word as follows:

Convencion Jeneral de Paz, Amistad, Navegacion, y Comercio, entre la Republica de Colombia y los Estados-Unidos de America, Año de 1824.

En el nombre de Dios Autor y Lejislador del Universo.

La Republica de Colombia, y los Estados-Unidos de America, deseando hacer duradera y firme la amisted y buena inteligencia que felizmente existe entre ambas Potencias, han resuelto fijar de una manera clara, distinta y positiva las reglas que deben observar religiosamente en lo venidero, por medio de un tratado, o convencion general de paz, amistad, comercio, y navegacion.

Con este muy deseable objeto, el Vice-Presidente de la Republica de Colombia encargado del podèr Ejecutivo, ha conferido plenos poderes á Pedro Gaul, Secretario de Estado y del despacho de relaciones esteriores de la misma, y el Presidente de los Estados-Unidos de America á Ricardo Clough Anderson, el menor, Ciudadano de dichos Estados, y su Ministro Plenipotenciario cerca de la dicha Republica; quienes despues de haber canjeado sus espresados plenos poderes en debida y buena forma, han convenido en los articulos siguientes.

Artº. 1º. Habra una paz, perfecta, firme é inviolable y amistad sincera, entre la Republica de Colombia y los Estados-Unidos de America, en toda la estencion de sus posesiones y territorios, y entre sus pueblos y Ciudadanos respectivamente sin distincion de personas, ni lugares.

Artº. 2º. La Republica de Colombia, y los Estados-Unidos de America, deseando vivir en paz y harmonia con las demas Naciones de la tierra, por medio de una politica franca, e igualmente amistosa con todas, se obligan mutuamente à no conceder favores particulares à otras naciones, con respecto à

1824.
October 3.

TREATY WITH COLOMBIA.

By the President of the United States of America. A Proclamation.

Whereas a General Convention of Peace, Amity, Navigation, and Commerce, between the United States of America and the Republic of Colombia, was concluded and signed, at Bogota, on the third day of October, in the year of our Lord one thousand eight hundred and twenty-four; which Convention, being in the English and Spanish languages, is word for word as follow:

General Convention of Peace, Amity, Navigation, and Commerce, between the United States of America and the Republic of Colombia.

In the name of God, Author and Legislator of the Universe.

Rules of correspondence between the two nations.

The United States of America, and the Republic of Colombia, desiring to make lasting and firm the friendship and good understanding which happily prevails between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty or general convention of peace and friendship, commerce, and navigation.

For this most desirable object, the President of the United States of America has conferred full powers on Richard Clough Anderson, junior, a citizen of the said States, and their minister plenipotentiary to the said republic, and the Vice-President of the Republic of Colombia, charged with executive power, on Pedro Gual, secretary of state and of foreign relations, who, after having exchanged their said full powers in due and proper form, have agreed to the following articles:

Firm and inviolable peace, &c.

ART. 1. There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Colombia, in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.

Favors of commerce to be common to both parties.

ART. 2. The United States of America and the Republic of Colombia, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations in respect of commerce and

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comercio y navegacion, que no se hagan inmediatamente comun à una ù otra, quien gozarà de los mismos libremente, si la concesion fuese hecha libremente, ó prestando la misma compensacion, si la concesion fuere condicional.

Art°. 3°. Los Ciudadanos de la Republica de Colombia podràn frecuentar todas las costas y paises de los Estados-Unidos de America, y residir, y traficar en ellos con toda suerte de producciones, manufacturas, y mercaderias, y no pagaràn otros, ó mayores derechos, impuestos, ó emolumentos cualesquiera que los que las naciones mas favorecidas estàn ó estuvieren obligadas à pagar; y gozaràn todos los derechos, privilejios y esenciones, que gozan ó gozaren los de la nacion mas favorecida, con respecto à navegacion y comercio, sometiendose, no obstante, à las leyes, decretos, y usos establecidos, à los cuales estan sujetos los subditos ó Ciudadanos de las naciones mas favorecidas. Del mismo modo los Ciudadanos de los Estados-Unidos de America podràn frecuentar todas las costas y paises de la Republica de Colombia, y residir y traficàr en ellos con toda suerte de producciones, manufacturas, y mercaderias, y no pagaràn otros ó mayores derechos, impuestos, ó emolumentos cualesquiera, que los que las naciones mas favorecidas, estàn ó estuvieren obligadas à pagàr, y gozaràn de todos los derechos, privilejios y esenciones, que gozan ó gozaren los de la nacion mas favorecida con respecto à navegacion y comercio, sometiendose, no obstante, à las leyes, decretos y usos establecidos, à los cuales estan sujetos los subditos ó ciudadanos de las naciones mas favorecidas.

Art°. 4°. Se conviene ademas, que serà enteramente libre y permitido, a los comerciantes, comandantes de buques, y otros Ciudadanos de ambos paises el manejar sus negocios, por si mismos, en todos los puertos y lugares sujetos à la jurisdiccion de uno ù otro, asi respecto à las consignaciones y ventas por mayor y menor de sus efectos y mercaderias, como de la carga, descarga y despacho de sus buques, debiendo en todos estos casos, ser tratados como Ciudadanos del pais en que residan, ó al menos puestos sobre un pie igual con los subditos ó Ciudadanos de las naciones mas favorecidas.

Art°. 5°. Los Ciudadanos de una ù otra parte, no podràn ser embargados ni detenidos con sus embarcaciones, tripulaciones, mercaderias, y efectos comerciales de su pertenencia, para alguna espedicion militàr, usos publicos, ó particulares cualesquiera que sean, sin conceder à los interesados una suficiente indemnizacion.

navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

Citizens of the U. States at liberty to frequent all the coasts & countries of the Republic of Colombia, to reside and trade there, &c.

ART. 3. The citizens of the United States may frequent all the coasts and countries of the Republic of Colombia, and reside and trade there, in all sorts of produce, manufactures, and merchandise, and shall pay no other or greater duties, charges, or fees, whatsoever, than the most favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce, which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees, and usages, there established, and to which are submitted the subjects and citizens of the most favored nations.

Citizens of the Republic of Colombia may frequent all the coasts & countries of the U. States for the purpose of trade &c.

In like manner the citizens of the Republic of Colombia may frequent all the coasts and countries of the United States, and reside and trade there, in all sorts of produce, manufactures, and merchandise, and shall pay no other or greater duties, charges, or fees, whatsoever, than the most favored nation is or shall be obliged to pay, and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce, which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees, and usages, there established, and to which are submitted the subjects and citizens of the most favored nations.

Merchants, commanders of ships, and other citizens of both countries, &c. to manage their own business; to be treated as citizens of the most favored nation.

ART. 4. It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage themselves their own business in all ports and places subject to the jurisdiction of each other, as well with respect of the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading, and sending off their ships, they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favored nation.

Citizens of neither of the contracting parties shall be liable to any embargo, &c.

ART. 5. The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandises, or effects, for any military expedition, nor for any public or private purpose, whatever, without allowing to those interested a sufficient indemnification.

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Art. 6°. Siempre que los Ciudadanos de alguna de las partes contratantes se vieren precisados á buscàr refujio, ó asilo en los rios, bahias, puertos, ó dominios de la otra, con sus buques, ya sean mercantes, ó de guerra, publicos ó particulares, por mal tiempo, persecucion de piratas ó enemigos, serán recibidos y tratados con humanidad, dandoles todo favor y proteccion, para reparar sus buques, procuràr viveres, y ponerse en situacion de continuar su viaje, sin obstaculo ó estorbo de ningun genero.

Art°. 7°. Todos los buques, mercaderias y efectos pertenecientes a los Ciudadanos de una de las partes contratantes, que sean apresados por piratas, bien sea dentro de los limites de su jurisdiccion, ó en alta mar, y fueren llevados, ó hallados en los rios, radas, bahias, puertos, ó dominios de la otra, serán entregados á sus dueños, probando estos en la forma propia y debida sus derechos ante los Tribunales competentes; bien entendido que el reclamo ha de hacerse dentro del termino de un año, por las mismas partes, sus apoderados ó Agentes de los respectivos Gobiernos.

Art°. 8°. Cuando algun buque perteneciente á los ciudadanos de alguna de las partes contratantes, naufrague, encalle, ó sufra alguno averia, en las costas, ó dentro de los dominios de la otra, se les darà toda ayuda y proteccion, del mismo modo que es uso y costumbre, con los buques de la nacion en donde suceda la averia: permitiendoles descargàr el dicho buque (si fuere necesario) de sus mercaderias y efectos, sin cobrar por esto hasta que sean esportados, ningun derecho, impuesto ó contribucion.

Art°. 9°. Los ciudadanos de cada una de las partes contratantes, tendrán pleno podér para disponér de sus bienes personales dentro de la jurisdiccion de la otra, por venta, donacion, testamento, ó de otro modo; y sus representantes, siendo ciudadanos de la otra parte, succederán á sus dichos bienes personales, ya sea por testamento ó *ab intestato*, y podran tomar posesion de ellos, ya sea por si mismos, ó por otros, que obren por ellos, y disponer de los mismos, segun su voluntad, pagando aquellas cargas solamente, que los habitantes del pais en donde estan los referidos bienes, estuvieren sujetos, á pagar en iguales casos. Y si en el caso de bienes raices, los dichos herederos fuesen impedidos de entrár en la posesion de la herencia por razon de su caracter de estrangeros, se les dará el termino de tres años, para disponer de ella como juzguen conveniente, y para estraér el producto sin molestia, y esentos de todo derecho de deduccion, por parte del Gobierno de los respectivos Estados.

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Whenever the citizens of either party seek refuge, in the dominions, &c. of the other, they are to be treated as friends, &c.

ART. 6. Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions, of the other, with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates, or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

All ships, &c. belonging to the citizens of either party captured by pirates, and found within the dominions of either, to be delivered up to the owners.

ART. 7. All the ships, merchandise, and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions, of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood that the claim should be made within the term of one year by the parties themselves, their attorneys, or agents of their respective governments.

Assistance and protection to be rendered in case of wrecks, &c. within the dominions of each other.

ART. 8. When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload said vessel, if necessary, of its merchandises and effects, without exacting for it any duty, impost, or contribution whatever, until they may be exported.

Citizens of each party shall have power to dispose of their goods and effects within the jurisdiction of the other, by sale, testament, or otherwise.

ART. 9. The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein the said goods are, shall be subject to pay in like cases: And if, in the case of real estate, the said heirs, would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from all rights of detraction, on the part of the government of the respective states.

Alien heirs allowed 3 years to dispose of their property.

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Art°. 10°. Ambas partes contratantes se comprometen y obligan formalmente á dar su proteccion especial á las personas y propriedades de los ciudadanos de cada una reciprocamente transeuntes ó habitantes de todas ocupaciones, en los territorios sujetos á la jurisdiccion de una y otra, dejandoles abiertos y libres los Tribunales de justicia, para sus recursos judiciales, en los mismos terminos que son de uso y costumbre para los naturales ó Ciudadanos del pais en que residan; para lo cual, podrán emplear en defensa de sus derechos aquellos Abogados, Procuradores, Escribanos, Agentes, ó Factores que juzguen conveniente, en todos sus asuntos y litigios; y dichos ciudadanos ó Agentes tendrán la libre facultad de estar presentes en las decisiones y sentencias de los Tribunales, en todos los casos que les conciernan, como igualmente al tomar todos los examenes y declaraciones que se ofrezcan en los dichos litigios.

Art°. 11°. Se conviene igualmente en que los ciudadanos de ambas partes contratantes gozen la mas perfecta y entera seguridad de conciencia en los paises sujetos á la jurisdiccion da una ù otra, sin quedar por ello espuestos á ser inquietados ó molestados en razon de su creencia religiosa, mientras que respeten las leyes y usos establecidos. Ademas de esto, podrán sepultarse los cadaveres de los Ciudadanos de una de las partes contratantes, que fallecieren en los territorios de la otra, en los cementerios acostumbrados ó en otros lugares decentes, y adecuados, los cuales, serán protejidos contra toda violacion ó trastorno.

Art°. 12°. Será licito a los Cuidadanos de la Republica de Colombia, y de los Estados-Unidos de America navegár con sus buques, con toda seguridad, de cualquiera puerto á las plazas ó lugares de los que son ó fueron en adelante enemigos de cualquiera de las dos partes contratantes, sin hacerse distincion de quienes son los dueños de las mercaderias cargadas en ellos. Será igualmente licito á los referidos ciudadanos navegár con sus buques y mercaderias mencionadas y traficár con la misma libertad y seguridad, de los lugares, puertos y ensenadas de los enemigos de ambas partes, ó de alguna de ellas, sin ninguna oposicion, ó disturbio cualquiera, no solo directamente de los lugares de enemigo arriba mencionados á lugares neutros, sino tambien de un lugar perteneciente á un enemigo, á otro enemigo, ya sea que esten bajo la jurisdiccion de una potencia, ó bajo la de diversas. Y queda aqui estipulado, que los buques libres, dan tambien libertad á las mercaderias, y que se ha de considerar libre y esento todo lo que se

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ART. 10. Both the contracting parties promise and engage, formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary, with the natives or citizens of the country in which they may be; for which they may employ in defence of their rights such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

Complete protection in persons and property in the territories of both nations, legal redress, &c.

ART. 11. It is likewise agreed that the most perfect and entire security of conscience may be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

Liberty of conscience and rites of burial secured.

ART. 12. It shall be lawful for the citizens of the United States of America and of the Republic of Colombia to sail with their ships, with all manner of liberty and security, no distinction being made, who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are or hereafter shall be at enemity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandises beforementioned, and to trade with the same liberty and security from the places, ports, and havens, of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, beforementioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that every thing shall be deemed to be free and exempt, which shall be found on

Both parties at liberty to trade with those at enmity with either, &c.

Free ships to make free goods.

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hallare á bordo de los buques pertenecientes á los Ciudadanos de cualquiera de las partes contratantes, aunque toda la carga ó parte de ella pertenezca á enemigos de una ù otra, exceptuando siempre los articulos de contrabando de guerra. Se conviene tambien del mismo modo, en que la misma libertad se estienda á las personas que se encuentren á bordo de buques libres, con el fin de que aunque dichas personas sean enemigos de ambas partes ó de alguna de ellas, no deban ser estraidos de los buques libres, á menos que sean oficiales ó Soldados en actual servicio de los enemigos: á condicion no obstante, y se conviene aqui en esto, que las estipulaciones contenidas en el presente articulo, declarando que el Pabellon cubre la propiedad, se entenderán aplicables solamente á aquellas potencias que reconocen este principio; pero si alguna de las dos partes contratantes, estuviere en guerra con una tercera, y la otra permaneciese neutrál, la bandera de la neutral cubrirá la propiedad de los enemigos, cuyos Gobiernos reconozcan este principio y no de otros.

Art°. 13°. Se conviene igualmente que en el caso de que la bandera neutrál de una de las partes contratantes, protega las propriedades de los enemigos de la otra en virtud de lo estipulado arriba, deberá siempre entenderse, que las propriedades neutrales encontradas á bordo de tales buques enemigos, han de tenerse y considerarse como propiedades enemigas, y como tales, estarán sujetas á detencion, y confiscacion; exceptuando solamente aquellas propiedadas que hubiesen sido puestas á bordo de tales buques antes de la declaracion de la guerra, y aun despues, si hubiesen sido embarcadas en dichos buques, sin tener noticia de la guerra, y se conviene, que pasados dos meses despues de la declaracion, los ciudadanos de una y otra parte no podrán alegar que la ignoraban. Por el contrario, si la bandera neutral, no protegiese las propriedades enemigas, entonces seràn libres los efectos y mercaderias de la parte neutràl embarcadas en buques enemigos.

Art°. 14°. Esta libertad de navegacion y comercio se estenderà a todo genero de mercaderias, exceptuando aquellas solamente, que se distinguen con el nombre de contrabando, y bajo este nombre de *contrabando ó* efectos prohibidos se comprehenderán:

1°. Cañones, morteros, obuces, pedreros, trabucos, mosquetes, fusiles, rifles, carabinas, pistolas, picas, espadas, sables, lanzas, chuzos, alabardas, y granadas, bombas, polvora, mechas, balas, con las demas cosas correspondientes al uso de esta armas.

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board the ships belonging to the citizens of either of the contracting parties although the whole lading, or any part, thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemies: Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognise the principle; but if either of the two contracting parties should be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

All persons on board, except those in the actual service of an enemy to be free.

Flag covering the property, to be applied to those powers only who acknowledge the principle.

ART. 13. It is likewise agreed, that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree, that two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandises of the neutral, embarked in such enemy's ship shall be free.

Enemy's property, to be protected by a neutral flag, must be shipped two months before declaration of War, &c.

ART. 14. This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband, and under this name of contraband, or prohibited goods, shall be comprehended—

Contraband specified

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and granades, bombs, powder, matches, balls, and all other things belonging to the use of these arms:

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2°. Escudos, casquetes, corazas, cotas, de malla, fornituras, y vestidos hechos en forma, y á usanza militar.

3°. Bandoleras, y caballos junto con sus armas y arneses.

4°. Y generalmente toda especie de armas, é instrumentos de hierro, acero, bronce, cobre, y otras materias cualesquiera, manufacturadas, preparadas, y formadas espresamente para hacér la guerra por mar, ó tierra.

Art°. 15°. Todas las demas mercaderias, y efectos no comprehendidos en los articulos de contrabando esplicitamente enumerados, y clasificados en el articulo anterior, serán tenidos, y reputados por libres, y de licito y libre comercio, de modo, que ellos puedan ser transportados, y llevados de la manera mas libre, por los ciudadanos de ambas partes contratantes, aun á los lugares pertenecientes à un enemigo de una ù otra, eceptuando solamente aquellos lugares ó plazas, que estàn al mismo tiempo sitiadas ó bloqueadas; y para evitar toda duda en el particulàr, se declaran sitiadas ó bloqueadas àquellas plazas, que en la actualidad estuviesen átacadas por una fuerza de un beligerante capaz de impedir la entrada del neutrál.

Art°. 16°. Los articulos de contrabando antes enumerados y clasificados, que se hallen en un buque destinado á puerto enemigo estarán sujetos á detencion y confiscacion; dejando libre el resto del cargamento y el buque, para que los dueños puedan disponer de ellos como lo crean conveniente. Ningun buque de cualquiera de las dos Naciones, será detenido, por tener á bordo articulos de contrabando, siempre que el Maestre, Capitan, ó Sobrecargo de dicho buque quiera entregàr los articulos de contrabando al apresador, á menos que la cantidad de estos articulos sea tan grande y de tanto volumen, que no puedan ser recibidos á bordo del buque apresadór, sin grandes inconvenientes; pero en este, como en todos los otros casos de justa detencion, el buque detenido serà enviado al puerto mas inmediato, comodo, y seguro, para ser juzgado y sentenciado conforme à las leyes.

Art°. 17°. Y por cuanto frecuentemente sucede que los buques navegan para un puerto ó lugàr perteneneciente á un enemigo, sin saber que aquel esté sitiado, bloqueado ó envestido, se conviene en que todo buque en estas circumstancias se pueda hacer volver de dicho puerto, ó lugar; pero no serà detenido, ni confiscado parte alguna de su cargemento, no siendo contrabando; à menos que despues de la intimacion de semejante bloqueo ó ataque, por el comandante de las fuerzas blo-

2dly. Bucklers, helmets, breast-plates, coats of mail, infantry belts, and clothes made up in the form and for a military use;

3dly. Cavalry belts, and horses with their furniture;

4thly. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared and formed, expressly to make war by sea or land.

Goods not contraband.

ART. 15. All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time beseiged or blocked up; and to avoid all doubt in this particular, it is declared that those places only are beseiged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

Definition of blockade.

Contraband only liable to confiscation.

ART. 16. The articles of contraband, before enumerated and classified which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great, and of so large a bulk, that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgement according to law.

In cases of blockade, vessels to be notified but not detained, &c.

ART. 17. And whereas it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed, that every vessel so circumstanced, may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade, or investment from the commanding officer of the blockading forces, she shall

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quedadoras, intentase otra vez entrar; pero le sera permitido ir a qualquiera otro puerto ó lugar que juzgue conveniente. Ni ningun buque de una de las partes, que haya entrado en semejante puerto, ó lugar, antes que estuviese sitiado, bloqueado, ó envestido por la otra, sera impedido de dejar el tal lugar con su cargamento, ni si fuere hallado alli despues de la rendicion y entrega de semejante lugar, estarà el tal buque ó su cargamento sujeto á confiscacion, sino que seràn restituidos á sus dueños.

Art°. 18°. Para evitar todo genero de desorden en la visita y examen de los buques y cargamentos de ambas partes contratantes en alta mar, han convenido mutuamente, que siempre que un buque de guerra, publico ó particular se encontrase con un neutral de la otra parte contratante, el primero permanecerà fuera de tiro de cañon, y podrà mandàr su bote, con dos ó tres hombres solamente, para ejecutàr el dicho examen de los papeles concernientes á la propiedad y carga del buque, sin ocasionàr la menor estorcion, violencia ó mal tratamiento, por lo que los comandantes del dicho buque armado seràn responsables, con sus personas y bienes; à cuyo efecto los comandantes de buques armados, por cuenta de particulares, estaràn obligados antes de entregarseles sus comisiones ó patentes, à dar fianza suficiente para responder de los perjuicios que causen. Y se ha convenido espresamente, que en ningun caso se exigira á la parte neutràl, que vaya á bordo del buque examinadór con el fin de exibir sus papeles, ó para cualquiera otro objeto sea el que fuere.

Art°. 19°. Para evitar toda clase de vejamen y abuso en el examen de los papeles relativos á la propiedad de los buques pertenecientes à los ciudadanos de las dos partes contratantes, han convenido y convienen, que encaso de que una de ellas estuviere en guerra, los buques, y bajeles pertenecientes à los ciudadanos de la otra, seràn provistos con letras de màr, ó pasaportes, espresando el nombre, propiedad y tamaño del buque, como tambien el nombre y lugar de la residencia del Maestre, ó Comandante, à fin de que se vea que el buque, real y verdaderamente pertenece á los ciudadanos de una de las partes: y han convenido igualmente, que estando cargados los espresados buques, ademas de las letras de mar, ó pasaportes, estaràn tambien provistos de certificados, que contengan los por menores del cargamento, y el lugar de donde salió el buque, para que asi pueda saberse, si hay á su bordo algunos efectos prohibidos ó de contrabando, cuyos certificados seràn hechos por los oficiales del lugár de la procedencia del buque, en la forma acostumbrada, sin cuyos requisitos el dicho buque puede ser detenido, para ser juzgado por el Tribunal compe-

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again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port before the same was actually beseiged, blockaded or invested by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Vessels entering before blockade may quit unmolested.

ART. 18. In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon shot, and may send its boat with two or three men only in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of the said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel, for the purpose of exhibiting her papers, or for any other purpose whatever.

During a visit at sea, armed vessels to remain out of reach of cannon shot.

Neutrals not to go on board the examining vessel.

ART. 19. To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear, that the ship really and truly belongs to the citizens of one of the parties; they have agreed that such ships being laden, besides the said sea-letters or passports shall also be provided with certificates containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed

In case of war, sea letters, certificates of cargo, &c. to be furnished, expressing to whom the property belongs.

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tente, y puede ser declarado buena presa, á menos que satisfagan, ó suplan el defecto con testimonios enteramente equivalentes.

Art°. 20°. Se ha convenido ademas, que las estipulaciones anteriores, relativas al examen y visita de buques, se aplicarán solamente á los que navegan sin conboy y que cuando los dichos buques estuvieren bajo de conboy, será bastante la declaracion verbal del Comandante del conboy, bajo su palabra de honór, de que los buques que están bajo su proteccion pertenecen a la nacion, cuya bandera llevan, y cuando se dirijen á un puerto enemigo, que los dichos buques no tienen á su bordo articulos de contrabando de guerra.

Art°. 21°. Se ha convenido ademas, que en todos los casos que ocurran, solo los Tribunales establecidos para causas de presas, en el pais á que las presas sean conducidas, tomarán conocimiento de ellas. Y siempre que semejante Tribunal de cualquiera de las partes, pronunciase sentencia contra algun buque, ó efectos, ó propiedad reclamado por los Ciudanos de la otra parte, la sentencia ó decreto harà mencion de las razones ó motivos en que aquella se haya fundado, y se entregará sin demora alguna al comandante ó Agente de dicho buque, si lo solicitase, un testimonio autentico de la sentencia, ó decreto, ó de todo el proceso, pagando por el los derechos legales.

Art°. 22°. Siempre que una de las partes contratantes estuviere empeñada en guerra, con otro Estado, ningun Ciudadano de la otra parte contratante aceptará una comision ó letra de marca para el objeto de ayudár ó co-operar hostilmente con el dicho enemigo, contra la dicha parte que esté asi en guerra, bajo la pena de ser tratado como pirata.

Art°. 23°. Si por alguna fatalidad, que no puede esperarse, y que Dios no permita, las dos partes contratantes se viesen empeñadas en guerra una con otra, han convenido y convienen de ahora para entonces, que se concederá el termino de seis meses á los comerciantes residentes en las costas y en los puertos de entrambas, y el termino de un año á los que habitan en el interior, para arreglár sus negocios, y transportár sus efectos á donde quieran, dandoles el salvo conducto necesario para ello, que les sirva de suficiente proteccion hasta que lleguen al puerto que designen. Los Ciudadanos de otras ocupaciones, que se hallen establecidos en los territorios ó dominios de la Republica de Colombia, ó los Estados-Unidos de America, serán respetados, y mantenidos en el pleno gozo de su libertad personal y propiedad, á menos que su conducta particular les haga perder esta proteccion, que en consideracion á la humanidad, las partes contratantes se comprometen á prestarles.

form; without which requisites, said vessel may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be satisfied or supplied by testimony entirely equivalent.

Visiting regulations to apply only to vessels without convoy.

ART. 20. It is further agreed, that the stipulations above expressed relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honour, that the vessels under his protection belong to the nation whose flag he carries; and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

Established courts only to try prize causes.

Motives of condemnation to be stated.

ART. 21. It is further agreed, that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the procedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

The neutral party not to accept a commission to cruise against the other.

ART. 22. Whenever one of the contracting parties shall be engaged in war with another state, no citizen of the other contracting party shall accept a commisson, or letter of marque, for the purpose of assisting or co-operating hostilely, with the said enemy, against the said parties so at war, under the pain of being treated as a pirate.

In case of war, 6 months allowed to those on the coast, and 12 for those in the interior to remove effects, &c.;

ART. 23. If, by any fatality which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designed port. The citizens of all other occupations who may be established in the territories or dominions of the United States and of the Republic of Colombia, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

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Art°. 24°. Ni las deudas contraidas por los individuos de una Nacion, con los individuos, de la otra, ni las acciones ó dineros, que puedan tenér en los fondos publicos, ó en los bancos publicos, ó privados, serán jamas secuestrados ó confiscados en ningun caso de guerra, ó diferencia nacional.

Art°. 25°. Deseando ambas partes contratantes, evitár toda diferencia, relativa á etiqueta en sus comunicaciones, y correspondencias diplomaticas han convenido asi mismo, y convenien en conceder á sus Enviados, Ministros, y otros Agentes Diplomaticos, los mismos favores, inmunidades, y esenciones de que gozan, ó gozaren en lo venidero los de las naciones mas favorecidas, bien entendido que cualquier favór, inmunidad ó privilegio, que la Republica de Colombia ó los Estados-Unidos de America, tengan por conveniente dispensár á los Enviados, Ministros, y Agentes Diplomaticos de otras Potencias, se haga por el mismo hecho estensivo á los de una y otra de las partes contratantes.

Art°. 26°. Para hacér mas efectiva la proteccion, que la Republica de Colombia, y los Estados-Unidos de America, darán en adelante á la navegacion y comercio de los ciudadanos de una y otra, se convienen en recibir y admitir Consules y Vice Consules en todos los puertos abiertos al comercio estrangero, quienes gozarán en ellos todos los derechos, prerrogativas é inmunidades de los Consules, y Vice Consules de la nacion mas favorecida, quedando no obstante en liberatad cada parte contratante, para exceptuar aquellos puertos y lugares en que la admision y residencia de semejantes Consules, y Vice Consules no parezca conveniente.

Art°. 27°. Para que los Consules, y Vice-Consules de las dos partes contratantes, puedan gozar los derechos, prerrogativas, é inmunidades, que les corresponden por su caracter publico, antes de entrár en el ejercicio de sus funciones, presentarán su comision ó patente en la forma debida, al Gobierno con quien esten acreditados, y habiendo obtenido el *Exequatur*, serán tenidos, y considerados como tales, por todas las autoridades, majistrados y habitantes del distrito Consular en que residan.

Art°. 28°. Se ha convenido igualmente, que los Consules, sus Secretarios, officiales y personas agregadas al servicio de los consulados (no siendo estas personas ciudadanos del pais en que el Consul reside) estarán esentos de todo servicio publico, y tambien de toda especie de pechos, impuestos, y contribuciones, exceptuando aquellas que esten obligados á pagar por razon de comercio, ó propiedad, y á las cuales estan suje-

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ART. 24. Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor moneys, which they may have in public funds, nor in public nor private banks, shall ever, in any event of war, or of national difference, be sequestered or confiscated.

And no sequestration of money in bank or public funds.

ART. 25. Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the envoys ministers, and other public agents, the same favors, immunities, and exemptions, which those of the most favored nation do or shall enjoy; it being understood that whatever favors, immunities, or privileges, the United States of America or the Republic of Colombia, may find it proper to give to the ministers and public agents of any other power, shall by the same act be extended to those of each of the contracting parties.

Official intercourse in relation to public ministers, &c. to be on a reciprocal footing.

ART. 26. To make more effectual the protection which the United States and the Republic of Colombia shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit consuls and vice-consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities, of the consuls and vice-consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such consuls may not seem convenient.

Each party permitted to have consuls in each others' ports.

ART. 27. In order that the consuls and vice-consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities, which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the government to which they are accredited; and having obtained their *Exequatur*, they shall be held and considered as such by all the authorities, magistrates, and inhabitants, in the consular district in which they reside.

Commissions to be exhibited before exequatur is obtained.

ART. 28. It is likewise agreed, that the consuls, their secretaries, officers, and persons attached to the service of consuls, they not being citizens of the country in which the consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce, or their property, to which the citizens and inhabitants,

Consuls exempt from public service—their archives inviolate.

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tos los Ciudadanos, y habitantes naturales, y estrangeros del pais en que residen, quedando en todo lo demas, sujetos a las leyes de los respectivos Estados. Los archivos y papeles de los c s lados serán respetados inviolablemente, y bajo ningun pretesto los ocupará magistrado alguno, ni tendrá en ellos ninguna intervencion.

Art°. 29°. Los dichos Consules tendrán poder de requerir el auxilio de las autoridades locales, para la prision, detencion y custodia de los desertores de buques, publicos y particulares de su pais, y para este objeto se dirigirán á los Tribunales, Jueces, y oficiales competentes y pedirán los dichos desertores por escrito, probando por una presentacion de los registros de los buques, rol del equipage, ù otros documentos publicos, que aquellos hombres eran parte de las dichas tripulaciones, y á esta demanda asi probada (menos no obstante cuando seprobare lo contrario) no se reusará la entrega. Semejantes desertores, luego que sean arrestados, se pondrán á disposicion de los dichos Consules, y pueden ser depositados en las prisiones publicas, a solicitud y espensas de los que los reclamen, para ser enviados á los buques á que corresponden, ó á otros de la misma nacion. Pero si nó fueren mandados dentro de dos meses contados desde el dia de su arresto, serán puestos en libertad, y no volverán a ser presos por la misma causa.

Art°. 30°. Para protegér mas efectivamente su comercio y navegacion, las dos partes contratantes se convienen en formar luego que las circumstancias lo permitan, una Convencion Consulár, que declare mas especialmente los poderes é inmuniades de los Consules y Vice-Consules de las partes respectivas.

Art°. 31°. La Republica de Colombia y los Estados-Unidos de America, deseando hacer tan duraderas y firmes, como las circumstancias lo permitan las relaciones que han de establecerse entre las dos Potencias, en virtud del presente tratado ó convencion general de paz, amistad, navegacion y comercio, han declarado solemnemente y convienen en los puntos siguientes:

1°. El presente tratado permanecerá en su fuerza y vigor por el termino de doce años contados desde el dia del cange de las ratificaciones, en todos los puntos concernientes à comercio y navegacion, y en todos los demas puntos que se refieren á paz y amistad, serà permanente, y perpetuamente obligatorio para ambas potencias.

2°. Si alguno, ó algunos de los Ciudadanos de una ù otra

native and foreign, of the country in which they reside are subject; being in every thing besides subject to the laws of the respective states. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize, or in any way interfere with them.

Consuls may call in the public authorities to aid in securing deserters, who are not to be detained more than two months in prison.

ART. 29. The said consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel's or ship's roll, or other public documents, that those men were part of the said crews; and on this demand, so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

Consular convention to be formed.

ART. 30. For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties.

The following points agreed to.

ART. 31. The United States of America and the Republic of Colombia, desiring to make as durable as circumstances will permit, the relations which are to be established between the two parties by virtue of this Treaty, or General Convention of Peace, Amity, Commerce, and Navigation, have declared solemnly, and do agree to the following points:

Treaty to remain in force twelve years.

1st. The present Treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, in all the parts relating to commerce and navigation; and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both powers.

Peace perpetual.

Citizens responsible for in-

2dly. If any one or more of the citizens of either party shall

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parte infringiesen alguno de los articulos contenidos en el presente tratado, dichos ciudadanos serán personalmente responsables, sin que por esto se interrumpa la harmonia y buena correspondencia entre las dos Naciones, comprometiendose cada una a no protegér de modo alguno al ofensor ó sanccionár semejante violacion.

3°. Si (lo que á la verdad no puede esperarse) desgraciadamente, alguno de los articulos contenidos en el presente tratado, fuesen en alguna otra manera violados, ó infringidos, se estipula espresamente que ninguna de las dos partes contratantes, ordenará, ó autorizará ningunos actos de represalia, ni declarará la guerra contra la otra por quejas de injurias, ó daños hasta que la parte que se crea ofendida, haya antes presentado á la otra una esposicion de aquellas injurias, ó daños, hasta que la parte que se crea ofendida, haya antes presentado a la otra una esposicion de aquellas injurias, ó daños, verificada con pruebas y testimonios competentes, exigiendo justicia y satisfacicon, y esto haya sido negado, ó diferido sin razon.

4°. Nada de cuanto se contiene en el presente tratado, se construirá sin embargo, ni obrará, en contra de otros tratados publicos anteriores, y existentes con otros soberanos ó Estados.

El presente tratado de paz, amistad, navegacion, y comercio, será ratificado por el Presidente ó Vice-Presidente de la Republica de Colombia, encargado del poder Ejecutivo con consentimiento y aprobacion del Congreso de la misma, y por el Presidente de los Estados-Unidos de America, con consejo, y consentimiento del Senado de los mismos; y las ratificaciones serán cangeadas en la Ciudad de Washington dentro de ocho meses contados desde este dia ó antes si fuese posible.

En fe de lo cual nosotros los Plenipotenciaries de la Republica de Colombia, y de los Estados-Unidos de America hemos firmado y sellado las presentes.

Dada en la Ciudad de Bogota el dia tres de Octubre, del año del Señor mil ochocientos veinticuatro, decimo cuarto de la independencia de la Republica de Colombia y cuadragesimo nono de la de los Estados-Unidos de America.

Firmado.

[L. S.] PEDRO GUAL.
[L. S.] RICHARD CLOUGH ANDERSON, Jr.

infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

Infringing this article.

3dly. If, (what indeed, cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated, that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

War not to be declared until remonstrance is made, and satisfaction is refused.

4thly. Nothing in this treaty contained shall, however, be construed, or operate contrary to former and existing public Treaties with other sovereigns or states.

Other treaties not to be contravened by this.

The present treaty of peace, amity, commerce, and navigation, shall be approved and ratified by the president of the United States of America, by and with the advice and consent of the senate thereof, and by the president of the Republic of Colombia, with the consent and approbation of the congress of the same, and the ratifications shall be exchanged in the city of Washington within eight months, to be counted from the date of the signature hereof, or sooner if possible.

Ratification within eight months.

In faith whereof, we, the plenipotentiaries of the United States of America, and of the Republic of Colombia, have signed and sealed these presents.

Done in the City of Bogota, on the third day of October, in the year of our Lord one thousand eight hundred and twenty four, in the forty ninth year of the Independence of the United States of America, and the fourteenth of that of the Republic f Colombia.

[L. s.] RICHARD CLOUGH ANDERSON, Jr.
[L. s.] PEDRO GUAL.

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the twenty-seventh day of the present month by Daniel Brent, chief clerk of the Department of State, and José Maria Salazar, LL. D. Fiscal of the high

Ratifi

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court of justice of the Republic of Colombia, and envoy extraordinary and minister plenipotentiary thereof near the government of the United States of America, on the part of their respective governments.

Now, therefore, be it known, that I, JOHN QUINCY ADAMS, president of the United States, have caused the said convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed. Done at the City of Washington, this thirty-first day [L. S.] of May, in the year of our Lord one thousand eight hundred and twenty-five, and of the Independence of the United States the fortyninth.

JOHN QUINCY ADAMS

By the President:

H. CLAY, *Secretary of State.*

1825.
December 5.

TREATY WITH THE FEDERATION OF THE CENTRE OF AMERICA.

By the President of the United States of America. A Proclamation.

Whereas a General Convention of Peace, Amity, Commerce, and Navigation, between the United States of America, and the Federation of the Centre of America, was concluded and signed at Washington, on the fifth day of December, in the year of our Lord one thousand eight hundred and twenty-five; which Convention, being in the English and Spanish languages, is, word for word, as follows: Treaty with the Federation of the Centre of America.

ORIGINAL.

Convencion Jeneral de Paz, Amistad, Comercio, y Navegacion, entre la Confederacion de Centro-America i los Estados-Unidos de America.

La Federacion de Centro-America y los Estados-Unidos de America, deseando hacer firme y permanente la paz y amistad que felizmente existe entre ambas Potencias, han resuelto fijar de Una manera clara, distinta y positiva, las reglas, que deben observar religiosamente en lo venidero, por medio de un Tratado, ó Convencion General de Paz, Amistad, Comercio, y Navegacion.

Con este muy deseable objeto, el Poder Executivo de la Federation de Centro-America, ha conferido plenos poderes á Antonio Jose Cañas, diputado de la Assemblea Nacional Constituyente por la Provincia de San Salvador, y Enviado Extraordinario y Mi-

ORIGINAL.

General Convention of Peace, Amity, Commerce, and Navigation, between the United States of America and the Federation of the Centre of America.

The United States of America, and the Federation of the Centre of America, desiring to make firm and permanent the peace and friendship which happily prevails between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between the one and the other, by means of a Treaty, or General Convention of Peace, Friendship, Commerce, and Navigation. Negotiators appointed to conclude the treaty.

For this most desirable object, the President of the United States of America has conferred full powers on Henry Clay, their Secretary of State; and the Executive power of the Federation of the Centre of America on Antonio Jose Cañas, a Deputy of the

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nistro Plenipotenciario de la aquella Republica cerca de los Estados-Unidos, y el Presidente de los Estados-Unidos de America, á Henrico Clay, su Secretario de Estado, quienes despues de haber canjeado sus espresados plenos poderes en debida y buena forma, han convenido en los articulos siguientes:

Art°. 1°. Habra una paz, perfecta, firme é inviolable y amistad sincera entre la Federacion de Centro-America y los Estados-Unidos de America, en toda la estension de sus posesiones y territorios, y entre sus Pueblos y Ciudadanos respectivamente sin distincion de personas, ni lugares.

Art°. 2°. La Federacion de Centro-America, y los Estados-Unidos de America, deseando vivir en paz y harmonia con las demas Naciones de la tierra, por medio de una politica franca, é igualmente amistosa con todas, se obligan mutuamente á no conceder favores particulares á otras naciones, con respecto a comercio y navegacion, que no se hagan inmediatamente comun a una ù otra, quien gozarà de los mismos libremente, si la concesion fuese hecha libremente, ó prestando la misma compensacion, si la concesion fuere condicional.

Art°. 3°. Las dos altas partes contratantes deseando tambien establecer el comercio y navegacion de sus respectivos paises sobre las liberales bases de perfecta igualidad y reciprocidad, convienen mutuamente que los Ciudadanos de cada una podran frecuentar todas las costas y paises de la otra y residir y traficar en ellos con toda clase de producciones, manufacturas, y mercaderias, y gozaran de todos los derechos, privilegos y esempciones con respecto a navegacion y comercio que gozan ó gozaren los Ciudadanos nativos, sometiendose a las leyes, decretos é usos establecidos á que estan sujetos dichos Ciudadanos nativos. Pero deber entenderse que este articulo no comprehende el comercio de costa de cada uno de los dos paises, cuya regulacion es reservada a las partes respectivamente, segun sus propias y peculiares leyes.

Art°. 4°. Igualmente convienen, que cualquiera clase de producciones, manufacturas ó mercaderias estrangeras que puedan ser, en cualquier tiempo, legalmente introducidas en la Republica Central en sus propios buques, puedan tambien ser introducidas en los buques de los Estados-Unidos; y que no se impondran ó cobraran otros ó mayores derechos de tonelada ó por el cargamento, ya sea que la importacion se haga en buques de la una ó de la otra. De la misma manera que cualesquiera clase de producciones, manufacturas

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Constituent National Assembly for the Province of San Salvador, and Envoy Extraordinary and Minister Plenipotentiary of that Republic, near the United States, who, after having exchanged their said full powers in due and proper form, have agreed to the following articles:

Peace and friendship.

ART. 1. There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Federation of the Centre of America, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

Agree not to grant any particular favors to other nations, in respect of commerce, &c. not common to both.

ART. 2. The United States of America and the Federation of the Centre of America, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

Mutual benefits in trade and residence to be equally enjoyed.

ART. 3. The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there, in all kinds of produce, manufactures, and merchandize; and they shall enjoy all the rights, privileges, and exemptions, in navigation and commerce, which native citizens do or shall enjoy, submitting themselves to the laws, decrees, and usages, there established, to which native citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

Each party may carry its own produce to the republic of the other——equalization of duties established, and to be the basis of all trade.

ART. 4. They likewise agree, that whatever kind of produce, manufacture, or merchandize of any foreign country, can be, from time to time, lawfully imported into the United States, in their own vessels, may be also imported in vessels of the Federation of the Centre of America; and that no higher or other duties, upon the tonnage of the vessel, or her cargo, shall be levied and collected, whether the importation be made in vessels of the one country, or of the other. And, in like manner, that whatever kind of produce, manufactures, or mer-

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ó mercaderias estrangeras que puedan ser en cualquier tiempo legalmente introducidas en los Estados-Unidos en sus propios buques, puedan tambien ser introducidas en los buques de la Federacion de Centro-America; y que no se impondran ó cobraran otros ó mayores derechos de tonelada ó por el cargamento ya sea que la importacion se haga en buques de la una ó de la otra. Convienen ademas, que todo lo que pueda ser legalmente exportado ó re-exportado de uno de los dos paises, en sus buques propios para un pais estranjero pueda de la misma manera ser exportado ó re-exportado en los buques de el otro. Y los mismos derechos, premios ó descuentos se concederan y cobraran ya sea que tal exportacion, ó re-exportacion se haga en los buques de la Republica Central ó de los Estados-Unidos.

Art°. 5°. No se impondran otros ó mayores derechos sobre la importacion de cualquier articulo, produccion ó manufactura de los Estados-Unidos en la Federacion de Centro-America, y no se impondran otros ó mayores derechos sobre la importacion de cualquier articulo, produccion ó manufactura de la Federacion de Centro-America en los Estados-Unidos, que los que se pagan ó pagaren en adelante por iguales articulos, produccion ó manufactura de cualquiera pais estrangero: ni se impondran otros ó mayores derechos ó cargas en cualquiera de los dos paises sobre la esportacion de cualesquiera articulos para la Federacion de Centro-America ó para los Estados-Unidos respectivamente, que los que se pagan ó pagaren en adelante por la esportacion de iguales articulos para cualquiera otro pais estrangero; ni se establecera prohivicion sobre la importacion ó exportacion de cualesquiera articulos, produccion ó manufactura de los territorios de la Federacion de Centro-America para los de los Estados-Unidos, ó de los territorios de los Estados-Unidos para los de la Federacion de Centro-America, que no sea igualmente extensiva a las otras naciones.

Art°. 6°. Se conviene ademas, que serà enteramente libre y permitido, a los comerciantes, comandantes de buques, y otros Ciudadanos de ambos paises el manejar sus negocios, por si mismos, en todos los puertos y lugares sujetos à la jurisdiccion de uno ù otro, asi respecto à las consignaciones y ventas por mayor y menor de sus efectos y mercaderias, como de la carga, descarga y despacho de sus buques, debiendo en todos estos casos, ser tratados como Ciudadanos del pais en que residan, ó al menos puestos sobre un pie igual con los subditos ó Ciudadanos de las naciones mas favorecidas.

chandize, of any foreign country, can be, from time to time, lawfully imported into the Central Republic, in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties, upon the tonnage of the vessel, or her cargo, shall be levied or collected, whether the importation be made in vessels of the one country, or of the other. And they further agree, that whatever may be lawfully exported, or re-exported, from the one country, in its own vessels, to any foreign country, may, in like manner, be exported, or re-exported, in the vessels of the other country. And the same bounties, duties, and drawbacks, shall be allowed and collected, whether such exportation, or re-exportation, be made in vessels of the United States, or of the Central Republic.

Importations and exportations to be on a reciprocal footing.

ART. 5. No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the Federation of the Centre of America, and no higher or other duties shall be imposed on the importation into the Federation of the Centre of America, of any articles, the produce or manufactures of the United States, than are or shall be, payable on the like articles, being the produce or manufactures of any other foreign country; nor shall any higher or other duties, or charges, be imposed in either of the two countries, on the exportation of any articles to the United States, or to the Federation of the Centre of America, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufactures of the United States, or of the Federation of the Centre of America, to or from the Territories of the United States, or to or from the Territories of the Federation of the Centre of America, which shall not equally extend to all other Nations.

No partial prohibitions to be established.

Both parties free to manage their own business, in either nation.

ART. 6. It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens, of both countries, to manage, themselves, their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being, in all these cases, to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favored nation.

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ART°. 7°. Los Ciudadanos de una ù otra parte, no podràn ser embargados ni detenidos con sus embarcaciones, tripulaciones, mercaderias, y efectos comerciales de su pertenencia, para alguna espedicion militàr, usos publicos, ó particulares cualesquiera que sean, sin conceder à los interesados una suficiente indemnizacion.

ART°. 8°. Siempre que los Ciudadanos de alguna de las partes contratantes se vieren precisados á buscàr refujio, ó asilo en los rios, bahias, puertos, ó dominios de la otra, con sus buques, ya sean mercantes, ó de guerra, publicos ó particulares, por mal tiempo, persecucion de piratas ó enemigos, seràn recibidos y tratados con humanidad, dandoles todo favor y proteccion, para reparar sus buques, procuràr viveres, y ponerse en situacion de continuar su viaje, sin obstaculo ó estorbo de ningun genero.

ART°. 9°. Todos los buques, mercaderias y efectos pertenecientes a los Ciudadanos de una de las partes contratantes, que sean apresados por piratas, bien sea dentro de los limites de su jurisdiccion, ó en alta mar, y fueren llevados, ó hallados en los rios, radas, bahias, puertos, ó dominios de la otra, seràn entregados á sus dueños, probando estos en la forma propia y debida sus derechos ante los Tribunales competentes; bien entendido que el reclamo ha de hacerse dentro del termino de un año, por las mismas partes, sus apoderados ó Agentes de los respectivos Gobiernos.

ART°. 10°. Cuando algun buque perteneciente á los ciudadnos de alguna de las partes contratantes, naufrague, encalle, ó sufra alguno averia, en las costas, ó dentro de los dominios de la otra, se les darà toda ayuda y proteccion, del mismo modo que es uso y costumbre, con los buques de la nacion en donde suceda la averia: permitiendo les descargàr el dicho buque (si fuere necesario) de sus mercaderias y efectos, sin cobrar por esto hasta que sean esportados, ningun derecho, impuesto ó contribucion.

ART°. 11°. Los ciudadanos de cada una de las partes contratantes, tendrán pleno podér para disponer de sus bienes personales dentro de la jurisdiccion de la otra, por venta, donacion, testamento, ó de otro modo; y sus representantes, siendo ciudadanos de la otra parte, succederán á sus dichos bienes personales, ya sea por testamento ó *ab intestato*, y podran tomar posesion de ellos, ya sea por si mismos, ó por otros, que obren por ellos, y disponer de los mismos, segun su voluntad, pagando aquellas cargas, solamente, que los habitantes del pais en donde estan los referidos bienes, estuvieren sujetos, á pagar

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ART. 7. The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandize, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

Neither party to be liable to embargo or detention without indemnification.

ART. 8. Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions, of the other, with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates, or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

Whenever the citizens of either party seek refuge, in the dominions, &c. of the other, they are to be treated as friends, &c.

ART. 9. All the ships, merchandize, and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions, of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights, before the competent tribunals; it being well understood that the claim should be made within the term of one year by the parties themselves, their attorneys, or agents of their respective governments.

All ships, &c. belonging to the citizens of either party captured by pirates, and found within the dominions of either, to be delivered up to the owners.

ART. 10. When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandize and effects, without exacting for it any duty, impost, or contribution whatever, until they may be exported.

Assistance and protection to be rendered in case of wrecks, &c. within the dominions of each other.

ART. 11. The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein said goods are, shall be subject to pay in like cases: And if, in the case of real estate,

Citizens of each party to have power to dispose of their goods and effects within the jurisdiction of the other, by sale, testament, or otherwise.

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en iguales casos. Y si en el caso de bienes raices, los dichos herederos fuesen impedidos de entrár en la posesion de la herencia por razon de su caracter de estrangeros, se les dará el termino de tres años, para disponer de ella como juzguen conveniente, y para estraér el producto sin molestia, y esentos de todo derecho de deduccion, por parte del Gobierno de los respectivos Estados.

Artº. 12º. Ambas partes contratantes se comprometen y obligan formalmente á dar su proteccion especial á las personas y propriedades de los ciudadanos de cada una reciprocamente transeuntes ó habitantes de todas ocupaciones, en los territorios sujetos á la jurisdiccion de una y otra, dejandoles abiertos y libres los Tribunales de justicia, para sus recursos judiciales, en los mismos terminos que son de uso y costumbre para los naturales ó Ciudadanos del pais en que residan: para lo cual, podrán emplear en defensa de sus derechos aquellos Abogados, Procuradores, Escribanos, Agentes, ó Factores que juzguen conveniente, en todos sus asuntos y litigios; y dichos ciudadanos ó Agentes tendrán la libre facultad de estar presentes en las decisiones y sentencias de los Tribunales, en todos los casos que les conciernan, como igualmente al tomar todos los examenes y declaraciones que se ofrezcan en los dichos litigios.

Artº. 13º. Se conviene igualmente en que los ciudadanos de ambas partes contratantes gozen la mas perfecta y entera seguridad de conciencia en los paises sujetos á la jurisdiccion da una á otra, sin quedar por ello espuestos á ser inquietados ó molestados en razon de su creencia religiosa, mientras que respeten las leyes y usos establecidos. Ademas de esto, podrán sepultarse los cadaveres de los Ciudadanos de una de las partes contratantes, que fallecieren en los territorios de la otra, en los cementerios acostumbrados, ó en otros lugares decentes, y adecuados, los cuales, serán protejidos contra toda violacion ó trastorno.

Artº. 14º. Será licito a los Cuidadanos de la Federacion de Centro-America, y de los Estados-Unidos de America, navegár con sus buques, con toda seguridad y libertad, de cualquiera puerto á las plazas ó lugares de los que son ó fueron en adelante enemigos de cualquiera de las dos partes contratantes, sin hacerse distincion de quienes son los dueños de las mercaderias cargados en ellos. Será igualmente licito á los referidos ciudadanos navegár con sus buques y mercaderias mencionadas y traficár con la misma libertad y seguridad, de los lugares, puertos y ensenadas de los enemigos de ambas partes,

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the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from all duties of detraction, on the part of the government of the respective States.

Alien heirs allowed 3 years to dispose of their property.

ART. 12. Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories, subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

Complete protection in persons and property in the territories of both nations, legal redress, &c.

ART. 13. It is likewise agreed, that the most perfect and entire security of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

Liberty of conscience and rites of burial secured.

ART. 14. It shall be lawful for the citizens of the United States of America and of the Federation of the Centre of America to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandize laden thereon, from any port, to the places of those who now are or hereafter shall be at enemity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandises beforementioned, and to trade with the same liberty and security from the places, ports, and havens, of those who are enemies

Both parties at liberty to trade with those at enmity with either, &c.

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ó de alguna de ellas, sin ninguna oposicion, ó disturbio cualquiera, no solo directamente de los lugares de enemigo arriba mencionados á lugares neutros, sino tambien de un lugar perteneciente á un enemigo, á otro enemigo, ya sea que esten bajo la jurisdiccion de una potencia, ó bajo la de diversas. Y queda aqui estipulado, que los buques libres, dan tambien libertad á las mercaderias, y que se ha de considerar libre y esento todo lo que se hallare á bordo de los buques pertenecientes á los Ciudadanos de cualquiera de las partes contratantes, aunque toda la carga ó parte de ella pertenezca á enemigos de una ù otra, exceptuando siempre los articulos de contrabando de guerra. Se conviene tambien del mismo modo, en que la misma libertad se estienda á las personas que se encuentren á bordo de buques libres, con el fin de que aunque dichas personas sean enemigos de ambas partes ó de alguna de ellas, no deban ser estraidos de los buques libres, á menos que sean oficiales ó soldados en actual servicio de los enemigos: á condicion no obstante, y se conviene aqui en esto, que las estipulaciones contenidas en el presente articulo, declarando que el Pabellon cubre la propiedad, se entenderán aplicables solamente á aquellas potencias que reconocen este principio; pero si alguna de las dos partes contratantes, estuviere en guerra con una tercera, y la otra permaneciese neutrál, la bandera de la neutral cubrirá la propriedad de los enemigos, cuyos Gobiernos reconozcan este principio y no de otros.

Art°. 15°. Se conviene igualmente que en el caso de que la bandera neutrál de una de las partes contratantes protega las propriedades de los enemigos de la otra en virtud de lo estipulado arriba, deberá siempre entenderse, que las propriedades neutrales encontradas á bordo de tales buques enemigos, han de tenerse y considerarse como propiedades enemigas, y como tales estarán sujetas á detencion, y confiscacion; exceptuando solamente aquellas propiedadas que hubiesen sido puestas á bordo de tales buques antes de la declaracion de la guerra, y aun despues, si hubiesen sido embarcadas en dichos buques, sin tenèr noticia de la guerra, y se conviene, que pasados dos meses despues de la declaracion, los ciudadanos de una y otra parte no podrán alegàr que la ignoraban. Por el contrario, si la bandera neutral, no protegiese las propriedades enemigas, entonces seràn libres los efectos y mercaderias de la parte neutràl, embarcadas en buques enemigos.

Art°. 16°. Esta libertad de navegacion y comercio se estenderà a todo genero de mercaderias, exceptuando aquellas

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of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, beforementioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that every thing shall be deemed to be free and exempt, which shall be found on board the ships belonging to the citizens of either of the contracting parties although the whole lading, or any part, thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemies: Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognise this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

Free ships to make free goods.

All persons on board, except those in the actual service of an enemy, to be free.

Flag covering the property, to be applied to those powers only who acknowledge the principle.

ART. 15. It is likewise agreed, that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree, that two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandises of the neutral, embarked in such enemy's ship shall be free.

Enemy's property, to be protected by a neutral flag, must be shipped two months before declaration of War, &c.

ART. 16. This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only which

Contraband specified.

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solamente, que se distinguen con el nombre de contrabando, y bajo este nombre de *contrabando* ó efectos prohibidos se comprehenderán:

1°. Cañones, morteros, obuces, pedreros, trabucos, mosquetes, fusiles, rifles, carabinas, pistolas, picas, espadas, sables, lanzas, chuzos, alabardas, y granadas, bombas, polvora, mechas, balas, con las demas cosas correspondientes al uso de esta armas.

2°. Escudos, casquetes, corazas, cotas, de malla, fornituras, y vestidos hechos en forma, y á usanza militar.

3°. Bandoleras, y caballos junto con sus armas y arneses.

4°. Y generalmente toda especie de armas, é instrumentos de hierro, acero, bronce, cobre, y otras materias cualesquiera, manufacturadas, preparadas, y formadas espresamente para hacér la guerra por mar, ó tierra.

Art°. 17°. Todas las demas mercaderias, y efectos no comprehendidos en los articulos de contrabando esplicitamente enumerados, y clasificados en el articulo anterior, serán tenidos, y reputados por libres, y de licito y libre comercio, de modo, que ellos puedan sér transportados, y llevados de la manera mas libre, por los ciudadanos de ambas partes contratantes, aun á los lugares pertenecientes à un enemigo de una ù otra, eceptuando solamente aquellos lugares ó plazas, que estàn al mismo tiempo sitiadas ó bloqueadas; y para evitar toda duda en el particulàr, se declaran sitiadas ó bloqueadas àquellas plazas, que en la actualidad estuviesen átacadas por una fuerza de un beligerante capaz de impedir la entrada del neutrál.

Art°. 18°. Los articulos de contrabando antes enumerados y clasificados, que se hallen en un buque destinado á puerto enemigo estarán sujetos á detencion y confiscacion; dejando libre el resto del cargamento y el buque, para que los dueños puedan disponér de ellos como lo crean conveniente. Ningun buque de cualquiera de las dos Naciones, será detenido, por tenér á bordo articulos de contrabándo, siempre que el Maestre, Capitan, ó Sobrecargo de dicho buque quiera entregàr los articulos de contrabando al apresador, á menos que lo cantidad de estos articulos sea tan grande y de tanto volumen, que no puedan sér recibidos á bordo del buque apresadór, sin grandes inconvenientes; pero en este, como en todos los otros casos de justa detencion, el buque detenido serà enviado al puerto mas inmediato, comodo, y seguro, para ser juzgado y sentenciado conforme à las leyes.

are distinguished by the name of contraband, and under this name of contraband, or prohibited goods, shall be comprehended—

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and granades, bombs, powder, matches, balls, and all other things belonging to the use of these arms;

2dly. Bucklers, helmets, breast-plates, coats of mail, infantry belts, and clothes made up in the form and for a military use;

3dly. Cavalry belts, and horses with their furniture;

4thly. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared and formed, expressly to make war by sea or land.

Goods not contraband.

ART. 17. All other merchandize and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time beseiged or blockaded; and to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

Definition of blockade.

Contraband only liable to confiscation.

ART. 18. The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessels will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great, and of so large a bulk, that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgement according to law.

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Art°. 19°. Y por cuanto frecuentemente sucede que los buques navegan para un puerto ó lugàr perteneciente á un enemigo, sin saber que aquel esté sitiado, bloqueado ó envestido, se conviene en que todo buque en estas circumstancias se pueda hacer volver de dicho puerto, ó lugar; pero no serà detenido, ni confiscada, parte alguna de su cargemento, no siendo contrabando; à menos des despues de la intimacion de semejante bloqueo ó ataque, por el comandante de las fuerzas bloqueadoras, intentase otra vez entrar; pero le serà permitido ir á qualquiera otro puerto ó lugar que juzgue conveniente. Ni ningun buque de una de las partes, que haya entrado en semejante puerto, ó lugar, antes que estuviese sitiado, bloqueado, ó envestido por la otra, sera impedido de dejar el tal lugar con su cargamento, ni si fuere hallado alli despues de la rendicion y entrega de semejante lugàr, estarà el tal buque ó su cargamento sujeto á confiscacion, sino que seràn restituidos á sus dueños.

Art°. 20°. Para evitar todo genero de desorden en la visita, y examen de los buques y cargamentos de ambas partes contratantes en alta mar, han convenido mutuamente, que siempre que un buque de guerra, publico ó particular se encontrase con un neutral de la otra parte contratante, el primero permanecerà fuera de tiro de cañon, y podrà mandàr su bote, con dos ó tres hombres solamente, para ejecutàr el dicho examen de los papeles concernientes á la propiedad y carga del buque, sin ocasionàr la menor estorcion, violencia ó mal tratamiento, por lo que los comandantes del dicho buque armado seràn responsables, con sus personas y bienes; à cuyo efecto los comandantes de buques armados, por cuenta de particulares, estaràn obligados antes de entregarseles sus comisiones ó patentes, à dar fianza suficiente para respondér de los perjuicios que causen. Y se ha convenido espresamente, que en ningun caso se exigira á la parte neutràl, que vaya á bordo del buque examinadór con el fin de exibir sus papeles, ó para cualquiera otro objeto sea el que fuere.

Art°. 21°. Para evitar toda clase de vejamen y abuso en el examen de los papeles relativos á la propiedad de los buques pertenecientes à los ciudadanos de las dos partes contratantes, han convenido y convienen, que en caso de que una de ellas estuviere en guerra, los buques, y bajeles pertenecientes à los ciudadanos de la otra, seràn provistos con letras de màr, ó pasaportes, espresando el nombre, propiedad y tamaño del buque, como tambien el nombre y lugar de la residencia del Maestre, ó Comandante, á fin de que se vea que el buque, real

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ART. 19. And whereas it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed, that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment, from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port before the same was actually beseiged, blockaded, or invested, by the other, be restrained from quitting such place, with her cargo, nor, if found therein, after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

In cases of blockade, vessels to be notified but not detained, &c.

Vessels entering before blockade may quit unmolested.

ART. 20. In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon shot, and may send its boat, with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of the said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And, it is expressly agreed, that the neutral party shall in no case be required to go on board the examining vessel, for the purpose of exhibiting her papers, or for any other purpose whatever.

During a visit at sea, armed vessels to remain out of reach of cannon shot.

Neutrals not to go on board the examining vessel.

ART. 21. To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear

In case of war, sea letters, certificates of cargo, &c. to be furnished, expressing to whom the property belongs.

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y verdaderamente pertenece á los ciudadanos de una de las partes; y han convenido igualmente, que estándo cargados los espresados buques, ademas de las letras de mar, ó pasaportes, estaràn tambien provistos de certificados, que contengan los por menores del cargamento, y el lugar de donde salió el buque, para que asi pueda saberse, si hay á su bordo algunos efectos prohibidos ó de contrabando, cuyos certificados seràn hechos por los oficiales del lugár de la procedencia del buque, en la forma acostumbrada, sin cuyos requisitos el dicho buque puede ser detenido, para ser juzgado por el Tribunal competenté, y puede ser declarado buena presa, á menos que satisfagan, ó suplan el defecto con testimonios enteramente equivalentes.

Art°. 22°. Se ha convenido ademas, que las estipulaciones anteriores, relativas al examen y visita de buques, se aplicarán solamente á los que navegan sin conboy y que cuando los dichos buques, estuvieren bajo de conboy, será bastante la declaracion verbal del Comandante del conboy, bajo su palabra de honór, de que los buques que están bajo su proteccion perteneçen á la nacion, cuya bandera llevan, y cuando se dirijen á un puerto enemigo, que los dichos buques no tienen á su bordo articulos de contrabando de guerra.

Art°. 23°. Se ha convenido ademas, que en todos los casos que ôcurran, solo los Tribunales establecidos para causas de presas, en el pais á que las presas sean conducidas, tomarán conocimiento de ellas. Y siempre que semejante Tribunal de cualquiera de las partes, pronunciase sentencia contra algun buque, ó efectos, ó propiedad reclamado por los ciudadanos de la otra parte, la sentencia ó decreto harà mencion de las razones ó motivos en que aquella se haya fundado, y se entregará sin demora alguna al comandante ó Agente de dicho buque, si lo solicitase, un testimonio autentico de la sentencia, ó decreto, ó de todo el proceso, pagando, por el los derechos legales.

Art°. 24°. Siempre que una de las partes contratantes estuviere empeñada en guerra, con otro Estado, ningun Ciudadano de la otra parte contratante aceptará una comision ó letra de marca para el objeto de ayudár ó co-operar hostilmente con el dicho enemigo, contra la dicha parte que esté asi en guerra, bajo la pena de ser tratado como pirata.

Art°. 25°. Si por alguna fatalidad, que no puede esperarse, y que Dios no permita, las dos partes contratantes se viesen empeñadas en guerra una con otra, han convenido y convienen de ahora para entonces, que se concederá el termino de seis meses á los comerciantes residentes en las costas y en los

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that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed, that such ships, being laden, besides the said sea-letters or passports shall also be provided with certificates, containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without which requisites, said vessel may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be satisfied or supplied by testimony entirely equivalent.

Visiting regulations to apply only to vessels without convoy.

ART. 22. It is further agreed, that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honour, that the vessels under his protection belong to the nation whose flag he carries; and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

Established courts only to try prize causes.

Motives of condemnation to be stated.

ART. 23. It is further agreed, that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

The neutral party not to accept a commission to cruise against the other.

ART. 24. Whenever one of the contracting parties shall be engaged in war with another state, no citizen of the other contracting party shall accept a commission, or letter of marque, for the purpose of assisting or co-operating hostilely, with the said enemy, against the said parties so at war, under the pain of being treated as a pirate.

In case of war, 6 months allowed to those on the coast, and 12 for those in the interior to remove effects, &c.;

ART. 25. If, by any fatality, which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each

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puertos de entrambas, y el termino de un año á los que habitan en el interior, para arreglár sus negocios, y transportár sus efectos á donde quieran, dandoles el salvo conducto necesario para ello, que les sirva de suficiente proteccion hasta que lleguen al puerto que designen. Los Ciudadanos de otras ocupaciones, que se hallen establecidos en los territorios ó dominios de la Federacion de Centro-America, ó los Estados-Unidos de America, serán respetados, y mantenidos en el pleno gozo de su libertad personal y propiedad, á menos que su conducta particular les haga perdér esta proteccion, que en consideracion á la humanidad, las partes contratantes se comprometen á prestarles.

Art°. 26°. Ni las deudas contraidas por los individuos de una Nacion, con los individuos, de la otra, ni las acciones ó dineros, que puedan tenér en los fondos publicos, ó en los bancos publicos, ó privados, serán jamas secuestrados ó confiscados en ningun caso de guerra, ó diferencia nacional.

Art°. 27°. Deseando ambas partes contratantes, evitár toda diferencia, relativa á etiqueta en sus comunicaciones, y correspondencias diplomaticas han convenido asi mismo, y convenien en conceder á sus Enviados, Ministros, y otros Agentes Diplomaticos, los mismos favores, inmunidades, y esenciones de que gozan, ó gozaren en lo venidero los de las naciones mas favorecidas, bien entendido que cualquier favór, inmunidad ó privilegio, que la Federacion de Centro-America, ó los Estados-Unidos de America, tengan por conveniente dispensár á los Enviados, Ministros, y Agentes Diplomaticos de otras Potencias, se haga por el mismo hecho estensivo á los de una y otra de las partes contratantes.

Art°. 28°. Para hacér mas efectiva la proteccion, que la Federacion de Centro-America, y los Estados-Unidos de America, darán en adelante á la navegacion y comercio de los ciudadanos de una y otra, se convienen en recibir y admitir Consules y Vice Consules en todos los puertos abiertos al comercio estrangero, quienes gozarán en ellos todos los derechos, prerrogativas é inmunidades de los Consules, y Vice Consules de la nacion mas favorecida, quedando no obstante en liberatad cada parte contratante, para exceptuar aquellos puertos y lugares en que la admision y residencia de semejantes Consules, y Vice Consules no parezca conveniente.

Art°. 29°. Para que los Consules, y Vice-Consules de las dos partes contratantes, puedan gozar los derechos, prerrogativas, é inmunidades, que les corresponden por su caracter publico, antes de entrár en el ejercicio de sus funciones, presentarán

other, and the term of one year to those who dwell in the interior, to arrange their business, and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations, who may be established in the territories or dominions of the United States and of the Federation of the Centre of America, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

And no sequestation of money in bank or public funds.

ART. 26. Neither the debts due from individuals of the one nation to the individuals of the other, nor shares nor moneys, which they may have in public funds, nor in public or private banks, shall ever, in any event of war, or of national difference, be sequestered or confiscated.

Official intercourse in relation to public ministers, &c. to be on a reciprocal footing.

ART. 27. Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed and do agree, to grant to the envoys, ministers, and other public agents, the same favors, immunities, and exemptions, which those of the most favored nation do or shall enjoy; it being understood that whatever favors, immunities, or privileges, the United States of America or the Federation of the Centre of America may find it proper to give the Ministers and Public Agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

Each party permitted to have consuls in each others' ports.

ART. 28. To make more effectual the protection which the United States and the Federation of the Centre of America shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit consuls and vice-consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities, of the consuls and vice-consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such consuls may not seem convenient.

Commissions to be exhibited before exequatur is obtained.

ART. 29. In order that the consuls and vice-consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities, which belong to them, by their public character, they shall, before entering on the exercise of their functions, ex-

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su comision ó patente en la forma debida, al Gobierno con quien esten acreditados, y habiendo obtenido el *Exequatur*, serán tenidos, y considerados como tales, por todas las autoridades, majistrados y habitantes del distrito Consular en que residan.

Art°. 30°. Se ha convenido igualmente, que los Consules, sus Secretarios, officiales y personas agregadas al servicio de los consulados (no siendo estas personas ciudadanos del pais en que el Consul reside) estarán esentos de todo servicio publico, y tambien de toda especie de pechos, impuestos, y contribuciones, exceptuando aquellas que esten obligados á pagar por razon de comercio, ó propiedad, y á las cuales estan sujetos los Ciudadanos, y habitantes naturales, y estrangeros del pais en que residen, quedando en todo lo demas, sujetos a las leyes de los respectivos Estados. Los archivos y papeles de los consulados serán respetados inviolablemente, y bajo ningun pretesto los ocupará magistrado alguno, ni tendrá en ellos ninguna intervencion.

Art°. 31°. Los dichos Consules tendrán podér de requerir el auxilio de las autoridades locales, para la prision, detencion y custodia de los desertores de buques, publicos y particulares de su pais, y para este objeto se dirigiràn á los Tribunales, Jueces, y oficiales competentes y pedirán los dichos desertores por escrito, probando por una presentacion de los registros de los buques, rol del equipage, ù otros documentos publicos, que aquellos hombres eran parte de las dichas tripulaciones, y á esta demanda asi probada (menos no obstante cuando seprobare lo contrario) no se reusará la entrega. Semejantes desertores, luego que sean arrestados, se pondrán á disposicion de los dichos Consules, y pueden ser depositados en las prisiones publicas, a solicitud y espensas de los que los reclamen, para ser enviados á los buques á que corresponden, ó á otros de la misma nacion. Pero si nó fueren mandados dentro de dos meses contados desde el dia de su arresto, serán puestos en libertad, y no volverán a ser presos por la misma causa.

Art°. 32°. Para protegér mas efectivamente su comercio y navegacion, las dos partes contratantes se convienen en formar luego que las circumstancias lo permitan, una Convencion Consulár, que declare mas especialmente los poderes é inmuniades de los Consules y Vice-Consules de las partes respectivas.

Art°. 33°. La Federacion de Centro-America, y los Estados-Unidos de America, deseando hacer tan duraderas y

hibit their commission or patent, in due form, to the government to which they are accredited; and having obtained their *Exequatur*, they shall be held and considered as such by all the authorities, magistrates, and inhabitants, in the consular district in which they reside.

Consuls exempt from public service—their archives inviolate.

ART. 30. It is likewise agreed, that the consuls, their secretaries, officers, and persons attached to the service of consuls, they not being citizens of the country in which the consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce, or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside, are subject; being in every thing besides subject to the laws of the respective states. The archives and papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize, or in any way interfere with them.

Consuls may call in the public authorities to aid in securing deserters, who are not to be detained more than two months in prison.

ART. 31. The said consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel's or ship's roll, or other public documents, that those men were part of the said crews; and, on this demand, so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

Consular convention to be formed.

ART. 32. For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a Consular Convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties.

ART. 33. The United States of America and the Federation of the Centre of America, desiring to make as durable as

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firmes, como las circumstancias lo permitan las relaciones que han de establecerse entre las dos Potencias, en virtud del presente tratado ó convencion general de paz, amistad, navegacion y comercio, han declarado solemnemente y convienen en los puntos siguientes:

1°. El presente tratado permanecerá en su fuerza y vigor por el termino de doce años contados desde el dia del cange de las ratificaciones, en todos los puntos concernientes à comercio y navegacion, y en todos los demas puntos que se refieren á paz y amistad, serà permanente, y perpetuamente obligatorio para ambas potencias.

2°. Si alguno, ó algunos de los Ciudadanos de una ù otra parte infringiesen alguno de los articulos contenidos en el presente tratado, dichos ciudadanos serán personalmente responsables, sin que por esto se interrumpa la harmonia y buena correspondencia entre las dos Naciones, comprometiendose cada una a no protegér de modo alguno al ofensor ó sanccionár semejante violacion.

3°. Si (lo que á la verdad no puede esperarse) desgraciadamente, alguno de los articulos contenidos en el presente tratado, fuesen en alguna otra manera violados, ó infringidos, se estipula espresamente que ninguna de las dos partes contratantes, ordenará, ó autorizará ningunos actos de represalia, ni declarará la guerra contra la otra por quejas de injurias, ó daños hasta que la parte que se crea ofendida, haya antes presentado á la otra una esposicion de aquellas injùrias, ó daños, hasta que la parte que se crea ofendida, haya antes presentado a la otra una esposicion de aquellas injurias, ó daños, verificada con pruebas y testimonios competentes, exigiendo justicia y satisfacicon, y esto haya sido negado, ó diferido sin razon.

4°. Nada de cuanto se contiene en el presente tratado, se construirá sin embargo, ni obrará, en contra de otros tratados publicos anteriores, y existentes con otros soberanos ó Estados.

El presente tratado de paz, amistad, comercio, y navegacion, será ratificado por el Gobierno de la Federacion de Centro-America, por el Presidente de los Estados-Unidos de America, con consejo, y consentimiento del Senado de los mismos; y las ratificaciones serán cangeadas en la Ciudad de Guatemala dentro de ocho meses contados desde este dia, ó antes si fuese posible.

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circumstances will permit, the relations which are to be established between the two parties by virtue of this Treaty, or General Convention of Peace, Amity, Commerce, and Navigation, have declared solemnly, and do agree to the following points:

The following points agreed to.

1st. The present Treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, in all the parts relating to commerce and navigation; and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both powers.

Treaty to remain in force twelve years.

Peace perpetual.

2dly. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

Citizens responsible for infringing this article.

3dly. If, (which, indeed, cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated, that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

War not to be declared until remonstrance is made, and satisfaction is refused.

4thly. Nothing in this treaty contained shall, however, be construed, or operate contrary to former and existing public Treaties with other sovereigns or states.

Other treaties not to be contravened by this.

The present treaty of peace, amity, commerce, and navigation, shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Government of the Federation of the Centre of America, and the ratifications shall be exchanged in the City of Guatemala, within eight months from the date of the signature hereof, or sooner if possible.

Ratification within eight months.

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En fe de lo cual nosotros los Plenipotenciarios de la Federacion de Centro-America, y de los Estados-Unidos de America hemos firmado y sellado las presentes.

Dada en la Ciudad de Washington, el dia cinco de Deciembre, del año del Señor mil ochocientos veinticinco, quinto de la independencia de la Federacion de Centro-America y quinquagesimo de la de los Estados-Unidos de America, per duplicado.

[L. S.] ANTONIO JOSE CAÑAS.
[L. S.] H. CLAY.

1825. December 5.

In faith whereof, we, the Plenipotentiaries of the United States of America and of the Federation of the Centre of America, have signed and sealed these presents.

Done in the City of Washington, on the fifth day of December, in the year of our Lord one thousand eight hundred and twenty-five, in the fiftieth year of the Independence of the United States of America, and the fifth of that of the Federation of the Centre of America, in duplicate.

[L. S.] H. CLAY.
[L. S.] ANTONIO JOSE CAÑAS.

Ratification.

And whereas the said Convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged, at Guatemala, on the second day of August, one thousand eight hundred and twenty-six, by John Williams, Chargé d'Affaires of the United States, near the Government of the Federation of the Centre of America, and Pedro Gonzales, Chief Officer of the Department of State, Despatch, War, and Marine, Secretary of Legation of the Republic of Central America, near the Governments of South America, on the part of their respective Governments.

Now, therefore, be it known, that I, JOHN QUINCY ADAMS, President of the United States, have caused the said Convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the City of Washington, this twenty-eighth
[L. S.] day of October, in the year of our Lord one thousand eight hundred and twenty-six, and of the Independence of the United States the fifty-first.

JOHN QUINCY ADAMS.

By the President:

H. CLAY,

Secretary of State.

APPENDIX.

CONSTITUTION OF THE UNITED STATES,

WITH ALL THE RATIFIED AMENDMENTS, AS AT PRESENT EXISTING.

WE, the People of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

ARTICLE I.

Legislative powers.

SEC. 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Members house of Representatives, how chosen.

SEC. 2. The House of Representatives shall be composed of members chosen every second year, by the People of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Qualifications, Members house of Representatives.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Apportionment of Representatives.

Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers; which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of *New Hampshire* shall be entitled to choose three; *Massachusetts* eight; *Rhode Island* and *Providence Plantations* one; *Connecticut* five; *New York* six; *New Jersey* four; *Pennsylvania* eight; *Delaware* one; *Maryland* six; *Virginia* ten; *North Carolina* five; *South Carolina* five; and *Georgia* three.

Vacancies, how filled.

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

House of Representatives choose officers.

The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

Senate how chosen.

SEC. 3. The Senate of the United States shall be composed of two Senators from each State chosen by the legislature thereof, for six years, and each Senator shall have one vote.

Senators classed.

Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen, by resignation, or otherwise, during the recess of the legislature of any State, the Executive thereof may make temporary appointments, until the next meeting of the legislature, which shall then fill such vacancies. No person shall

Senator's qualifications.

be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

Vice President vote.

The vice-president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

Senate choose officers.

The senate shall choose their other officers, and also a president pro tempore, in the absence of the vice-president, or when he shall exercise the office of president of the United States.

Try impeachments.

The senate shall have the sole power to try all impeachments; when sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside: and no person shall be convicted without the concurrence of two thirds of the members present.

Judgement on impeachment.

Judgement in cases of impeachment shall not extend further than to removal from office; and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.

Elections, how held.

SEC. 4. The times, places, and manner, of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators.

Congress assemble annually.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Elections, how judged.

SEC. 5. Each House shall be the judge of the elections, returns and qualifications, of its own members, and a majority

Quorum, Senate and House of Representatives

of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member. Rules.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal. Journals by each House.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting. Adjournment.

SEC. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to, or returning from the same; and for any speech or debate in either House they shall not be questioned in any other place. Compensation. Privileges. Arrests.

No senator or Representative shall during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office. Members not appointed to office.

SEC. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose, or concur, with amendments, as on other bills. Bills, revenue, House of Representatives.

Every bill which shall have passed the House of Representatives, and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But, in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment, prevent its return, in which case it shall not be a law. Bills, their formalities.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take Resolutions and votes before the President of the United States.

effect, shall be approved by him, or, being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. 8. The Congress shall have power—

Congress lay taxes.

To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States:

Borrow moneys.

To borrow money on the credit of the United States:

Commerce, &c.

To regulate commerce with foreign nations and among the several States, and with the Indian tribes:

Naturalization, etc.

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States:

Coin, etc.

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

Punish counterfiting.

To provide for the punishment of counterfeiting the securities and current coin of the United States:

Post offices, etc.

To establish post offices and post roads:

Promote science.

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

Congress constitute courts.

To constitute tribunals inferior to the supreme court: To define and punish piracies and felonies committed on the high seas; and offences against the law of nations:

Declare war.

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

Raise armies.

To raise and support armies: (but no appropriation of money to that use shall be for a longer term than two years.)

Navy.

To provide and maintain a navy;

Militia.

To make rules for the government and regulation of the land and naval forces:

Organize militia.

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions:

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the States, respectively, the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress:

Exclusive jurisdiction ten miles.

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the Seat of Government of the United States, and to exercise like authority over all places purchased, by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings: And,

Congress make laws general.

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Importation of persons after 1808.

SEC. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Habeas Corpus.

The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

Attainder.

No bill of attainder, or expost facto law, shall be passed.

Tax.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No exportation duty.

No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenne to the ports of one State over those of another; nor shall vessels bound to or from one State, be obliged to enter, clear, or pay duties in another.

Money, how drawn.

No money shall be drawn from the Treasury, but in consequence of appropriations made by law: and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Titles not conferred.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

States not make treaties.

SEC. 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

States, not lay imposts, etc.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign Power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Of tonnage.

ARTICLE II.

Executive power.

SEC. 1. The Excutive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:

Electors, how appointed.

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole

number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Electors meet. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate.

Proceedings. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and, if no person have a majority, then, from the five highest on the list, the said House shall, in like manner, choose the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice President.

Day electors meet. The congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same thoughout the United States.

Qualifications of President of the United States. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

Removal of President United States in case. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President; and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

President United States' compensation. The President shall at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enters on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States; and will, to the best of my ability, preserve protect, and defend the Constitution of the United States." Oath.

SEC. 2. The President shall be commander-in-chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment. President United States' powers.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur: and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments. Make treaties. Appoint officers

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session. Vacancies in office.

SEC. 3. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient: he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers: he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States. President United States' duties.

The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors. Officers removable by impeachment.

ARTICLE III.

SEC. 1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office. Judicial powers and tenure of Judges.

SEC. 2. The judicial power shall extend to all cases in law and equity arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other Judicial power, extension.

public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State, claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

Supreme Court jurisdiction.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

Trials by Jury.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Treason.

SEC. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Attainder.

The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

Acts of States accredited.

SEC. 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings, of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings, shall be proved, and the effect thereof.

Citizens' privileges.

SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Persons charged with crimes fleeing.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

New States admitted.

SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular State. Territory of United States.

SEC. 4. The United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the executive, (when the legislature cannot be convened,) against domestic violence. Republican form.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this constitution; or on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions, in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate. Amendments how attained.

ARTICLE VI.

All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation. Debts prior to adoption of constitution, valid.

This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding. Treaties law of the land.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this constitution: but no religious test shall ever be required as a qualification to any office or public trust under the United States. Oath or affirmation to members.

ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this constitution between the States so ratifying the same. Ratification.

Done in convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty seven, and of the Independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and deputy from Virginia.

New Hampshire.
John Langdon
Nicholas Gilman
Massachusetts.
Nathaniel Gorham
Rufus King
Connecticut.
William Samuel Johnson
Roger Sherman
New York.
Alexander Hamilton
New Jersey.
William Livingston
David Brearley
William Patterson
Jonathan Dayton
Pennsylvania.
Benjamin Franklin
Thomas Mifflin
Robert Morris
George Clymer
Thomas Fitzimons
Jared Ingersoll
James Wilson
Gouverneur Morris

Delaware.
George Read
Gunning Bedford, Jun.
John Dickinson
Richard Bassett
Jacob Broom
Maryland.
James M'Henry
Daniel of St Tho. Jenifer
Daniel Carroll
Virginia.
John Blair
James Madison, Jun.
North Carolina.
William Blount
Richard Dobbs Spaight
Hugh Williamson
South Carolina.
John Rutledge
Charles C. Pinckney
Charles Pinckney
Pierce Butler
Georgia.
William Few
Abraham Baldwin

Attest, WILLIAM JACKSON, *Secretary.*

IN CONVENTION,

MONDAY, SEPT. 17TH, 1787.

Present the states of New Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

Constitution to be laid before congress, etc.

Resolved, That the preceding Constitution be laid before the United States in Congress assembled, and that it is the opinion of this convention, that it should afterwards be submitted to a convention of delegates, chosen in each State by the people thereof, under the recommendation of its legislature, for their assent and ratification; and that each convention assenting to, and ratifying the same, should give notice thereof to the United States in Congress assembled.

Congress to fix a day for appointing electors of president, etc.

Resolved, That it is the opinion of this convention, that as soon as the conventions of nine States shall have ratified this constitution, the United States in Congress assembled should fix a day on which electors should be appointed by the States which shall have ratified the same, and a day on which electors should assemble to vote for the President, and the time and place for commencing proceedings, under this constitution. That, after such publication, the electors should be appointed, and the Senators and Representatives elected. That the electors should meet on the day fixed for the election of the President and should transmit their votes, certified, signed, sealed, and directed, as the constitution requires, to the Secretary of the United States, in Congress assembled; that the Senators and Representatives should convene at the time and place assigned; that the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening, and count-

Mode recommended for carrying the constitution into effect.

ing the votes for President, and that after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this constitution.

By the unanimous order of the convention.

GEO. WASHINGTON, *President.*

WILLIAM JACKSON, *Secretary.*

IN CONVENTION.

SEPTEMBER 17th, 1787.

Letter from the convention that framed the constitution, to the president of congress.

SIR: We have now the honor to submit to the consideration of the United States in Congress assembled, that constitution which has appeared to us the most adviseable.

The friends of our country have long seen and desired that the power of making war, peace, and treaties; that of levying money, and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the General Government of the Union; but the impropriety of delegating such extensive trust to one body of men is evident—hence results the necessity of a different organization.

It is obviously impracticable in the federal government of these States to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation as circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and, on the present occasion, this difficulty was increased by difference among the several States as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety—perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the convention to be less rigid on points of inferior magnitude, than might have been otherwise expected; and thus the constitution which we now present is the result of a spirit of amity, and of that mutual deference and concession, which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every State, is not perhaps to be expected; but each will doubtless consider, that had her interest been alone consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all,

Letter from the convention that framed the constitution, to the president of congress.

and secure her freedom and happiness, is our most ardent wish. With great respect, we have the honor to be, sir, your excellency's most obedient and humble servants.

By the unanimous order of the convention:

GEO. WASHINGTON, *President*.

His Excellency the President of Congress.

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.

Congress prohibited from interfering with religion, with freedom of speech, of the press, and the right of petition.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the People peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II.

Right of the people to keep and bear arms, etc.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE. III.

No soldier to be quartered in any house, during peace, without consent, etc.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

No search warrant to issue, except on probable cause, oath, etc.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable causes, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person to be held to answer for a crime, unless on presentment, etc. except in the land or naval forces, nor to answer for the same offence twice, etc.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.

Assurance of speedy and public trial by jury, etc. in criminal prosecution.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by

law; and to be informed of the nature and cause of the accusation: to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

Right of trial by jury in suits at common law, above the value of $20, etc.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Excessive bail, and unjust and cruel punishments, prohibited.

ARTICLE IX.

The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Rights enumerated, not to disparage those retained.

ARTICLE X.

The powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Powers not delegated, ect. are reserved to the states or people

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens or subjects of any foreign State.

Restriction of judicial powers. [See art. 3, sec. 2, clause 1.]

ARTICLE XII.

The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each; which lists they shall sign and certify, and transmit, sealed, to the seat of government of the United States, directed to the President of the Senate: the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose, immediately, by ballot, the President. But in choosing the President, the votes shall

Actual mode of electing the president and vice president of the U. States.

Actual mode of electing the president and vice president of the U. States.

be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death, or other constitutional disability of the President.

The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice President: a quorum for the purpose shall consist of two-thirds of the whole number of Senators. and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice President of the United States.

ARTICLE XIII.

Citizenship forfeited by the acceptance, from a foreign power, of any title of nobility, office of emolument of any kind.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

[NOTE. The 11th article of the amendments to the constitution, was proposed at the second session of the third congress: the 12th article, at the first session of the eighth congress: and the 13th article, at the second session of the eleventh congress.]

LAWS, &c.

IN RELATION TO

PUBLIC MINISTERS, CONSULS, AND TREATIES.

PRIVILEGES OF FOREIGN MINISTERS.

No. 1.—*Extract from the act of April* 30, 1790.

U. S. Laws, vol. 2, page 97.

Writs or process against foreign ministers void.

SEC. 25. *Be it enacted*, That if any writ or process shall, at any time hereafter, be sued forth or prosecuted by any person or persons, in any of the courts of the United States, or in any of the courts of a particular state, or by any judge or justice therein, respectively, whereby the person of any ambassador or other public minister of any foreign prince or state, authorized and received as such by the President of the United States, or any domestic or domestic servant of any such ambassador or other public minister, may be arrested or imprisoned, or his or their goods or chattels be distrained, seized, or attached, such writ or process shall be deemed and adjudged to be utterly null and void, to all intents, construction, and purposes, whatsoever.

Persons suing forth writs, &c. against foreign ministers, violators of the law of nations, &c. to be imprisoned and fined.

SEC. 26. *And be it enacted*, That in case any person or persons shall sue forth or prosecute any such writ or process, such person or persons, and all attorneys or solicitors prosecuting or soliciting in such case, and all officers executing any such writ or process, being thereof convicted, shall be deemed violators of the laws of nations and disturbers of the public repose, and imprisoned not exceeding three years, and fined at the discretion of the court: *Provided nevertheless*, That no citizen or inhabitant of the United States, who shall have contracted debts prior to his entering into the service of any ambassador or other public minister, which debts shall be still due and unpaid, shall have, take, or receive, any benefit of this act; nor shall any person be proceeded against by virtue of this act, for having arrested or sued any other domestic servant of any ambassador or other public minister, unless the name of such servant be first registered in the office of the Secretary of State, and by such Secretary transmitted to the Marshal of the district in which Congress shall reside, who shall, upon receipt thereof, affix the same in some public place in his office, whereto all persons may resort and take copies without fee or reward.

Debts prior to service with foreign ministers, recoverable.

What is necessary to exempt from suit and arrest, the domestic servants of foreign ministers.

Violence to the person of a foreign minister:

Punished by imprisonment and fine.

SEC. 27. *And be it enacted*, That if any person shall violate any safe conduct or passport duly obtained, and issued under the authority of the United States, or shall assault, strike, wound, imprison, or in any other manner infract the law of nations, by offering violence to the person of an ambassador or other public minister, such person so offending, on conviction, shall be imprisoned not exceeding three years, and fined at the discretion of the court.

[*Approved, April* 30, 1790.]

CONSULS AND VICE-CONSULS.

No. 2.—*An act concerning Consuls and Vice-Consuls.*

U. S. Laws, vol. 2, page 273.

For carrying into full effect the Convention between the King of the French and the United States of America, entered into for the purpose of defining and establishing the functions and privileges of their respective Consuls and Vice Consuls:

See the convention, No. 4, page 70. It was annulled by act of July 7, 1798. This section obsolete.

District judges to proceed in cases of wreck under the circumstances described, etc.

Officers of the customs to give notice of wrecks, etc.

District judges competent under the 9th article of the convention, etc.

SEC. 1. *Be it enacted, &c.* That where, in the seventh article of the said Convention, it is agreed, that when there shall be no Consul or Vice-Consul of the King of the French, to attend to the saving of the wreck of any French vessels stranded on the coasts of the United States, or that the residence of the said Consul or Vice-Consul (he not being at the place of the wreck) shall be more distant from the said place than that of the competent judge of the country, the latter shall immediately proceed to perform the office therein prescribed, the District Judge of the United States of the district in which the wreck may happen, shall proceed therein, according to the tenor of the said article. And in such cases it shall be the duty of the officers of the customs within whose districts such wrecks shall happen, to give notice thereof, as soon as may be, to the said Judge, and to aid and assist him to perform the duties hereby assigned to him. The District Judges of the United States shall also, within their respective districts, be the competent judges, for the purposes expressed in the ninth article of the said Convention, and it shall be incumbent on them to give aid to the Consuls and Vice-Consuls of the King of the French, in arresting and securing deserters from vessels of the French nation, according to the tenor of the said article.

Marshals to give aid according to the stipulations of the convention, etc.

Commitments to gaol under the convention as in other cases.

And where, by any article of the said Convention, the Consuls and Vice-Consuls of the King of the French are entitled to the aid of the competent executive officers of the country, in the execution of any precept, the Marshals of the United States, and their deputies, shall, within their respective districts, be the competent officers, and shall give their aid according to the tenor of the stipulations.

And whenever commitments to the gaols of the country shall become necessary, in pursuance of any stipulation of the said Convention, they shall be to such goals, within the respective districts, as other commitments under the authority of the United States are, by law, made

Diplomatic Code.

The following, among other testimonials, have been received, by the Editor, in relation to the character and execution of this work:

[From the Secretary of State.]

Washington, 1st November, 1827.

To JONATHAN ELLIOT, Esq.

SIR, I have, according to the request contained in your letter of the 16th ultimo, examined the volume which accompanied it, containing a Collection of Treaties and Conventions between the United States and Foreign Powers, and other interesting matter. The work, as far as I have been able to look into it, appears to me to have been accurately executed, and well arranged. It is, I believe, the first complete collection, in one volume, of our Treaties with Foreign Powers, which has been made: and I have no doubt that it will be found one of much utility to our public agents abroad, and public functionaries generally, as well as to the mercantile community.

I am, respectfully,
Your obedient servant,
H. CLAY.

[From the Secretary of the Treasury.]

I have looked through Mr. ELLIOT's work, containing a Collection of Treaties and Conventions between the United States and Foreign Powers, with other documents and laws, bearing upon our Foreign Relations, and approve of the plan and its execution. Such a body of Conventional Law, and historical fact, as is here brought together, under one view, on points affecting the highest commercial and other interests of the United States, cannot fail to render the work useful. To the merchant it will be so, and to the lawyer, as well as to the citizen engaged in public life; and, indeed, I consider it as entitled to a place in every good library.

RICHARD RUSH.

Washington, October 16, 1827.

[From the Secretary of the Navy.]

Navy Department, 21st. Nov. 1827.

SIR, I have examined your Collection of Treaties and Conventions, and concur in the opinion of it expressed by Mr. Clay and Mr. Rush. It cannot fail to be very useful to the Commanders of our Vessels of War, on foreign stations.

I am, very respectfully, &c.,
SAML. L. SOUTHARD.

JONATHAN ELLIOT, Esq., *Washington.*

And for the direction of the Consuls and Vice-Consuls of the United States in certain cases:

For direction of consuls of the U. States, &c.

Sec. 2. *Be it enacted, &c.* That they shall have right, in the ports or places to which they are, or may be, severally appointed, of receiving the protests or declarations, which such captains, masters, crews, passengers, and merchants, as are citizens of the United States, may respectively choose to make there; and also such as any foreigner may choose to make before them, relative to the personal interest of any citizens of the United States; and the copies of the said acts, duly authenticated by the said Consuls or Vice-Consuls, under the seal of their Consulates, respectively, shall receive faith in law, equally as their originals would, in all courts in the United States. It shall be their duty, where the laws of the country permit, to take possession of the personal estate left by any citizen of the United States, other than seamen belonging to any ship or vessel, who shall die within their Consulates, leaving there no legal representative, partner in trade, or trustee by him appointed, to take care of his effects; they shall inventory the same, with the assistance of two merchants of the United States, or, for want of them, of any others, at their choice; shall collect the debts due to the deceased in the country where he died, and pay the debts due from his estate which he shall have there contracted; shall sell at auction, after reasonable public notice, such part of the estate as shall be of a perishable nature, and such further part, if any, as shall be necessary for the payment of his debts, and, at the expiration of one year from his decease, the residue; and the balance of the estate they shall transmit to the Treasury of the United States, to be holden in trust for the legal claimants. But if, at any time before such transmission, the legal representative of the deceased shall appear and demand his effects in their hands, they shall deliver them up, being paid their fees, and shall cease their proceedings.

Rights, jurisdiction, etc. of consuls.

Copies of consular acts, evidence, etc.

Consuls to take possession of personal estates left by deceased citizens, etc.

Collect debts due, pay those that are owing, and transmit the balance of the estate to the treasury, etc.

To surrender effects to legal representative claiming, etc.

For the information of the representative of the deceased, it shall be the duty of the Consul or Vice-Consul, authorized to proceed as aforesaid in the settlement of his estate, immediately to notify his death in one of the gazettes published in the consulate, and also to the secretary of state, that the same may be notified in the state to which the deceased shall belong; and he shall also, as soon as may be, transmit to the secretary of state an inventory of the effects of the deceased taken as before directed.

Consul to notify the person's death, inform the secretary of state thereof, and transmit an inventory of the effects, etc.

Sec. 3. *And be it further enacted*, That the said consuls and vice consuls, in cases where ships or vessels of the United States shall be stranded on the coasts of their consulates, respectively, shall, as far as the laws of the country will permit, take proper measures, as well for the purpose of saving the said ships or vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved, and for taking an inventory or inventories thereof; and the merchandise and effects saved, with the inventory or inventories thereof, taken as aforesaid, shall, after deducting therefrom the ex-

Duty of consuls with regard to stranded vessels of the United States, etc.

Merchandise and effects saved, to be delivered to the owners, etc.

Proviso; consul not to take possession when the master, etc. is present.

pense, be delivered to the owner or owners. *Provided*, That no consul or vice consul shall have authority to take possession of any such goods, wares, merchandise, or other property, when the master, owner, or consignee thereof, is present, or capable of taking possession of the same.

Fees of office for consuls.

SEC. 4. *And be it further enacted*, That it shall and may be lawful for every consul and vice consul of the United States, to take and receive the following fees of office, for the services which he shall have performed:

For authenticating, under the consular seal, every protest, declaration, deposition, or other act, which such captains, masters, mariners, seamen, passengers, merchants, or others, as are citizens of the United States, may respectively choose to make, the sum of two dollars.

For the taking into possession, inventorying, selling, and finally settling and paying, or transmitting, as aforesaid, the balance due on the personal estate left by any citizen of the United States who shall die within the limits of his consulate, five per centum on the gross amount of such estate.

For taking into possession, and otherwise proceeding on, any such estate which shall be delivered over to the legal representative before a final settlement of the same, as is hereinbefore directed, two and an half per centum on such part delivered over as shall not be in money, and five per centum on the gross amount of the residue.

Consuls to give receipts for fees.

And it shall be the duty of the consuls and vice consuls of the United States, to give receipts for all fees which they shall receive by virtue of this act, expressing the particular services for which they are paid.

President authorized to allow a salary to consuls in Barbary.

SEC. 5. *And be it further enacted*, That in case it be found necessary for the interest of the United States, that a consul or consuls be appointed to reside on the coast of Barbary, the president be authorized to allow an annual salary, not exceeding two thousand dollars, to each person so to be appointed: *Provided*, That such salary be not allowed to more than one consul for any one of the states on the said coast.

Consuls to give bond, with sureties, to be approved by the secretary of state.

SEC. 6. *And be it further enacted*, That every consul and vice consul shall, before they enter on the execution of their trusts, or if already in the execution of the same, within one year from the passing of this act, or, if resident in Asia, within two years, give bond, with such sureties as shall be approved by the secretary of state, in a sum of not less than two thousand, nor more than ten thousand, dollars, conditioned for the true and faithful discharge of the duties of his office, according to law, and also for truly accounting for all moneys, goods, and effects, which may come into his possession by virtue of this act: and the said bond shall be lodged in the office of the secretary of the treasury.

Bond to be lodged in the office of the secretary of the treasury.

[This section repealed, by the 5th sec. of the act of 28th Feb. 1803; Page 336. Supplied by the

SEC. 7. *And be it further enacted*, That to prevent the mariners and seamen, employed in vessels belonging to citizens of the United States, in cases of shipwreck, sickness, or captivity, from suffering in foreign ports, it shall be the duty of the consuls and vice consuls, respectively, from time to time, to

provide for them in the most reasonable manner, at the expense of the United States, subject to such instructions as the secretary of state shall give, and not exceeding an allowance of twelve cents to a man per diem; and all masters and commanders of vessels belonging to citizens of the United States, and bound to some port of the same, are hereby required and enjoined to take such mariners or seamen on board of their ships or vessels, at the request of the said consuls or vice consuls, respectively, and to transport them to the port, in the United States, to which such ships or vessels may be bound, free of cost or charge; but that the said mariners or seamen shall, if able, be bound to do duty on board such ships or vessels, according to their several abilities: *Provided*, That no master or captain of any ship or vessel, shall be obliged to take a greater number than two men to every one hundred tons burthen of the said ship or vessel, on any one voyage; and if any such captain or master shall refuse the same, on the request or order of the consul or vice consul, such captain or master shall forfeit and pay the sum of thirty dollars for each mariner or seaman so refused, to be recovered, for the benefit of the United States, by the said consul or vice consul, in his own name, in any court of competent jurisdiction.

4th sec. of the same act.] Consuls to provide for mariners in foreign ports, etc. Masters of vessels to convey mariners to ports in the U. States, free of charge, etc. Mariners, if able, to do duty on board, etc. Proviso, not more than two men to every 100 tons, etc. Forfeit of 30 dolls. for each mariner refused, etc.

SEC. 8. **And be it further enacted*, That where a ship or vessel belonging to citizens of the United States is sold in a foreign port or place, the master, unless the crew are liable by their contract, or do consent, to be discharged there, shall send them back to the state where they entered on board, or furnish them with means sufficient for their return, to be ascertained by the consul or vice consul of the United States, having jurisdiction of the port or place. And in case of the master's refusal, the said consul or vice consul may, (if the laws of the land permit it) cause his ship, goods, and person, to be arrested, and held until he shall comply with his duty herein.

[*This sec. repealed, by the 5th sec. of the act of 2d th Feb. 1803: Supplied by the 3d sec. of the same act, Page 536.]

SEC. 9. *And be it further enacted*, That the specification of certain powers and duties in this act, to be exercised or performed by the consuls and vice consuls of the United States, shall not be construed to the exclusion of others resulting from the nature of their appointments, or any treaty or convention, under which they may act.

Powers of consuls of the U. States under this act, not to be construed in exclusion of others, etc.

[*Approved*, *April* 14, 1792.

No. 3.—*An act supplementary to the "Act concerning consuls and vice consuls," and for the further protection of American seamen.*

U. S. Laws, vol. 3, page 526.

Before clearance for a foreign voyage, the master to deliver a list of his ship's company, etc.

The oath of the captain to be annexed to the list, etc.

The collector to deliver a certified copy, etc.

The master to enter into bond to exhibit the certified copy of the list to boarding officer at the first port of arrival in the U. States, produce the persons, etc.

The collector of the port, if different from that whence the vessel sailed, to transmit a copy.

Proviso; the bond of the master not to be forfeited on account of not producing persons discharged in a foreign country with the consent of the consul, etc. or of their dying absconding, etc.

Proof to the collector of death, desertion, or impressment.

Masters of vessels belonging to citizens, on arriving at a foreign port, to deposite register, etc. with the consul, etc.

If the master neglects or refuses to deposite his papers, etc. he forfeits 500 dolls. etc.

SEC. 1. *Be it enacted, &c.* That before a clearance be granted to any vessel bound on a foreign voyage, the master thereof shall deliver to the collector of the customs a list, containing the names, places of birth, and residence, and a description of the persons who compose his ship's company, to which list the oath or affirmation of the captain shall be annexed, that the said list contains the names of his crew, together with the places of their birth and residence, as far as he can ascertain them, and the said collector shall deliver him a certified copy thereof, for which the collector shall be entitled to receive the sum of twenty-five cents; and the said master shall, moreover, enter into bond with sufficient security, in the sum of four hundred dollars, that he shall exhibit the aforesaid certified copy of the list to the first boarding officer, at the first port in the United States at which he shall arrive, on his return thereto, and then and there also produce the persons named therein, to the said boarding officer, whose duty it shall be to examine the men with such list, and to report the same to the collector; and it shall be the duty of the collector at the said port of arrival, (where the same is different from the port from which the vessel originally sailed,) to transmit a copy of the list so reported to him, to the collector of the port from which said vessel originally sailed: *Provided*, That the said bond shall not be forfeited on account of the said master not producing to the first boarding officer, as aforesaid, any of the persons contained in the said list, who may be discharged in a foreign country, with the consent of the consul, vice consul, commercial agent, or vice commercial agent, there residing, signified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew, as aforesaid; nor on account of any such person dying or absconding, or being forcibly impressed into other service, of which satisfactory proof shall be then also exhibited to the collector.

SEC. 2. *And be it enacted*, That it shall be the duty of every master and commander of a ship or vessel, belonging to citizens of the United States, who shall sail from any port of the United States, after the first day of May next, on his arrival at a foreign port, to deposite his register, sea letter, and Mediterranean passport, with the consul, vice consul, commercial agent, or vice commercial agent, (if any there be at such port;) that in case of refusal or neglect of the said master or commander to deposite the said papers as aforesaid, he shall forfeit and pay five hundred dollars, to be recovered by the said consul, vice consul, commercial agent, or vice commercial agent, in his own name, for the benefit of the United States, in any court of competent jurisdiction; and it shall be the duty of such consul, vice consul, commercial

agent, or vice commercial agent, on such master or commander producing to him a clearance from the proper officer of the port where his ship or vessel may be, to deliver to the said master or commander all of his said papers: *Provided*, such master or commander shall have complied with the provisions contained in this act, and those of the act of which this is a supplement.

The consul, etc. on the master's producing a clearance, etc. to deliver the papers, etc. Proviso: if the master has complied with the provisions of this act, etc.

SEC. 3. *And be it further enacted*, That whenever a ship or vessel, belonging to a citizen of the United States, shall be sold in a foreign country, and her company discharged, or when a seamen or mariner, a citizen of the United States, shall, with his own consent, be discharged in a foreign country, it shall be the duty of the master or commander to produce to the consul, vice consul, commercial agent, or vice commercial agent, the list of his ship's company, certified as aforesaid, and to pay to such consul, vice consul, commercial agent, or vice commercial agent, for every seamen or mariner so discharged, being designated on such list as a citizen of the United States, three months' pay, over and above the wages which may then be due to such mariner or seamen, two-thirds, thereof to be paid by such consul or commercial agent, to each seamen or mariner so discharged, upon his engagement on board of any vessel to return to the United States, and the other remaining third to be retained for the purpose of creating a fund for the payment of the passages of seamen or mariners, citizens of the United States, who may be desirous of returning to the United States, and for the maintenance of American seamen who may be destitute, and may be in such foreign port; and the several sums retained for such fund shall be accounted for with the treasury every six months, by the persons receiving the same.

When vessels belonging to citizens are sold in a foreign country and the company discharged, etc. the master is to produce to the consul the list of the ship's company, and pay for every citizen mariner discharged, over and above his wages due three months' pay etc. two-thirds to be given to each mariner who engages to return home, and the other third to create a fund for the payment of passages, etc.

SEC. 4. *And be further enacted*, That it shall be the duty the consuls, vice consuls, commercial agents, [or] vice commercial agents of the United States, from time to time, to provide for the mariners, and seamen of the United States, who may be found destitute within their districts, respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the secretary of state shall give; and that all masters and commanders of vessels belonging to citizens of the United States, and bound to some port of the same, are hereby required and enjoined to to take such mariners or seamen on board of their ships or vessels, at the request of the said consuls, vice consuls, commercial agents, or vice commercial agents, respectively, and to transport them to the port in the United States to which such ships or vessels may be bound, on such terms, not exceeding ten dollars for each person, as may be agreed between the said master and consul, or commercial agent And the said mariners or seamen shall, if able, be bound to do duty on board such ships or vessels, according to their several abilities: *Provided*, That no master or captain of any ship or vessel shall be obliged to take a greater number than two men to every one hundred tons of burthen of the said ship or vessel,

Consuls, etc. to provide for destitute seamen, etc. subsistence and passages to the U. States, etc. subject to the instructions of the secretary of state.

Masters of vessels belonging to citizens, and bound home, to take destitute seamen on board, etc. at not exceeding ten dolls. each, etc.

Proviso; no master obliged to take more

than two men to 100 tons, etc.

on any one voyage; and if any such captain or master shall refuse the same, on the request or order of the consul, vice consul, commercial agent, or vice commercial agent, such captain or master shall forfeit and pay the sum of one hundred dollars for each mariner or seamen so refused, to be recovered, for the benefit of the United States, in any court of competent jurisdiction. And the certificate of such consul or commercial agent, given under his hand and official seal, shall be prima facie evidence of such refusal, in any court of law having jurisdiction for the recovery of the penalty aforesaid.

Masters forfeit 100 dolls. for every seamen refused etc.

The certificate of the consul prima facie evidence of refusal.

The 7th and 8th sections of the act mentioned, repealed.

The secretary of state to reimburse reasonable sums advanced by the consuls, although, etc.

SEC. 5. *And be it further enacted*, That the seventh and eight sections of the act, entitled "An act concerning consuls and vice consuls," be and the same are hereby repealed; and that the secretary of state be authorized to reimburse the consuls, vice consuls, commercial agents, or vice commercial agents, such reasonable sums as they may heretofore have advanced for the relief of seamen, though the same should exceed the rate of twelve cents a man per diem.

Fee to consuls, etc. for certificates of discharge and commission on wages paid, etc.

SEC. 6. *And be it further enacted*, That it shall and may be lawful for every consul, vice consul, commercial agent, and vice commercial agent, of the United States, to take and receive, for every certificate of discharge of any seamen or mariner in a foreign port, fifty cents; and for commission on paying and receiving the amount of wages payable on the discharge of seamen in foreign ports, two and a half per centum.

Consuls certifying foreign property as belonging to citizens, subject to a fine of 10,000 dolls. imprisonment, etc.

SEC. 7. *And be it further enacted*, That if any consul, vice consul, commercial agent, or vice commercial agent, shall, falsely and knowingly, certify that the property belonging to foreigners is property belonging to citizens of the United States, he shall, on conviction thereof, in any court of competent jurisdiction, forfeit and pay a fine not exceeding ten thousand dollars, at the discretion of the court, and be imprisoned for any term not exceeding three years.

Consuls, etc. certifying aliens to be citizens, to forfeit 1,000 dolls.

SEC. 8. *And be it further enacted*, That if any consul, vice consul, commercial agent, or vice commercial agent, shall grant a passport, or other paper, certifying that any alien, knowing him or her to be such, is a citizen of the United States, he shall, on conviction thereof, in any court of competent jurisdiction, forfeit and pay a fine not exceeding one thousand dollars.

Powers of attorney, executed in a foreign country, etc. to be verified by the certificate and seal of a consul, etc. fee of 50 cents.

SEC. 9. *And be it further enacted*, That all powers of attorney, executed after the thirtieth day of June next, in a foreign country, for the transfer of any stock of the United States, or for the receipt of interest thereon shall be verified by the certificate and seal of a consul, vice consul, commercial agent, or vice commercial agent, if any there be, at the place where the same shall be executed, for which the person giving the certificate shall receive fifty cents.

[*Approved February* 28, 1803.]

No. 4.—*An act fixing the compensation of public ministers, and of consuls residing on the coast of Barbary, and for other purposes.*

U. S. Laws, vol. 4. page 309.

The president not to allow to any minister plenipotentiary more than at the rate of 9,000 dolls. per an.

Nor to a charge des affaires more than 4,500 dolls. per an.

Nor to a secretary of legation, etc. or secretary of a minister plenipotentiary, more than 2,000 dolls. per an.

Nor to a resident consul at Algiers, more than 4,000 dolls per annum; etc.

Nor to any other resident consul on the coast of Barbary more than 2,000 dolls. per annum, etc.

Not more than one consul to a Barbary state.

The outfit one year's salary.

No consul to be allowed outfit.

SEC. 1. *Be it enacted, &c.* That the president of the United States shall not allow to any minister plenipotentiary a greater sum than at the rate of nine thousand dollars per annum, as a compensation for all his personal services and expenses; nor to any chargé des affaires, a greater sum than at the rate of four thousand five hundred dollars per annum, as a compensation for all his personal services and expenses; nor to the secretary of any legation or embassy to any foreign country, or secretary of any minister plenipotentiary, a greater sum than at the rate of two thousand dollars per annum, as a compensation for all his personal services and expenses; nor to any consul who shall be appointed to reside at Algiers, a greater sum than at the rate of four thousand dollars per annum, as a compensation for all his personal services and expenses; nor to any other consul who shall be appointed to reside at any other of the states on the coast of Barbary, a greater sum than at the rate of two thousand dollars per annum, as a compensation for all his personal services and expenses; nor shall there be appointed more than one consul for any one of the said states: *Provided*, It shall be lawful for the president of the United States to allow to a minister plenipotentiary, or chargé des affaires, on going from the United States to any foreign country, an outfit, which shall in no case exceed one year's full salary of such minister or chargé des affaires; but no consul shall be allowed an outfit in any case whatever, any usage or custom to the contrary notwithstanding.

Any charge des affaires, secretary of legation, or secretary of a minister, etc. to be entitled to the compensation provided, must be appointed by the president, by and with the advice and consent of the senate.

In the recess of the senate, the president may make the appointments, to be submitted at the next session

SEC. 2. *And be it further enacted*, That to entitle any chargé des affaires, or secretary of any legation or embassy to any foreign country, or secretary of any minister plenipotentiary, to the compensation hereinbefore provided, they shall, respectively, be appointed by the president of the United States, by and with the advice and consent of the senate; but in the recess of the senate, the president is hereby authorized to make such appointments, which shall be submitted to the senate at the next session thereafter, for their advice and consent; and no compensation shall be allowed to any chargé des affaires, or any of the secretaries hereinbefore described, who shall not be appointed as aforesaid: *Provided*, That nothing herein contained shall be construed to authorize any appointment of a secretary to any chargé des affaires, or to any consul residing on the Barbary coast, or to sanction any claim against the United States for expense incident to the same, any usage or custom to the contrary notwithstanding.

Money drawn from the treasury is to be

SEC. 3. *And be it further enacted*, That where any sum or sums of money shall be drawn from the treasury, under any law making appropriation for the contingent expenses or intercourse between the United States and foreign nations, the

accounted for, annually.

president shall be, and he hereby is, authorized to cause the same to be duly settled, annually, with the accounting officers of the treasury, in the manner following, that is to say: By causing the same to be accounted for, especially, in all instances wherein the expenditure thereof may, in his judgement, be made public, and by making a certificate of the amount of such expenditures as he may think it adviseable not to specify; and such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended.

A consul on the Barbary coast is not to expend, etc. for any purpose not authorized by law, to any of the Barbary powers, etc. with intent to charge the U. States, a greater sum than 3,000 dolls. in one year without first obtaining the special written approbation of the president, etc.

SEC. 4. *And be it further enacted*, That it shall not be lawful for the consuls of the United States, residing on the Barbary coasts, or either of them, to expend, or to disburse, or pay, or cause to be paid, for any purpose, or on any pretence whatever, not authorized by law, to any one of the Barbary powers, or to the officers or subjects thereof, a greater sum than three thousand dollars in any one year, with intent to charge the United States with the same, without first obtaining a special approbation, in writing, from the president of the United States, for that purpose. And every such consul who shall, after notice of this act, expend or disburse, or pay, or cause to be paid, for any purpose, or on any pretence whatever, not authorized by law, to any one of the Barbary powers, or to the officers or subjects thereof, a greater sum than three thousand dollars in any one year, or shall be aiding or assisting therein, without first obtaining the approbation of the president as aforesaid, shall forfeit and pay to the treasury of the United States a sum equal to one-half his yearly compensation: and shall, moreover, stand charged with, and be accountable for, all moneys so disbursed or paid, contrary to the provisions of this act.

After the 1st of Nov. 1810, no consul residing on the Barbary coast to own, etc. any vessel, to be concerned in the importation or exportation of any goods, etc. into or from, the Barbary states, under penalty of forfeiting 1,000 dolls.

SEC. 5. *And be it further enacted*, That, from and after the first day of November next, no consul of the United States residing on the Barbary coast shall own, in whole or in any part, any ship or vessel, to be concerned, directly or indirectly, in the exportation from, or importation to, any of the states on the coast of Barbary, of any goods, wares, or merchandise, on penalty that every consul so offending, and being thereof convicted, shall, for every offence, forfeit a sum not exceeding one thousand dollars.

Consuls residing on the Barbary coast to transmit to the secretary of the treasury, annually, an account of moneys received and disbursed for the U. States, etc. with vouchers, etc.

SEC. 6. *And be it further enacted*, That it shall be the duty of the consuls residing on the Barbary coast to transmit to the secretary of the treasury, annually, an account of all moneys received, and of all disbursements or expenditures made, by them, respectively, for or on account of the United States, and the particular purpose to which the moneys have been applied, and the vouchers to support the same; and the secretary of the treasury shall transmit to congress, within two months after the commencement of the first session thereof, in every year, a statement of all the moneys disbursed from the treasury of the United States, for expenses of intercourse with the Barbary powers during the preceding the year, therein noting as far as can be ascertained at the treasury, the sums

received by the respective agents or consuls, and the purposes to which the same have been applied.

SEC. 7. *And be it further enacted*, That the act, entitled "An act in addition to the law of the United States concerning consuls and vice consuls," approved July sixth, one thousand seven hundred and ninety-seven, and the act, entitled "An act to ascertain the compensation of public ministers," approved May the tenth, one thousand eight hundred, be, and the same are hereby, repealed. [*Approved May* 1, 1810.]

[OFFICIAL.]

Consular Instructions.

No. 5.—*Standing Instructions to Consuls and Vice-Consuls of the United States.*

DEPARTMENT OF STATE.

SIR: In addition to the special duties pointed out in the act of Congress relative to Consuls, passed on the 14th of April, 1792, which you will find in the second volume of the Laws of the United States, [page 530 of this volume,] I must beg the favor of you to communicate to me, every six months, a report of the vessels of the United States which enter at the ports of your district, specifying the name and burthen of each vessel, of what description she is, to wit: (ship, snow, brig, &c.) the names of the masters and owners, and number of seamen, the port of the United States from which she cleared, places touched at, her cargo outward and inward, and the owners thereof, the port to which she is bound, and times of arrival and departure; the whole arranged in a table under different columns, and the reports closing on the last days of June and December.

We wish you to use your endeavor, that no vessel enter as an American in the ports of your district which shall not be truly such, and that none be sold under that name which are not really of the United States: that you give to me, from time to time, information of all military preparations, and other indications of war, which may take place in your ports; and when a war shall appear imminent, that you will notify thereof the merchants and vessels of the United States, within your district, that they may be duly on their guard: and in general, that you communicate to me such political and commercial intelligence as you may think interesting to the United States.

The Consuls and Vice-Consuls of the United States are free to wear the uniform of their Navy, if they choose to do so. This is a deep blue coat, with buff facings, linings, and cuffs, the cuffs slashed, and a standing collar; a buff waistcoat, (laced or not, at the election of the wearer,) and buff breeches; yellow buttons, with a foul anchor, a black cockade, and a small sword.

Be pleased to observe, that the Vice-Consul of one district is not at all subordinate to the Consul of another. They are equally independent of each other.

It is understood that Consuls and Vice-Consuls have authority of course to appoint their own agents in the several ports of their district, and that it is with themselves only those agents are to correspond.

It will be best not to fatigue the government in which you reside, or those in authority under it, with applications in unimportant cases. Husband their good dispositions for occasions of some moment; and let all representations to them be couched in the most temperate and friendly terms—never indulging, in any case whatever, a single expression which may irritate. You will observe that the Consular act requires certain bonds, with sureties, to be entered into by the Consuls and Vice-Consuls of the United States, previous to entering on the execution of their respective trusts. I therefore commit to you, herewith, two blank forms, one of which to be filled up and transmitted to this office, the other to be retained by yourself.

I have the honor to be,
Very respectfully, Sir,
Your most obedient servant,

———

[CIRCULAR.]

To the Consuls and Commercial Agents of the United States.

DEPARTMENT OF STATE,
Washington, August 1, 1801.

SIR: It is a considerable time since our Consuls originated the practice of providing with certificates foreign vessels purchased abroad by citizens of the United States; and it is even understood that some such vessels have been supplied with Consular registers and sea letters. To secure the bona fide property of our citizens, is an important duty of the government; but to repress or regulate a course of proceedings, the tendency of which is to blend it in appearance with foreign property, by rendering the evidence of its legitimacy suspicious or uncertain, ought equally to demand its attention.

Accordingly you will, in no case whatever, issue to any such vessel either a register or sea letter, or any document of a similar nature, except the one hereinafter prescribed.

If, as is mostly the case, the vessels for which you are requested to issue papers, be a prize vessel, you will require the exhibition of the condemnation and bill of sale, as well as proof that the purchaser is a citizen of the United States. If the ship, whether a prize vessel or not, is alleged to be purchased on account of an absent citizen, you will require the authorization of the agent making the purchase, to be produced. In addition to these documents, the purchaser should, in every case, make an affidavit, "that he is the bona fide proprietor of the vessel; that no other person has any part or interest in her, and that he does not hold her, or any part of her, in trust

for any other person?" And if purchased for an absent citizen, the agent should make the same affidavit, *mutatis mutandis*, adding to it the qualification, "to the best of his belief." These requisites being completed, it may be concluded that the vessel is really American, unless their authenticity is diminished by other peculiar circumstances, which may come to your knowledge. They are conditions which, in a genuine transaction, are easily performed, and they are absolutely necessary to form the basis of your official act in granting the certificate hereafter mentioned. It is, moreover, unsafe for a vessel to put to sea without them in time of war.

If, in any case, the adroitness of individuals should impose upon you, notwithstanding the above precautions, there is one security left, which will probably defeat the fraud. The certificate must be limited to the vessel's return to the United States, and her destination to some port therein must be specified in it. No certificate is to be granted to a vessel having once been in the United States, since the purchase, unless it be sufficiently made to appear that her sea-letter, there obtained, has been lost by accident.

The form of the Certificate may be as follows:

A—— B——, *Consul of the United States of America,*

To all to whom these presents shall come, GREETING:

It appearing from the documents hereto annexed, (annexing the condemnation, if the case be such, bill of sale, authorization of the owner, if the case be such, copy of the proof of citizenship, and the owner's or agent's affidavit, and repeating their titles,) that C D, a citizen of the said States, is the sole proprietor of the ship (naming and describing her,) now lying in the port of
whereof E F, another citizen of the said States, is master, being bound to the port of within the said States, I have granted permission, that the said ship may depart and proceed on her voyage to the port aforesaid. This permission to continue in force only during the said voyage.

Given under my hand and Consular seal, at, &c.

In many of the ports of Europe our vessels have been subjected to a ruinous and oppressive quarantine. It has generally been imposed without much attention to the state of health in the port of the vessel's departure in the United States. Thus, whilst the port of Charleston, S. C. may be unhealthy, a vessel arriving from Boston, where good health may prevail, is subjected to an indiscriminating quarantine. In the winter months also, it is considered impossible that a vessel can carry from this country any dangerously infectious disorder; the epidemics which have, within these eight years past, been so fatal in some of our sea-ports, breaking out about mid-summer, and totally disappearing with the setting in of the frost in November.

We are encouraged to expect, that by sending with our vessels authentic certificates of health, granted by the most re-

spectable municipal officers of our ports, under a vigilant precaution, and with a scrupulous regard to truth, we shall experience a relaxation of this burthensome imposition. Accordingly, the Secretary of the Treasury has given directions to the collectors of the customs to carry this plan into effect. Certificates of health will, therefore, be occasionally sent to the Consuls in Europe, who, after communicating them to the officer or board in the place of their residence, charged with the superintendence of health, will transmit copies, or if needful, the original, to the American minister, if any such is established in the country.

Enclosed are copies of the circular letter addressed to the collectors of the customs on this occasion, by the Secretary of the Treasury, and of the form of a certificate of health. It is proper for me here to mention to you that there are but *thirteen* ports, viz: *Portsmouth*, N. H. *Newburyport*, *Salem*, *Boston*, *Newport*, *Providence*, *New-York*, *Philadelphia*, *Baltimore*, *Norfolk*, *Wilmington*, N. C. *Charleston*, S. C. and *Savannah*, in which naval officers are established by law, and that in all other ports the bill of health can only be certified by the collector; a circumstance with which perhaps foreign agents, to whom the circular may be communicated, should be acquainted, in order to prevent any injury abroad to vessels sailing from these ports, on account of the unavoidable omission of a naval officer's signature.

Whilst we are led to expect a benefit from this arrangement, we think it will not be confined to ourselves. When real danger exists, other nations will be timely and candidly alarmed; and when there is none, they as well as we will be absolved from the disadvantages of a suspended intercourse.

As it becomes us as well as others to guard against contagion, I have to request you, and more especially those who reside in the West-Indies, and on the Mediterranean, to report to this Department, as often as it may be necessary, the most speedy information of the prevalence of epidemics, in the ports of your districts. As soon as they have subsided, you will give information of it.

In the consular instructions you are requested to make semi-annual returns of the American trade, at your ports. This is of great importance, as it keeps us exactly informed of the channels in which our commerce flows; and you will pay the most pointed attention to the regular transmission of them. To make you acquainted with the nature of the cargo, and the ports of departure or destination, has been considered as hazarding the benefit expected from the sale of the cargo, and therefore refused in some instances by the masters and supercargoes of our vessels. As no law requires them to give the information, you are not to demand it as a right, and you will supply the defect happening from a refusal, by some other means when it is practicable.

After the receipt of this letter, you will consider yourselves no longer authorized to expend moneys on account of the pub-

lic, without the special direction of a minister of the United States; except it be for the relief of seamen, in doing which, you are to use economy and discernment, in distinguishing our own from foreign seamen, the profligate and idle from the meritorious in distress, and in every case where you can, instead of paying their passages, you will find them births, where they may work for them.

We have reason to believe, that it too often happens that seamen engaged in the United States are discharged by masters of vessels in foreign countries, where they can procure new crews at lower wages. By these means, besides the inducement the seamen have to engage in foreign service, or even in privateering, they frequently fall a burthen on the consuls. This evil cannot be completely cured without a legislative remedy; but you will take pains to rectify it whenever the usages of the place may admit of it, and give this department advice of its extent, so that, should the matter be laid before Congress, it may be properly explained and its existence verified.

The consuls in Great Britain are, as usual, to settle their accounts for the relief of seamen, with David Lenox, esq. the agent for seamen. All others established in Europe, north of the Pyrennees, except those who reside in Italy, are to settle them with our minister at Paris; and those south of the Pyrennees, in Europe or in Italy, are to settle them with our minister at Madrid. This mode of settling accounts is not to embrace charges already incurred, which are to be transmitted as heretofore to the Department of State.

We have to lament that our sea-letters have been forged and assumed by foreign vessels, in various instances. Whilst no law exists to oblige the masters of American vessels to present their papers to the consuls, it is difficult to suggest the means of detecting and counteracting the abuse, in any great degree. Enclosed, you will receive a copy of the sea letter as now issued. The types will in future remain the same; the paper will be sometimes varied. Besides the means of comparison afforded by the signatures, seal, and typography, we have caused a stamp* to be impressed upon them.

Should the authorities of your port be willing to co-operate in detecting the counterfeits, you may, perhaps, be enabled to obtain a view of all the sea-letters brought to it; and by marking those which plainly appear not to be genuine, you may, either by your own authority, or that of the place, according to the limits of power permitted to the consuls therein, procure their suppression.

It is evident that the admission of the existence of forged papers should be delicately made, so as not to excite a magnified opinion of their extent.

I have the honor to be, Sir,
With much respect,
Your most obedient servant,

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* The stamp is, for the present, omitted.

DEPARTMENT OF STATE,
April ——, 1803.

Circular to the Consuls, &c. of the United States.

Annexed you will find a copy of the "Act supplementary to the 'Act concerning Consuls and Vice-Consuls,' and for the further protection of American seamen."

This act, containing such complete means of remedying the abuses, formerly practised by masters of vessels, in discharging their seamen, but few remarks are necessary upon that subject. The first section rendering the consent of the Consuls and commercial agents requisite for this purpose, might seem to require general rules to be laid down for regulating your discretion in granting it; but as the third section makes their discharge so burthensome to the vessel, and the means of their return so certain and liberal, no case is foreseen in which it would be necessary for you to withhold your sanction, unless it be in a port very remote from the United States. Doubtless others may exist, and a reliance is placed on your discretion, when they happen, to act as the benefit of the seamen and the public require.

When discharges take place, you will be careful to return the seamen to the United States as soon as possible, that their health and morals may be preserved by employment, and that they may be ready for the service of their country in the line of their profession. Though the act allows a discretion as to vessels in which they return, it will be safest and most expedient to give the preference to those of our own country.

To enforce a compliance with the terms of this and the former act, and to enable you to inspect the genuineness of marine papers, used as those of the United States, are the object and effect of the second section. It is conceived that you will have a right to detain any such papers bearing clear marks of fraud and forgery; but it must be discreetly and attentively used, to avoid personal responsibility, and to preclude complaint. It will be advisable to confirm your act, when the offenders are foreigners, by drawing such cases into the courts of the country where you reside, that they may be punished; provided a fair trial of the merits, as it respects both parties, can be had. As far as our own citizens are concerned, another law of the last session prescribes a penalty, but it must be applied by our own tribunals.

In relation to the provision you are to make for destitute seamen, as enjoined in the fourth section, I refer you to my circular of the 1st August, 1801, the directions of which you will observe as far as they apply. If a quantity sufficient of American shipping, according to the prescribed ratio of tonnage, to carry away the seamen on your hands, are not in port, nothing in this section prevents your making a reasonable agreement, above the rate of ten dollars per man, to transport the whole number; provided that the proper number, according to the tonnage, be taken at a rate not exceeding that sum. Certificates of refusals on the part of masters of vessels to receive seamen on board, according to the requisitions of this section,

are to be made up and registered in the consular books immediately after they happen, and duplicates forwarded to the Department of State, as soon as may be. Their form may be as follows:

I, A—— B——, Consul, Vice-Consul, Commercial Agent, or Vice-Commercial Agent, (as the case may be,) for , hereby certify, That on the day of , as Consul, &c. as aforesaid, I requested C—— D——, master and commander of the ship , of , of the burden of tons, or thereabouts, then being a vessel belonging to a citizen or citizens of the United States, and lying in the port of , to take on board his said ship E F, G H, and I K, all seamen of the United States, and found and then being destitute within my official district, and to transport them to , the port for which his said ship was then destined and soon to sail, on such terms, not exceeding ten dollars for each of the said seamen, as might be agreed upon between him, the said C D, and myself; and that I then and there tendered to him, the said C D, the sum of thirty dollars, viz: ten dollars for each of the said seamen, as a compensation for receiving and transporting them as aforesaid; the said seamen being then and there present, ready to be received by the said C D, on board his said ship; but the said C D then and there, and ever afterwards, altogether refused and neglected to receive the said seamen, or either of them, on board his said ship, and to transport them as aforesaid.

In faith whereof, I have made this certificate under my hand and official seal, at , this day of

(Signed) A. B.

The fifth section removes the legal defects on which the Circular from the Department of State, dated 26th August, 1802, was addressed to you.

No other part of the law appears, at present, to demand elucidation or remarks.

It has unfortunately happened, that at no period since the slave trade was prohibited, have all our citizens abstained from a traffick deemed worthy of the anxious solicitude of Congress to restrain, as manifested in the several highly penal laws passed on the subject, and alike discountenanced by the regulations of every State in the Union. Now, when peace has turned the attention of several nations to the settlement and extension of their colonies, there is danger of the evil increasing, and I must recommend earnestly to the Consuls, especially those in America, to exert a steadfast vigilance respecting all such infractions of the laws which may be attempted, and to report them, with due precision, to the Department of State.

By a resolution of the House of Representatives of the 3d of March last, the Secretary of State is directed to lay before them, early in the next session, a view of the light money pay-

able by vessels of the United States, on entering the different ports of the nations of Europe, and of the same by ships or vessels of such nations entering their own ports. For the elements of this view I must have recourse to your information; and, as the occasion is suitable, it may be desirable to connect with your communications some other matters having an intimate relation with it. I therefore request you to send me a table, containing the rate of duty payable for the benefit of lights in the several ports of your district (naming them) on vessels of the United States, on those of the country in which you reside, and those of other foreign nations; a table, similarly distinguished, of duties payable for anchorage, buoys, piers, and generally such as are levied for the improvement or preservation of channels or harbors, other than for lights; and third, such a table, exhibiting the expense of quarantine. You will accompany the whole with such remarks as may tend to give a full view of the subject.

I have the honor to be,
Sir, very respectfully,
Your most obedient servant,

☞ *Here follows, at large, the act of February* 28, 1803. *which is inserted at page* 534 *of this volume, or in U. S. Laws, vol.* 2, *page* 525.]

[CIRCULAR.]

To the Consuls and Commercial Agents of the United States.

DEPARTMENT OF STATE,
October 1st, 1803.

SIR: I avail myself of this occasion to furnish you with the annexed remarks, made by the Comptroller of the Treasury, respecting sales of American registered vessels, as they may be affected by the laws of the Union, and the construction placed upon them by the officers of the Treasury Department.

Having as yet received but few returns to the request made in the concluding paragraph of my last circular of the 9th of April, permit me to request that no further delay may take place in forwarding them.

I have the honor to be,
Very respectively, sir,
Your most obedient servant,

TREASURY DEPARTMENT,
Comptroller's Office, 10*th September,* 1803.

1. Vessels of the United States which have been registered as the law directs, may be purchased by an American citizen residing in a foreign country, if such citizen be in the capacity of a Consul of the United States, or an agent for and partner in

some house of trade, or co-partnership, consisting of citizens of the United States; and they will still retain their American character. This is specially provided by the act of 31st December, 1792.

2. Such vessels may be purchased by persons residing in a foreign country, duly authorized by citizens resident in the United States to purchase for them, without losing their American character.

3. Such vessels cannot be purchased and owned by citizens of the United States, who may be temporarily resident or itinerant in a foreign country, without forfeiting their American character, unless such person be an agent for, or partner in, some house of trade, &c. as specified in the 3d section of the act of 31st December, 1792.

4. Under the act of the last session, chap. 71, a vessel of the United States, which has been registered according to law, may be sold in a foreign country to a citizen of the United States, without forfeiting her American character, if, on her first arrival in the United States thereafter, her owner shall comply with the requisites, and obtain a new certificate of registry in the manner provided by that act.

Although the words of the act last recited are general, any *ship* or *vessel*, it has been deemed, in its true construction, to embrace only such vessels, as being registered at the time when they last departed from the United States, and whose registers having been vacated whilst absent, by voluntary sale, or other cause, would be capable of being registered anew. This appears clear from the evident meaning and import of the first proviso. Registered vessels, which by sale (this is understood to mean a voluntary sale made by the American owner) become the property of foreigners, can never afterwards be registered, even though they should be again transferred to their former owners, or any other American citizen. This is expressly prohibited by the act of the 27th June, 1797. But registered vessels, which, having been seized, or captured and condemned become the property of foreigners, are not from those causes absolutely disqualified from being registered anew; the last recited act declaring that if the owner or owners, at the time of seizure and capture, shall regain a property in such vessel, by purchase or otherwise, they shall not be debarred from claiming and receiving new registers for the same, as they might or could have done if that act had not been passed.

In further explanation of the third section of the act of last session, it may be proper to observe that it does not alter or affect previous laws, as to the qualifications which are necessary to entitle a vessel to be registered, or to those circumstances which occasion a forfeiture of the privileges attached to a vessel of the United States; its object being merely to place *registered* vessels which are sold *without* the United States, to American citizens, (on complying with the requisites of the first proviso,) on the same footing as they would have been had the sales taken place whilst they were *within* the United States. In other words, that a registered vessel thus

sold *without* the United States, shall, on her first arrival afterwards, although she may not have a register *in force*, if she be registered anew within the time limited in the proviso, be subject to no other or higher duties than are payable by a vessel having a register *in force* at the time of her arrival.

[CIRCULAR.]

To the Consuls and Commercial Agents of the United States.

DEPARTMENT OF STATE,

July 1, 1805.

SIR: In the act of Congress, passed the 27th of March, 1804, it is provided, that no vessel shall be entitled to a register, or if already registered, to the benefits thereof, if owned wholly or in part by any naturalized person who shall have resided for one year in his native country, or two years in any other foreign country, unless such person be a public agent of the United States. As at the custom houses of the United States, not only registers, but sea letters are refused to vessels thus owned, it has been judged expedient to instruct you equally to withhold from them certificates of ownership and of other facts, implying that the vessel is American property.

Doubts have been suggested whether, in case of a discharge of the seamen in consequence of a vessel being stranded or condemned as unfit for service, three months' extra pay is to be received by the consuls or commercial agents, in pursuance of the third section of the act of the 28th February, 1803, supplementary to the consular act; you are informed that the construction of the late attorney general restricts the provision to voluntary sales of vessels and discharges of their crews in the ordinary course of trade. But it is conceived that where, on account of the sale of the vessel, or an alteration of the original voyage, the persons having charge of her are willing to procure for the men return passages on as good terms as they shipped for, you are nevertheless bound to demand three months' extra wages.

When registered vessels are lost, condemned as not seaworthy, or are sold to foreigners, you will, with the consent of the captain, or other person representing the former owner, cancel the register and return it to the Treasury Department; but if such consent is withheld, you will, in lieu of the register, transmit information of the circumstance, that recourse may be had to the bond. When a sale is made to a citizen of the United States, you are not to oppose the register's being returned in the vessel to which it belongs, as otherwise the purchaser may be exposed to weighty inconveniences, whilst the bond will operate as a safeguard against fraud.

To remove a misconception which seems to have partially taken place, you are advised that no judicial authority belongs to your office, except what may be expressly given by a law of the United States, and may be tolerated by the government in whose jurisdiction you reside. On the contrary, all incidents of a nature to call for judicial redress, must be sub-

mitted to the local authorities, if they cannot be composed by your recommendatory intervention.

The official bonds given by the consuls and commercial agents require, considering the personal character of the security, periodical renewals; therefore every such bond now of a date older than one year, is to be replaced by a new one, in which the sureties who join the consul or commercial agent in its execution, must be citizens of sufficient solidity, or, if not citizens, they must have property or a commercial establishment in the United States.

In order to the protection of our country from disease, and that the means practised in other countries for its cure may be added to the existing stock of knowledge, you are requested to procure and transmit to this Department, from time to time, such newspapers, pamphlets, and collections of facts, as may make their appearance on the subject of epidemical disorders, and quarantine regulations, during your actual residence at your respective stations. It has been thought necessary to limit the expense you may incur, in carrying this request into effect, to ten dollars annually, but in instances where it may seem expedient to increase the sum, you will be pleased first to state the matter specially to this Department; and, in order that the same communication may not be made by several, you will each confine yourselves to publications in the limits of your district.

To treat with deference the authorities constituted over the place of your residence, and to abstain from all irritating and disrespectful expressions or demeanour towards them, is prescribed in your standing instructions. The necessity and importance of observing this duty induce me to recall it to your view, and to request that whenever your official applications are followed by inattention or unsatisfactory results, of a nature to excite your sensibility, you will content yourselves with reporting the circumstances, in order that, if a different manner of application should be necessary, it may be sanctioned by your government.

I have the honour to be,
Sir, very respectfully,
Your most obedient servant,

———.

[CIRCULAR.]

To the Consuls and Commercial Agents of the United States.

DEPARTMENT OF STATE,
July 12th, 1805.

SIR: The multiplied abuses of the certificates which the consuls of the United States were, by the instructions of the 1st August, 1801, authorized to give in the case of foreign vessels purchased by a citizen of the United States, notwithstanding the precautions taken against them, have led to the conclusion, that a discontinuance of the certificates altogether is the only effectual remedy. You will, therefore, forbear to

grant any certificate whatever relative to such purchases, except to those who may satisfy you that the purchase was made without knowing this alteration in your instructions.—Accordingly, you will publicly advertise that you are restrained from issuing certificates in such cases, with the sole exception just mentioned, and also from allowing the exception itself, after the expiration of two months from the date of the advertisement.

I have the honour to be,
Very respectfully, Sir,
Your most obedient servant,

——— ———.

[CIRCULAR.]

DEPARTMENT OF STATE,
August 8, 1815.

SIR: The consular uniform, prescribed in the Standing Consular Instructions, is abolished, and the following substituted, viz:

Single breast coat of blue cloth, with standing cape or collar, and ten navy buttons in front; one button on each side of the cape; four on each cuff; four under each pocket flap; and one on each hip and in the folds; two on each side in the centre; and one on each side of the same at the lower extremity of the skirts.

The front, (from the cape down to the lower extremity of the skirts,) cuffs, cape, and pocket flaps, to be embroidered in gold, representing a vine composed of olive leaves; and the button holes to be worked with gold thread; the button holes corresponding with the width of the embroidery, which is not to exceed two inches in any part.

Vest and small clothes of white, and navy buttons; the former to have ten in front, and four under each pocket flap. With this dress, a cocked hat, small sword, and shoes and buckles are to be worn. The hat to be furnished with gold loop, gold tassels, and black cockade, with gold eagle in the centre; added to which, it is to be understood that the mountings of the sword, and shoe and knee buckles, are to be of gold, otherwise gilt.

No. 6.—*An act authorizing the Deposite of the Papers of foreign Vessels with the Consul of their respective Nations.*

U. S. Laws, vol. 6. page 194.

Ships' papers to be produced to the Collector before entry.

SEC. 1. *Be it enacted, &c.* That the register, or other document in lieu thereof, together with the clearance and other papers, granted by the officers of the customs to any foreign ship or vessel, at her departure from the port or place from which she may have arrived, shall, previously to entry in any port of the United States, be produced to the collector with whom such entry is to be made. And it shall be the duty of the master or commander, within forty-eight hours after such entry, to deposite the said papers with the consul or vice-consul of the nation to which the vessel belongs, and to deliver to the collector the certificate of such consul or vice-consul, that the said papers have been so deposited; and any master or commander, as aforesaid, who shall fail to comply with this regulation, shall, upon conviction thereof in any court of competent jurisdiction, be fined in a sum not less than five hundred dollars nor exceeding two thousand dollars: *Provided*, That this act shall not extend to the vessels of foreign nations in whose ports American consuls are not permitted to have the custody and possession of the register and other papers of vessels entering the ports of such nation, according to the provisions of the second section of the Act, supplementary to the Act "concerning consuls and vice consuls, and for the further protection of American seamen," passed the twenty-eight of February, one thousand eight hundred and three.

The papers to be deposited with the Consul of the nation within forty-eight hours.

Fine in case of noncompliance, from 500 to 2,000 dolls.

Proviso; this act not to extend to the vessels of foreign nations, in whose ports American Consuls are not allowed to have custody of papers according to the Act mentioned.

SEC. 2. *And be it further enacted*, That it shall not be lawful for any foreign consul to deliver to the master or commander of any foreign vessel the register and other papers deposited with him pursuant to the provisions of this act, until such master or commander shall produce to him a clearance, in due form, from the collector of the port where such vessel has been entered; and any consul offending against the provisions of this act, shall upon conviction thereof before the supreme court of the United States, be fined, at the discretion of the court in a sum not less than five hundred dollars nor exceeding five thousand dollars.

Consul not to deliver the Papers to the master until he produces a Clearance.

Consuls offending against this Act, to be fined from 500 to 5000 dolls.

[*Approved, March* 3. 1817.]

EQUALIZATION OF DUTIES.

[By the second article of the convention made at London, on the 3d of July, 1815, (see pages 258 and 264, where this convention is continued for ten years, from 20 October, 1818, and expires on the 2d of October, 1828,) the duties of impost and tonnage were equalized between the United States and Great Britain; in consequence of which an act was passed on the 1st of March, 1816, declaring that so much of any act as imposes a higher duty of tonnage, or of imposts, on vessels and articles imported in vessels, of Great Britain, than on vessels, and articles imported in vessels, of the United States, contrary to the provisions of that convention, should, from and after the date of the ratification, and during its continuance, be deemed and taken to be of no force or effect. By the 6th section of "An act to regulate the duties on imports and tonnage," approved on the 27th of April, 1816, it is declared that the duty on the tonnage of vessels shall continue the same as the existing law provides: but this provision is not to be deemed in any wise to impair any rights and privileges which have been, or may be, acquired by any foreign nation, under the laws and treaties of the United States, relative to the duty of tonnage on vessels.]

No. 7.—*An act to repeal so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise, imported into the United States, as imposes a discriminating duty on tonnage, between foreign vessels and vessels of the United States, and between goods imported into the United States in foreign vessels and vessels of the United States.*

U. S. Laws, vol. 4, page 824.

So much of the acts imposing duties on tonnage, and on goods, &c. as imposes a discriminating duduty, &c. repealed, so far, &c.

The repeal to take effect when the President is satisfied that foreign countervailing duties have been removed.

SEC. 1. *Be it enacted, &c.* That so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise, imported into the United States, as imposes a discriminating duty of tonnage, between foreign vessels and vessels of the United States, and between goods imported into the United States in foreign vessels and vessels of the United States, be, and the same are hereby, repealed, so far as the same respects the produce or manufacture of the nation to which such foreign ships or vessels may belong. Such repeal to take effect in favor of any foreign nation, whenever the President of the United States shall be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operate to the disadvantage of the United States, have been abolished. [*Approved, March* 3, 1815.]

No. 8.—*An act concerning discriminating duties of tonnage and impost.*

U. S. Laws, 1st. Session, 18th. Congress.

Discriminating duties abolished as far as relates to *the Netherlands, Prussia, the Hanseatic*

SEC. 1. *Be it enacted, &c.* That, from and after the first day of January, one thousand eight hundred and twenty-four, during the continuance of this act, and under the limitations hereinafter mentioned, so much of the several acts imposing duties on the tonnage of vessels in the ports of the United

States, as imposes a discriminating duty between foreign vessels and vessels of the United States, is hereby suspended, so far as respects vessels truly and wholly belonging to subjects or citizens of the *Kingdom of the Netherlands;* of *Prussia;* of the *Imperial Hanseatic Cities of Hamburg, Lubeck, and Bremen;* of the *Dukedom of Oldenburg;* of the *Kingdom of Norway;* of the *Kingdom of Sardinia* and of the *Empire of Russia.*

Cities of Hamburg Lubeck, and Bremen, the Dukedom of Oldenburg, the Kingdom of Norway, the Kingdom of Sardinia, and the Empire of Russia.

Discriminating duties on foreign vessels to be suspended, as respects the produce, &c. of the above mentioned nations.

SEC. 2. *And be it further enacted,* That so much of the several acts imposing duties on goods, wares, and merchandize, imported into the United States, as imposes a discriminating duty between goods imported into the United States in foreign vessels, and in vessels of the United States, be, and the same is hereby, suspended, so far as the same respects the produce or manufactures of the territories in Europe, or any of the abovementioned nations, or such produce and manufactures as can only be, or most usually are, first shipped from a port or place in the said territories in Europe, or either of them, respectively, the same being imported in vessels truly and wholly belonging to the subjects or citizens of each of the said nations respectively, the vessels of each nation importing its own produce and manufactures as aforesaid.

This suspension to continue so long as the vessels of the United States and their cargoes from like discriminating duties in their ports.

SEC. 3. *And be it further enacted,* That the suspension of the discriminating duties of tonnage and impost, in the two preceding sections of this act prescribed, shall continue, in behalf of each of the above mentioned nations, on condition that, and so long as, the vessels of the United States, truly and wholly belonging to the citizens thereof, and all goods and merchandize, of the produce and manufacture of the United States, laden therein, and imported into any of the ports of the said nations in Europe, respectively, shall be exempted from all and every discriminating duty of impost or tonnage, direct or indirect, whatsoever, other or higher than is levied upon the vessels and merchandize therein imported, belonging to the subjects or citizens of each of the said nations, respectively. But if, in any of the territories in Europe, of either of the said nations, any such discriminating duty shall, at any time, be imposed or levied on vessels wholly belonging to the citizens of the United States, or on the merchandize imported as aforesaid in them, then, and from that time, the said suspension herein prescribed shall cease, and determine, so far as respects the vessels, and merchandize imported into the United States in them, of such nations: and all the provisions of the acts imposing discriminating foreign tonnage and impost duties in the United States, shall revive and be in full force, with regard to the said nation.

The President to issue a proclamation of reciprocal exemption, on evidence of any foreign nation abolishing discriminating duties on goods and vessels of the U. States.

SEC. 4. *And be it further enacted,* That, upon satisfactory evidence being given to the President of the United States, by the government of any foreign nation, that no discriminating duties of tonnage or impost are imposed or levied within the ports of the said nation, upon vessels wholly belonging to citizens of the United States, or upon merchandize, the produce or manufacture thereof, imported in the same, the President is hereby authorized to issue his Proclamation, declaring that the foreign discriminating duties of tonnage and impost within

the United States, are, and shall be, suspended and discontinued, so far as respects the vessels of the said nation, and the merchandize of its produce or manufacture, imported into the United States in the same: the said suspension to take effect from the time of such notification being given to the President of the United States, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and merchandize as aforesaid, thereon laden, shall be continued, and no longer. [*Approved, January 7*, 1824.]

No. 9.—*An act to exempt Swedish and Norwegian vessels, and the merchandise imported therein, from the payment of discriminating duties of tonnage and impost, for a limited time, and for other purposes.*

U. S. Laws, 19th Congress, 2d. Session.

Norwegian vessels to be exempt from the payment of discriminating duties for a limited time.

SEC. 1. *Be it enacted, &c.* That, from and after the date of this act, until the termination of the next session of Congress, vessels truly and wholly belonging to the subjects of the King of Sweden and Norway, arriving in the United States, in ballast or with cargoes, shall be exempted from the payment of any other or higher duties or charges whatsoever, than vessels of the United States are required to pay under like circumstances; that merchandise, the produce and manufacture of the Territories of the King of Sweden and Norway, imported in Swedish or Norwegian vessels, shall not be subjected to any other or higher duties than are levied on the same kinds of merchandise when imported in American vessels; and that the exemption or privilege allowed by this act shall extend to vessels arriving, and merchandise imported, from the Swedish colony of St. Barthelemy: *Provided*, That the owners of vessels, arriving from said colony in the United States, shall be inhabitants of that colony, and there established and naturalized, and shall have caused their vessels to be there naturalized.

Certain alien duties to be refunded.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, directed to cause to be repaid or remitted, all alien or discriminating duties of tonnage or impost, which since the twenty fifth of September last may have been paid, or secured to be paid, on vessels of the description mentioned in the first section of this act, or on merchandise imported in such vessels; for the purpose of which repayment, any money in the Treasury not otherwise appropriated, is hereby appropriated. [*Approved 22d February*, 1827.]

No. 10.—*An act to equalize the duties on vessels of the Republic of Columbia (Colombia), and their cargoes.*

U. S. Laws, 19th Congress, 1st. Session.

The rate of duties imposed on vessels of Colombia and their cargoes, to be the same as those payable on vessels of the U. States and their cargoes.

Be it enacted, &c. That no other or higher rate of duties shall be imposed or collected on vessels of the Republic of Columbia (Colombia,) and their cargoes, consisting of articles of the growth, produce, or manufacture of said Republic, than are, or may be, payable on vessels of the United States, with cargoes composed as aforesaid.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to return all

duties which have been assessed since the twenty-ninth January, eighteen hundred and twenty-six, on vessels of the Republic of Columbia (Colombia,) and their cargoes composed of articles of the growth, produce, or manufacture of the said Republic, beyond the amount which would have been payable on vessels of the United States and cargoes, composed as aforesaid, imported therein; and that the same allowances of drawback on exportations, in vessels of the Republic of Columbia (Colombia,) be made as on the like exportations, in vessels of the United States.

Secretary of the Treasury to return all duties assessed since 29th January, 1826, on vessels of Colombia, and their cargoes being the growth, etc. of said Republic.

SEC. 3. *And be it further enacted*, That this act shall continue and be in force during the time that the equality for which it provides shall, in all respects, be reciprocated in the ports of the Republic of Columbia (Colombia;) and if, at any time hereafter, the said equality shall not be reciprocated in the ports of the said Republic, the President may, and he is hereby authorized to, issue his Proclamation, declaring that fact, whereupon this act shall cease and determine.

This act to continue in force during the time that the equality for which it provides be reciprocated in the ports of Colombia, etc.

[*Approved*, 20 *April*, 1826.

PROCLAMATIONS RELATIVE TO COMMERCE AND NAVIGATION.

No. 11.—THE PLASTER TRADE.

By the President of the United States of America. A Proclamation.

U. S. Laws, vol. 6, page 595.

Whereas, by an Act of the lieutenant governor, council, and assembly, of his Britannic majesty's province of Nova Scotia, passed in the year one thousand eight hundred and sixteen, it was, among other things, enacted, that from and after the first day of May, of that year, "no plaster of Paris, otherwise called gypsum, which should be laden or put on board any ship or vessel, at any port or place within the limits of the said province, to be transported from thence to any other port or place within or without the said limits, should, directly or indirectly, be unladen or landed, or put on shore, at any port or place in the United States of America, eastward of Boston, in the State of Massachusetts, nor unladen or put on board any American ship, vessel, boat, or shallop, of any description, at any port or place eastward of Boston aforesaid, under the penalty of the forfeiture of every such ship or vessel from which any such plaster of Paris, or gypsum, should be unladen contrary to the provision of the said act, together with her boats, tackle, apparel, and furniture, to be seized and prosecuted in manner thereinafter, mentioned:"

Reference to the act of the Legislature of Nova Scotia, in 1816, prohibiting the landing of plaster of Paris eastward of Boston.

And whereas, by an act of the Congress of the United States, passed on the third day of March, one thousand eight hundred and seventeen, it was enacted, that, from and after the fourth day of July, then next, no plaster of Paris, the production of any country, or its dependencies, from which the vessels of the United States were not permitted to bring the same articles, should be imported into the United States in any foreign vessel—and that all plaster of Paris imported, or attempted to be imported, into the United States, contrary to the true intent and meaning of the said act of Congress, and the vessel in which the same might be imported, or attempted

Reference to the act of Congress of 3d March, 1817, regulating the importation of plaster of Paris, &c.

to be imported, together with the cargo, tackle, apparel, and furniture, should be forfeited to the United States, and liable to be seized, prosecuted, and condemned, in the manner therein prescribed:

The restrictions imposed by the act of Congress to cease on the discontinuance of the regulations of any foreign nation, &c. upon proclamation of the President.

And whereas, by the said act of Congress, it was further enacted, that the same should continue and be in force five years from the thirty-first day of January, one thousand eight hundred and seventeen: *Provided, nevertheless*, That if any foreign nation or its dependencies, which, at the time of the passage of the said act of Congress, had in force regulations on the subject of the trade in plaster Paris, prohibiting the exportation thereof to certain ports of the United States, should discontinue such regulations, the President of the United States was thereby authorized to declare that fact by his proclamation; and the restrictions imposed by the said act of Congress should, from the date of such proclamation, cease and be discontinued in relation to the nation or its dependencies discontinuing such regulations:

The Legislature of Nova Scotia has repealed its act of 1816, &c.

And whereas an act of the lieutenant governor, council, and assembly, of his Britannic majesty's province of Nova Scotia, repealing the abovementioned act of the said province, passed in the year one thousand eight hundred and sixteen, has been officially communicated by his said majesty's envoy extraordinary and minister plenipotentiary to this government:

And the regulations under it have been discontinued.

And whereas, by the said repealing act of the said province of Nova Scotia, one of the dependencies of the united kingdom of Great Britain and Ireland, the regulations at the time of the passage of the said act of Congress, in force in the said province, on the subject of the trade in plaster of Paris, prohibiting the exportation thereof to certain ports of the United States, have been and are discontinued:

Proclamation.

Now, therefore, I, James Monroe, President of the United States of America, do, by this my proclamation, declare that fact, and that the restrictions imposed by the said act of Congress do, from the date hereof, cease, and are discontinued, in relation to his Britannic majesty's said province of Nova Scotia.

Restrictions cease.

Given under my hand, at the City of Washington, this twenty-third day of April, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-second year of the Independence of the United States.

By the President: JAMES MONROE.

JOHN QUINCY ADAMS, *Secretary of State.*

No. 12.

By the President of the United States. A Proclamation.

U. S. Laws, vol. 6, page 598.

The regulations in the province of New Brunswick, prohibiting the exportation of plaster of Paris to certain ports of the U.

Whereas it appears, by a proclamation of the Lieutenant Governor of his Britannic Majesty's province of New Brunswick, bearing date the tenth day of April last, and officially communicated by his envoy extraordinary and minister plenipotentiary, residing in the United States, to this government, that the regulations on the subject of the trade in plaster of

Paris, prohibiting the exportation thereof to certain ports of the United States, which were in force in the said province at the time of the enactment of the act of the Congress of the United States, entitled "An act to regulate the trade in plaster of Paris," passed on the third day of March, one thousand eight hundred and seventeen, have been and are discontinued: States, discontinued.

Now, therefore, I, James Monroe, President of the United States, do hereby declare that fact, and that the restrictions imposed by the said act of Congress shall, from the date hereof, cease and be discontinued in relation to the said province of New Brunswick. The restrictions imposed by the act of Congress cease.

Given under my hand, at the City of Washington, this fourth day of July, in the year of our Lord one thousand eight hundred and eighteen, and the forty-third year of the Independence of the United States.

By the President: JAMES MONROE.

JOHN QUINCY ADAMS, *Secretary of State.*

No. 13.—THE WEST INDIA TRADE.

By the President of the United States of America. A Proclamation.

Whereas, by the 6th section of an act of Congress, entitled "An act to regulate the commercial intercourse between the "United States and certain British Colonial ports," which was approved on the first day of March, in the year of our Lord, 1823, it is enacted "that this act unless repealed, al- "tered, or amended by Congress, shall be and continue in "force so long as the above enumerated British Colonial ports "shall be open to the admission of the vessels of the United "States conformably to the provisions of the British act of "Parliament, of the 24th of June last, being the forty-fourth "chapter of the acts of the third year of George the Fourth: "But if, at any time, the trade and intercourse between the "United States, and all, or any, of the above enumerated "British Colonial ports, authorized by the said act of Parlia- "ment, should be prohibited by a British Order in Council, "or by act of Parliament, then, from the day of the date "of such Order in Council, or act of Parliament, or from the "time that the same shall commence to be in force, procla- "mation to that effect having been made by the President of "the United States, each and every provision of this act, so "far as the same shall apply to the intercourse between the "United States, and the above enumerated British Colonial "ports, in British vessels, shall cease to operate in their fa- "vor; and each and every provision of the 'Act concerning "Navigation approved on the 18th of April, 1818, and of the "act supplementary thereto, approved on the 15th of May, "1820, shall revive, and be in full force." Provisions of the act of Mar. 1, 1823, recited.

And whereas, by an act of the British Parliament, which passed on the 5th day of July, in the year of our Lord, 1825, entitled "An act to repeal the several laws relating to the "Customs," the said act of Parliament of the 24th of June, 1822, was repealed, and by another act of the British Parlia-

ment, passed on the 5th day of July, in the year of our Lord, 1825, in the sixth year of the reign of George the Fourth, entitled "An act to regulate the trade of the British possessions abroad," and by an Order of His Britannic Majesty in Council, bearing date the 27th of July, 1826, the trade and intercourse authorized by the aforesaid act of Parliament, of the 24th of June, 1822, between the United States, and the greater part of the said British Colonial ports therein enumerated, have been prohibited, upon and from the first day of December last past, and the contingency has thereby arisen on which the President of the United States was authorized by the sixth section aforesaid of the act of Congress of 1st March, 1823, to issue a proclamation to the effect therein mentioned;

Contingency arisen for enforcing restrictions.

Proclamation.

Now, therefore, I, John Quincy Adams, President of the United States of America, do hereby declare and proclaim that the trade and intercourse authorized by the said act of Parliament of the the 24th of June, 1822, between the United States and the British Colonial ports enumerated in the aforesaid act of Congress of the first of March, 1823, have been, and are, upon and from the first day of December 1826, by the aforesaid two several acts of parliament of the 5th of July 1825, and by the aforesaid British Order in Council, of the 27th day of July, 1826, prohibited.

Given under my hand at the City of Washington, this 17th day of March, in the year of our Lord 1827, and the fifty-first of the Independence of the United States.

By the President: JOHN QUINCY ADAMS.

H. Clay, *Secretary of State.*

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* See page 266.

CLAIMS UNDER THE ST. PETERSBURG CONVENTION.*

No. 14.—*An act to provide for the adjustment of claims of persons entitled to indemnification under the first article of the Treaty of Ghent, and for the distribution, among such claimants, of the sum paid, and to be paid, by the Government of Great Britain, under a Convention between the United States and his Britannic Majesty, concluded at London on the thirteenth of November, one thousand eight hundred and twenty-six.*

President to appoint three commissioners and one clerk.

Sec. 1. *Be it enacted, &c.* That the President of the United States shall be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint three Commissioners and one Clerk, who shall constitute a Commission, to carry into effect the purposes of this act.

Record, &c. constituting the mixed commission under the treaty of Ghent, to be delivered to them.

Sec. 2. *And be it further enacted,* That all records, documents, and other papers, which were in possession of the Commissioners constituting the mixed commission under the Treaty of Ghent, so far as the same are under the control of the Government of the United States, shall be delivered to the Commissioners under this act.

Said commissioners and clerk

Sec. 3. *And be it further enacted,* That the said Commissioners, or a majority of them, with their Clerk, shall convene

in the City of Washington on the tenth day of July next, and shall proceed to execute the duties of their commission, and the Secretary of State shall be, and he is hereby, authorized and required, forthwith, after the passing of this act, to give a notice of the said intended meeting, to be published in one or more public gazettes in the City of Washington, and in the States from which the property of claimants who have heretofore registered their claims, shall have been taken.

to convene at Washington on the 10th of July next.

SEC. 4. *And be it further enacted*, That the said Commissioners shall proceed, immediately after their meeting in the City of Washington, with all convenient despatch, to arrange and docket the several claims, and to consider the evidence which shall have been, or which may be, offered by the respective claimants, allowing such further time for the production of such further evidence as they may require, as they shall think reasonable and just; and they shall thereupon proceed to determine the said claims, and to award distribution of the said fund among the several claimants, according to their respective rights.

Claims to be arranged and docketed with all convenient despatch.

SEC. 5. *And be it further enacted*, That the said Commissioners shall be, and they are hereby, authorized and empowered to make all needful rules and regulations not contravening the laws of the land, the provisions of this act, or the provisions of the said Treaty and Convention, for carrying their said commission into full and complete effect.

Power given said commissioners.

SEC. 6. *And be it further enacted*, That the said Commissioners shall be entitled to, and allowed the sum of, three thousand dollars per annum, each; and the Clerk of the said Commission shall be entitled to, and allowed the sum of, one thousand five hundred dollars per annum during the continuance of the said commission; and the President of the United States shall be, and he is hereby, authorized to make such provisions for the incidental expenses of the said commission as shall appear to him reasonable and proper; and the said salaries and expenses shall be paid out of any money in the Treasury not otherwise appropriated.

To receive as a salary $3,000 per ann. each; and the clerk $1,500.

SEC. 7. *And be it further enacted*, That the said Commissioners and Clerk, shall severally take an oath for the faithful performance of the duties of their respective offices.

Oath required of them.

SEC. 8. *And be it further enacted*, That the Commission hereby created shall not continue after the end of the next session of Congress.

Commission not to continue after the end of the next session of Congress.

SEC. 9. *And be it further enacted*, That 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 twelve hundred and four thousand nine hundred and sixty dollars, shall be made out of any moneys in the Treasury not otherwise appropriated; that is to say: so soon, and as often, as any of the said claims shall be adjudged to be valid, and the principal amount shall be ascertained, there shall be paid on such claims, respectively, a sum equal to seventy-five per centum of the principal sums thereof, so ascertained; and at the termination of the time hereby fixed for the disso-

Payment of claims admitted by them, to an amount not exceeding $1,204,960, to be paid from the Treasury.

lution of the Board, or such earlier dissolution thereof as may be determined upon by the Board itself, after it shall have examined and decided upon all the claims aforesaid, the balance of all such sums as shall be adjudged to the claimants, shall be paid: *Provided*, The whole sum adjudged or awarded to them, collectively, shall not exceed the aforesaid sum of twelve hundred and four thousand nine hundred and sixty dollars; and if the whole sum adjudged or awarded shall exceed that amount, the claimants shall, respectively, receive in proportion to the sums awarded to them, respectively, a part of the balance thereof remaining for distribution.

Proviso: whole sum awarded to claimants not to exceed the sum of $1,204,960.

All moneys already received, under the convention of 13th November, '26, to be paid into the Treasury.

SEC. 10. *And be it further enacted*, That all monies already received, and all which shall hereafter be received, under the Convention aforesaid, signed at London on the thirteenth of November, one thousand eight hundred and twenty six, shall be paid into the Treasury of the United States.

Records, documents, etc. to be deposited in the Department of State.

SEC. 11. *And be it further enacted*, That as soon as the said Commission shall be executed and completed, the records, documents, and all other papers in the possession of the Commission, or its officers, shall be deposited in the office of the Secretary of State.

Claims deposited in the Dep't of State, and, by mistake, omitted to be placed on the definitive list delivered to the former commissioners, to be entitled to all the rights and benefits.

SEC. 12. *And be it further enacted*, That all claims which were deposited in the Department of State, and by mistake omitted to be placed on the definitive list delivered to the former Commissioners, shall be, and are hereby, required to be added thereto; and the said claimants shall be entitled to the same rights and benefits as if such claims had been placed on the said definitive list, in terms of the third article of the Convention concluded at Saint Petersburg, on the twelfth day of July, eighteen hundred and twenty-two.

[*Approved*, 2d *March*, 1827.]

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* See note at page 132.

CERTAIN FRENCH TREATIES NOT LEGALLY OBLIGATORY.*

No. 15.—*An act to declare the treaties heretofore concluded with France no longer obligatory on the United States.*

U. S. Laws, vol. 3, page 76.

Obsolete. See the Convention, No. 5, page 82.

Whereas the treaties concluded between the United States and France have been repeatedly violated on the part of the French government; and the just claims on the United States for reparation of the injuries so committed have been refused, and their attempts to negotiate an amicable adjustment of all complaints between the two nations, have been repelled with indignity: and whereas, under authority of the French government, there is yet pursued against the United States, a system of predatory violence, infracting the said treaties, and hostile to the rights of a free and independent nation.

Treaties and conventions no longer obligatory.

SEC. 1. *Be it enacted*, &c. That the United States are of right freed and exonerated from the stipulations of the treaties, and of the consular convention, heretofore concluded between the United States and France; and that the same shall not henceforth be regarded as legally obligatory on the government or citizens of the United States. [*Approved, July 7*, 1798.]

No. 16.—*An act for carrying into effect the Convention of Navigation and Commerce between the United States and France, concluded at Washington, on the twenty fourth day of June, eighteen hundred and twenty-two.*

* See page 126.

U. S. Laws, 17th Congress, 2d Session.

Act of 15 May, 1820, respecting duty on French vessels, repealed.

SEC. 1. *Be it enacted, &c.* That the act to impose a new tonnage duty on French ships and vessel, approved on the fifteenth day of May, one thousand eight hundred and twenty, be, and the same is hereby, repealed.

From and after the 30th of September last, French goods imported in French vessels to pay an additional duty of $3 75 cts. per ton.

SEC. 2. *And be it further enacted,* That for the term of two years, from and after the thirtieth day of September last, articles of the growth, produce or manufacture, of France, imported into the United States, in French vessels, shall pay an additional duty of three dollars and seventy-five cents perton of merchandise, according to the tenor of the Convention of Navigation and commerce between the United States and France, concluded on the twenty-fourth day of June, one thousand eight hundred and twenty-two, over and above the duties collected upon the like articles, also of the growth, produce or manufacture, of France, when imported in vessels of the United States: *Provided always,* That no discriminating duty shall be levied upon the productions of the soil or industry of France, imported in French bottoms, into the ports of the United States, for transit or re-exportation.

Proviso.

At the expiration of two y'rs, extra duties to be diminished one-fourth of the whole am't, and so from y'r to year.

SEC. 3. *And be it further enacted,* That, from and after the expiration of two years from the said thirtieth day of September last, in case of the continuance in force of the said Convention and so long as the same shall continue in force, the extra duties, specified in the second section of this act, shall, from and after the said thirtieth day of September, one thousand eight hundred and twenty-four be diminished by one-fourth of the whole amount; and, afterwards, by one-fourth of said amount, from year to year, so long as neither of the parties to the said Convention shall have declared the intention of renouncing the same in the manner therein provided, and until the whole of such discriminating and extra duty shall have been done away.

Tonnage duty, light money, &c. on French vessels, not to exceed 9½ cents per ton of the vessel's French passport.

SEC. 4. *And be it further enacted,* That during the continuance in force of the said Convention, the duties of tonnage, light money, pilotage, port charges, brockerage, [brokerage,] and all other duties, upon foreign shipping, over and above those paid by vessels of the United States, other than those specified in the second section of this act, shall not exceed, for French vessels in the ports of the United States, ninety-four cents per ton of the vessel's French passport.

Extra duties levied before 24th June last, to be refunded.

SEC. 5. *And be it further enacted,* That the Secretary of the Treasury be, and he is hereby, authorized to cause to be refunded, from any moneys in the Treasury not otherwise appropriated, any extra duties levied before the twenty-fourth day of June last, by virtue of the act of Congress of the fifteenth of May, one thousand eight hundred and twenty, imposing a new tonnage duty on French ships or vessels.

Upon ratification of the se-

SEC. 6. *And be it further enacted,* That, if the second separate article of the said Convention, concluded on the twenty-

cond separate article of the Convention, the extra duties to be levied only on the excess of value of imports over that of exports.

fourth of June last, should be ratified by both the contracting parties thereto, and the ratification thereof should be exchanged, on or before the twenty third day of June next, then, from and after the expiration of two months, subsequent to the said exchange of ratifications, and during the continuance in force of the said separate article, the extra duties specified in the second section of this act shall be levied only upon the excess of value of the merchandise imported into the United States in any French vessel, over the value of the merchandise exported from the United States in the same vessel, upon the same voyage; so that, if the value of the articles exported shall equal or exceed that of the articles imported in the same vessel, (not including articles imported for transit or re-exportation,) no such extra duties shall be levied; and if the articles exported are less in value than those imported, the extra duties shall be levied only upon the amount of difference of their value.

Acts incompatible with the Convention repealed.

SEC. 7. *And be it further enacted;* That all acts, or parts of acts of Congress, incompatible with the execution of each and every article of the said Convention, concluded on the twenty-fourth of June last, and of its ratified separate article, be and the same are hereby repealed.

[*Approved, March* 3, 1823.]

APPREHENSION AND DELIVERY OF FRENCH DESERTERS.

No. 17.—*An act to provide for the apprehension and delivery of deserters from French ships in the ports of the United States.*

U. S. Laws, 19th Congress, 1st Session.

On application of a Consul or Vice-Consul, in writing, deserters shall be delivered up.

SEC. 1. *Be it enacted, &c.* That, on the application of a Consul or Vice Consul of France, made in writing, stating that the person therein named has deserted from a public or private vessel of France, while in any ports of the United States, and on proof, by the exhibition of the register of the vessel, ship's roll, or other official document, that the person named belonged, at the time of desertion, to the crew of said vessel, it shall be the duty of any court, judge, justice, or other magistrate, having competent power to issue warrants, to cause the said person to be arrested for examination; and if, on the examination, the facts stated are found to be true, the person arrested, not being a citizen of the United States, shall be delivered up to the Consul or Vice Consul, to be sent back to the dominions of France; or, on the request, and at the expence of the said Consul or Vice Consul, shall be detained, until the Consul or Vice Consul finds an opportunity to send him back to the dominions of France: *Provided nevertheless,* That no person shall be detained more than three months after his arrest, but at the end of that time shall be set at liberty, and shall not be again molested, for the same cause.

Proviso—not to be detained more than three months after arrest.

Act to be in force so long as the Convention of June 24, '22, remains obligatory.

SEC. 2. *And be it further enacted,* That this act shall continue in force, so long as the Convention of the twenty fourth of June, eighteen hundred and twenty-two, between the United States and France, shall be mutually obligatory on the parties to it, and no longer. [*Approved, May* 4, 1826.]

EXTRACTS FROM HERTSLET'S TREATIES AND CONVENTIONS, BETWEEN GREAT BRITAIN AND OTHER POWERS.

[Desirous of embracing every material point, connected with the object of this work, it has been deemed proper to introduce extracts from the several Conventions of *Commerce* and *Navigation*, as at present subsisting between some of the leading Powers in Europe; from a source, probably, not at all times within the reach of the statesman, or diplomatist. We have selected those parts of Foreign Treaties, only, that are most likely to be useful, or interesting, to this country, in conducting its intercourse with Foreign Nations; and, at the same time we have endeavored to preserve their principal features, in order to show the basis, on which these conventions (framed about the period of the pacification of Europe in 1815,) appear to be established: moreover, as a commercial community, and from our geographical position in America, it must be admitted that we have a deep interest, in many of the provisions of the following public documents, and, of course, they are appropriately added to this work:]

AUSTRIA.

Declaration of the Powers, on the Abolition of the Slave Trade, of the 8th February, 1815.

The Plenipotentiaries of the Powers who signed the Treaty of Paris of the 30th May, 1814, assembled in conference:

Having taking into consideration that the commerce, known by the name of "the Slave Trade," has been considered by just and enlightened men of all ages, as repugnant to the principles of humanity and universal morality; that the particular circumstances from which this commerce has originated, and the difficulty of abruptly arresting its progress, may have concealed, to a certain extent what was odious in its continuance; but that at length the public voice, in all civilized countries, calls aloud for its prompt suppression; that since the character and the details of this traffic have been better known, and the evils of every kind which attend it, completely developed, several European Governments have, virtually, come to the resolution of putting a stop to it, and that, successively, all the Powers possessing Colonies in different parts of the world have acknowledged, either by Legislative Acts, or by Treaties, or other formal engagements, the duty and necessity of abolishing it:

That by a separate Article of the late Treaty of Paris, Great Britain and France engaged to unite their efforts at the Congress of Vienna, to induce all the Powers of Christendom to proclaim the universal and definitive Abolition of the Slave Trade:

That the Plenipotentiaries assembled at this Congress cannot do greater credit to their mission, better fulfil their duty, and manifest the principles which actuate their august Sovereigns, than by endeavouring to carry this engagement into effect, and by proclaiming, in the name of their Sovereigns, their wish of putting an end to a scourge, which has so long desolated Africa, degraded Europe, and afflicted humanity:

The said Plenipotentiaries have agreed to open their deliberations, on the means of accomplishing so salutary an object, by a solemn declaration of the principles which have governed them in this undertaking; accordingly, being duly authorized for this purpose, by the unanimous accession of their respective Courts to the principle laid down in the said separate Article of the Treaty of Paris; they declare, in the face of Europe, that, considering the universal abolition of the Slave Trade as a measure particularly worthy of their attention, conformable to the spirit of the times, and to the generous principles of their august Sovereigns, they are animated with the sincere desire of concurring in the most prompt and effectual execution of this measure, by all the means at their disposal, and of acting in the employment of these means, with all the zeal and perseverance which is due to so great and noble a cause.

Too well acquainted, however with the sentiments of their Sovereigns, not to perceive, that, however honorable may be their views, they cannot be attained without due regard to the interests, the habits, and even the prejudices of their subjects; the said Plenipotentiaries at the same time acknowledge that this general Declaration cannot prejudge the period that each particular Power may consider as most advisable for the definitive abolition of the Slave Trade. Consequently, the determining the period when this trade is to cease universally, must be a subject of negociation between the Powers; it being understood, however, that no proper means of securing its attainment, and of accelerating its progress; are to be neglected; and that the engagement, reciprocally contracted in the present Declaration, between the Sovereigns who are parties to it, cannot be considered as completely fulfilled, until the period when complete success shall have crowned their united efforts.

In communicating this Declaration to the knowledge of Europe, and of all civilized countries, the said Plenipotentiaries hope to prevail on every other Government, and particularly on those, which, in abolishing the Slave Trade, have already manifested the same sentiments, to give them their support in a cause, the final triumph of which will be one of the noblest monuments of the age which embraced it, and which shall have brought it to a glorious termination.

Vienna, the 8th of February 1815.

Signed	CASTLEREAGH.	PALMELLA.
	STEWART, Lieut. Gen.	SALDANHA.
	WELLINGTON.	LOBO.
	NESSELRODE.	HUMBOLDT.
	C. LOWENHIELM.	METTERNICH.
	GOMEZ LABRADOR.	TALLEYRAND.

Definitive Treaty between Great Britain and France (and Spain.) Signed at Paris, the 10th February, 1763.

EXTRACT. *(Translation.)*

V.* The subjects of France shall have the liberty of fishing and drying, on a part of the coasts of the Island of Newfoundland, such as it is specified in Article XIII of the Treaty of Utrecht; which Article is renewed and confirmed by the present Treaty (except what relates to the Island of Cape Breton, as well as to the other Islands and coasts in the mouth and in the Gulph of St. Lawrence. And His Britannic Majesty consents to leave to the subjects of the Most Christian King the liberty of fishing in the Gulph St. Lawrence, on condition that the subjects of France, do not exer-

* Renewed by Article VI. of the Treaty of Versailles, 1783.

cise the said fishery, but at the distance of three leagues from all the coasts belonging to Great Britain, as well those of the continent, as those of the islands situated in the said Gulph St. Lawrence. And as to what relates to the fishery on the Coast of the Island of Cape Breton out of the said Gulph, the subjects of the Most Chistian King shall not be permitted to exercise the said fishery, but at the distance of fifteen leagues from the coast of the Island of Cape Breton; and the fishery on the coasts of Nova Scotia or Acadia, and every where else out of the said Gulph, shall remain on the footing of former Treaties.

VI. The King of Great Britain cedes the Islands of St. Pierre and Miquelon, in full right, to His Most Christian Majesty, to serve as a shelter to the French fishermen: and His said Most Christian Majesty, engages not to fortify the said Islands; to erect no buildings upon them, but merely for the convenience of the fishery; and to keep upon them a guard of fifty men only for the police.

Done at Paris the 10th of February, 1763.

BEDFORD, C. P. S. (L. S.) CHOISEUL, DUC DE PRASLIN, (L. S.) EL MARQ. DE GRIMALDI, (L. S.)

*Definitive Treaties between Great Britain and France. Signed at Versailles, 3d of September, 1783.**

EXTRACT. *(Translation, as laid before Parliament.)*

IV. His Majesty the King of Great Britain is maintained in His right to the Island of Newfoundland, and to the adjacent Islands, as the whole were assured to Him by the Thirteenth Article of the Treaty of Utrecht; excepting the Islands of St. Pierre and Miquelon, which are ceded in full right, by the present Treaty, to His Most Christian Majesty.

V. His Majesty the Most Christian King, in order to prevent the quarrels which have hitherto arisen between the two Nations of England and France, consents to renounce the right of fishing, which belongs to Him in virtue of the aforesaid Article of the Treaty of Utrecht, from Cape Bonavista to Cape St. John, situated on the eastern coast of Newfoundland, in fifty degrees North latitude, and His Majesty the King of Great Britain consents on His part, that the fishery assigned to the subjects of His Most Christian Majesty, beginning at the said Cape St. John, passing to the north, and descending by the western coast of the Island of Newfoundland, shall extend to the place called Cape Raye, situated in forty-seven degrees, fifty minutes latitude. The French fishermen shall enjoy the fishery which is assigned to them by the present Article, as they had the right to enjoy that which was assigned to them by the Treaty of Utrecht.

IV. With regard to the fishery in the Gulph of St. Lawrence, the French shall continue to exercise it conformably to the fifth Article of the Treaty of Paris.

Done at Versailles, the 3d of September, 1783.

Signed MANCHESTER, (L. S.) GRAVIER DE VERGENNES, (L. S.)

British Declaration, signed at Versailles, 3d of September, 1783.

EXTRACT.

The King having entirely agreed with His Most Christian Majesty upon the Articles of the Definitive Treaty, will seek every means which shall not only ensure the execution thereof, with His accustomed good faith and

* Renewed by Article XIII. of the Definitive Treaty of Paris, 1814.

punctuality, but will besides give, on His part, all possible efficacy to the principles which shall prevent even the least foundation of dispute for the future.

To this end, and in order that the fishermen of the two nations may not give cause for daily quarrels, His Britannic Majesty will take the most positive measures for preventing His subjects from interrupting, in any manner, by their competition, the fishery of the French, during the temporary exercise of it which is granted to them upon the coasts of the island of Newfoundland; and He will, for this purpose, cause the fixed settlements which shall be formed there, to be removed. His Britannic Majesty will give orders, that the French fishermen be not incommoded in cutting the wood necessary for the repair of their scaffolds, huts, and fishing vessels.

The Thirteenth Article of the Treaty with Utrecht, and the method of carrying on the fishery which has at all times been acknowledged, shall be the plan upon which the fishery shall be carried on there; it shall not be deviated from by either party; the French fishermen building only their scaffolds, confining themselves to the repair of their fishing vessels, and not wintering there; the subjects of His Britannic Majesty, on their part, not molesting, in any manner, the French fishermen, during their fishing, nor injuring their scaffolds during their absence.

The King of Great Britain, in ceding the Islands of St. Pierre and Miquelon to France, regards them as ceded for the purpose of serving as a real shelter to the French fishermen, and in full confidence that these possessions will not become an object of jealousy between the two nations; and that the fishery between the said Islands, and that of Newfoundland, shall be limited to the middle of the channel.

Given at Versailles, the 3d of September, 1783.

Signed MANCHESTER, (L. S.)

French Counter-Declaration, signed at Versailles, the 3d of September, 1783.

EXTRACT.

The principles which have guided the King, in the whole course of the negotiations which preceded the re-establishment of peace, must have convinced the King of Great Britain, that His Majesty, has had no other design than to render it solid and lasting, by preventing as much as possible, in the four quarters of the world, every subject of discussion and quarrel. The King of Great Britain undoubtedly places too much confidence in the uprightness of His Majesty's intentions, not to rely upon His constant attention to prevent the Islands of St. Pierre and Miquelon from becoming an object of jealousy between the two nations.

As to the fishery on the coasts of Newfoundland, which has been the object of the new arrangements settled by the two Sovereigns upon this matter, it is sufficiently ascertained by the fifth Article of the Treaty of Peace signed this day, and by the Declaration likewise delivered to day, by His Britannic Majesty's Ambassador extraordinary and Plenipotentiary: and His Majesty declares, that He is fully satisfied on this head.

In regard to the fishery between the Island of Newfoundland, and those of St. Pierre and Miquelon, it is not to be carried on, by either party, but to the middle of the channel, and His Majesty will give the most positive orders, that the French fishermen shall not go beyond this line. His Majesty is firmly persuaded that the King of Great Britain will give like orders to the English fishermen.

Given at Versailles, the 3d of September, 1783.

Signed GRAVIER DE VERGENNES.

Definitive Treaty between Great Britain and France. Signed at Paris, the 30th day of May, 1814*.

EXTRACT.

I. There shall be from this day forward perpetual peace and friendship between His Britannic Majesty and His Allies on the one part, and His Majesty the King of France and Navarre on the other, their heirs and successors, their dominions and subjects, respectively.

V. The navigation of the Rhine, from the point where it becomes navigable unto the sea, and vice versâ, shall be free, so that it can be interdicted to no one:—and at the future Congress, attention shall be paid to the establishment of the principles according to which the duties to be raised by the States bordering on the Rhine may be regulated, in the mode the most impartial, and the most favorable to the commerce of all nations.

The future Congress, with a view to facilitate the communication between nations, and continually to render them less strangers to each other, shall likewise examine and determine in what manner the above provision can be extended to the other rivers which, in their navigable course, separate or traverse different States.*

VII. The Island of Malta and its dependencies shall belong in full right and Sovereignty to His Britannic Majesty.

VIII. His Britannic Majesty, stipulating for Himself and His Allies, engages to restore to His Most Christian Majesty, within the term which shall be hereafter fixed, the colonies, fisheries, factories and establishments of every kind, which were possessed by France on the 1st of January, 1792, in the seas and on the continents of America, Africa, and Asia; with the exception however of the Islands of Tobago and St. Lucia and of the Isle of France and its dependencies, especially Rodrigues and the Séchelles, which several colonies and possessions His Most Christian Majesty cedes in full right and Sovereignty to His Britannic Majesty, and also the portion of St. Domingo ceded to France by the Treaty of Basle, and which His Most Christian Majesty restores in full right and Sovereignty to His Catholic Majesty.

IX. His Majesty the King of Sweden and Norway, in virtue of the arrangements stipulated with the Allies, and in execution of the preceding Article, consents that the Island of Guadaloupe be restored to His Most Christian Majesty, and gives up all the rights He may have acquired over that island.

X. Her Most Faithful Majesty in virtue of the arrangements stipulated with Her Allies and in execution of the 8th Article, engages to restore French Guyana as it existed on the 1st of January, 1792, to His Most Christian Majesty, within the term hereafter fixed.

The renewal of the dispute which existed at that period on the subject of the frontier, being the effect of this stipulation, it is agreed that that dispute shall be terminated by a friendly arrangement between the two Courts, under the mediation of His Britannic Majesty.

XI. The places and forts in those colonies and settlements, which, by virtue of the 8th, 9th, and 10th Articles, are to be restored to His Most Christian Majesty, shall be given up in the state in which they may be at the moment of the signature of the present Treaty.

XII. His Britannic Majesty guarantees to the subjects of His Most Christian Majesty the same facilities, privileges, and protection, with respect to commerce, and the security of their persons and property within

* Confirmed by Article XI. of the Definitive Treaty 20 November, 1815.

the limits of the British Sovereignty on the Continent of India, as are now or shall be granted to the most favoured nations.

His Most Christian Majesty, on His part, having nothing more at heart than the perpetual duration of Peace between the two Crowns of England and of France, and wishing to do His utmost to avoid any thing which might affect their mutual good understanding, engages not to erect any fortifications in the establishments which are to be restored to Him within the limits of the British Sovereignty upon the Continent of India, and only to place in those establishments the number of troops necessary for the maintainance of the police.

XIII. The French right of fishery upon the great bank of Newfoundland, upon the coast of the islands of that name, and of the adjacent islands in the Gulph of St. Lawrence, shall be replaced upon the footing in which it stood in 1792.

XIV. Those colonies, factories, and establishments, which are to be restored to His Most Christian Majesty by His Britannic Majesty or His Allies, in the Northern Seas, or in the Seas and on the Continents of America and Africa, shall be given up within the three months, and those which are beyond the Cape of Good Hope, within the six months which follow the ratification of the present Treaty.

XV. Antwerp shall for the future be solely a commercial port.

XVI. The high Contracting Parties, desirous to bury in entire oblivion the dissensions which have agitated Europe, declare and promise that no individual, of whatever rank or condition he may be, in the countries restored and ceded by the present Treaty, shall be prosecuted, disturbed or molested, in his person or property, under any pretext whatsoever, either on account of his conduct or political opinions, his attachment either to any of the Contracting Parties, or to any Government which has ceased to exist, or for any other reason, except for debts contracted towards individuals, or acts posterior to the date of the present Treaty.

XVII. The native inhabitants and aliens, of whatever nation or condition they may be, in those countries which are to change Sovereigns, as well in virtue of the present Treaty as of the subsequent arrangements to which it may give rise, shall be allowed a period of six years, reckoning from the exchange of the ratifications, for the purpose of disposing of their property, if they think fit, whether it be acquired before or during the present war, and retiring to whatever country they may choose.

XVIII. The Allied Powers, desiring to offer His Most Christian Majesty a new proof of their anxiety to arrest, as far as in them lies, the bad consequences of the disastrous epoch fortunately terminated by the present peace, renounce all the sums which their governments claim from France, whether on account of contracts, supplies, or any other advances whatsoever to the French Government, during the different wars which have taken place since 1792.

His Most Christian Majesty, on His part, renounces every claim which He might bring forward against the Allied Powers on the same grounds. In execution of this Article, the high Contracting Parties engage reciprocally to deliver up all titles, obligations, and documents, which relate to the debts They may have mutually cancelled.

XIX. The French Government engages to liquidate and pay all debts it may be found to owe in countries beyond its own territory, on account of contracts, or other formal engagements between individuals, or private establishments, and the French Authorities, as well for supplies, as in satisfaction of legal engagements.

XX. The high Contracting Parties, immediately after the exchange of the ratifications of the present Treaty, shall name commissioners to direct and superintend the execution of the whole of the stipulations contained in the 18th and 19th Articles. These Commissioners shall undertake the examination of the claims referred to in the preceding Article, the liquidation of the sums claimed, and the consideration of the manner in which the French Government may propose to pay them. They shall also be charged with the delivery of the titles, bonds, and the documents relating to the debts which the high Contracting Parties mutually cancel, so that the approval of the result of their labors shall complete that reciprocal renunciation.

XXI. The debts which in their origin were specially mortgaged upon the countries no longer belonging to France, or were contracted for the support of their internal administration, shall remain at the charge of the said countries. Such of those debts as have been converted into inscriptions in the great book of the public debt of France, shall accordingly be accounted for with the French Government after the 22d of December, 1813.

The deeds of all those debts which have been prepared for inscription, and have not yet been entered, shall be delivered to the Governments of the respective countries. The statement of all these debts shall be drawn up and settled by a joint commission.

XXII. The French Government shall remain charged with the reimbursement of all sums paid by the subjects of the said countries into the French coffers, whether under the denomination of surety, deposit, or consignment.

In like manner all French subjects, employed in the service of the said countries, who have paid sums under the denomination of surety, deposit, or consignment, into their respective territories, shall be faithfully reimbursed.

XXIII. The functionaries holding situations requiring securities, who are not charged with the expenditure of public money shall be reimbursed at Paris, with the interest, by fifths and by the years dating from the signature of the present Treaty. With respect to those who are accountable, this reimbursement shall commence, at the latest, six months after the presentation of their accounts, except only in case of malversation. A copy of the last account shall be transmitted to the Government of their countries, to serve for their information and their guidance.

XXIV. The judicial deposits and consignments upon the "*caisse d' amortissement*," in the execution of the law of 28 Nivose, year 13, (18 Jan. 1805,) and which belong to the inhabitants of Countries France ceases to possess, shall, within the space of one year from the exchange of the ratifications of the present Treaty, be placed in the hands of the Authorities of the said countries, with the exception of those deposits and consignments interesting French subjects, which last will remain in the "*caisse d' amortissement*," and will only be given up on the production of the vouchers, resulting from the decision of competent authorities.

XXV. The funds deposited by the corporations and public establishments in the "*caisse de service*" and in the "*caisse d'amortissement*," or other "*caisse*," of the French Government, shall be reimbursed by fifths, payable from year to year, to commence from the date of the present Treaty; deducting the advances which have taken place, and subject to such regular charges as may have been brought forward against these funds by the creditors of the said corporations, and the said public establishments.

XXVI. From the first day of January, 1814, the French Government shall cease to be charged with the payment of pensions, civil, military and

ecclesiastical, pensions for retirement, and allowances for reduction, to any individual who shall cease to be a French subject.

XXVII. National domains acquired for valuable considerations by French subjects in the late departments of Belgium, and on the left bank of the Rhine, and the Alps beyond the ancient limits of France, and which now cease to belong to Her, shall be guaranteed to the purchasers.

XXVIII. The abolition of the "*droits d'Aubaine*," "*de Détraction*," and other duties of the same nature, in the countries which have been formerly incorporated, or which have reciprocally made that stipulation with France, shall be expressly maintained.

XXIX. The French Government engages to restore all bonds, and other deeds which may have been seized in the provinces occupied by the French armies or administrations; and in cases where such restitution cannot be effected, these bonds and deeds become and continue void.

XXX. The sums which shall be due for all works of public utility not yet finished, or finished after the 31st of December, 1812, whether on the Rhine or in the departments detached from France by the present Treaty, shall be placed to the account of the future possession of the territory, and shall be paid by the commission charged with the liquidation of the debts of that country.

XXXI. All archives, maps, plans and documents whatever, belonging to the ceded countries, or respecting their administration, shall be faithfully given up at the same time with the said countries: or if that should be impossible, within a period not exceeding six months after the cession of the countries themselves.

This stipulation applies to the archives, maps and plates, which may have been carried away from the countries during their temporary occupation by the different armies.

XXXIII The present Treaty shall be ratified, and the ratifications shall be exchanged within the period of fifteen days, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed and affixed to it the seals of their arms.

Done at Paris, the 30th of May, in the year of our Lord, 1814.

Signed

CASTLEREAGH, (L. S.) LE PRINCE DE BENEVENT, (L. S.)
ABERDEEN, (L. S.)
CATHCART, (L. S.)
CHARLES STEWART, Lieut. Gen. (L. S.)

An Additional Article to the Definitive Treaty between Great Britain and France. Signed at Paris, 20th November, 1815.

The high Contracting Powers, sincerely desiring to give effect to the measures on which they deliberated at the Congress of Vienna, relative to the complete and universal abolition of the Slave Trade, and having, each in their respective dominions, prohibited, without restriction, their colonies and subjects from taking any part whatever in this traffic, engage to renew conjointly their efforts, with the view of securing final success to those principles which they proclaimed in the declaration of the 4th (8th) of February, 1815 and of concerting without loss of time, through their ministers at the Courts of London and of Paris, the most effectual measures for the entire and definitive abolition of a Commerce so odious and so strongly condemned by the laws of religion and nature.

The present Additional Article shall have the same force and effect as if

it were inserted, word for word, in the Treaty signed this day. It shall be included in the ratification of the said Treaty.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereunto the seals of their arms.

Done at Paris, this 20th day of November, in the year of our Lord, 1815.

Signed CASTLEREAGH, (L. S.) WELLINGTON, (L. S.) Signed RICHELIEU, (L. S.)

Treaty of Peace, between Great Britain and Denmark. Signed at Kiel, 14th January, 1814.

EXTRACT. *(Translation, as laid before Parliament.)*

I. From the moment of the signature of the present Treaty, there shall be peace and friendship between their Majesties the King of the United Kingdom of Great Britain and Ireland, and the King of Denmark, and between their respective Kingdoms, States, and subjects, in all parts of the world. All hostilities between them shall cease, and all prizes taken from the subjects of the respective nations shall be considered as null from the day of the signature of the present Treaty and shall be restored on both sides to their respective owners.

II. The respective prisoners of war shall, immediately after the ratification of the present Treaty, be restored, *en masse*, on payment, on both sides, of the private debts which they shall have contracted.

III. His Majesty the King of the United Kingdom of Great Britain and Ireland consents to restore to His Danish Majesty all the possessions and colonies which have been conquered by the British arms in this present war, except the Island of Heligoland, which His Britannic Majesty reserves to Himself with full and unlimited sovereignty.

IV. The restoring of the colonies shall be performed according to the same rules and principles which were laid down when His Britannic Majesty gave up to His Danish Majesty these same colonies in the year 1801.—With regard to the Island of Anholt, it is agreed that it shall be given back one month after the ratification of the present Treaty, unless the season and the difficulty of navigation should present insurmountable obstacles.

VII. The commercial relations between the subjects of the high Contracting Parties shall again return to the usual order, as existing before the present war began.* They moreover reciprocally agree to adopt measures, as soon as possible, for giving the same greater force and extent.

VIII. His Majesty the King of the United Kingdom of Great Britain and Ireland, and the British nation, being extremely desirous of totally abolishing the Slave Trade, the King of Denmark engages to co-operate with His said Majesty for the completion of so beneficient a work, and to prohibit all His subjects, in the most effectual manner, and by the most solemn laws, from taking any share in such trade.

XI. The sequestrations which have been laid, by either of the Contracting Parties, on property not already confiscated or condemned, shall be raised immediately after the ratification of this Treaty.

XII. His Majesty the King of Sweden having engaged, by Article VI. of the Treaty of Alliance with his Britannic Majesty, concluded at Stockholm, the 3d of March, 1813, to grant for a period of twenty years, to be computed from the exchange of the ratifications of the said Treaty,† to the

* 1807.

† Ratifications exchanged at Stockholm, 7th April, 1813.

subjects of His Britannic Majesty, the privileges of dépôt in the port of Stralsund, of all articles being the growth or manufacture of Great Britain, or of her colonies, laden on board of British or Swedish vessels, on paying a duty of one per cent. ad valorem, on such articles and merchandise, on import and export; His Majesty the King of Denmark promises to fulfil, in His new character of Sovereign of Swedish Pomerania, the said stipulation, by substituting Danish for Swedish bottoms.

XIII. All the ancient Treaties of Peace and Commerce between the former Sovereigns of England and Denmark are hereby renewed in their full extent, so far as they are not contradictory to the stipulations of the present treaty.

Done at Kiel, the 14th January, 1814.

Signed.

EDWARD THORNTON, (L. S.) EDMUND BOURKE, (L. S.)

Convention between Great Britain and the Netherlands. Signed at London, August 13, 1814.

In the Name of the Most Holy and Undivided Trinity.

The United Provinces of the Netherlands, under the favor of Divine Providence, having been restored to their independence, and having been placed by the loyalty of the Dutch people and the achievements of the Allied Powers, under the Government of the Illustrious House of Orange: and His Britannic Majesty being desirous of entering into such arrangements with the Prince Sovereign of the United Netherlands, concerning the Colonies of the said United Netherlands, which have been conquered by His Majesty's arms during the late war, as may conduce to the prosperity of the said States, and may afford a lasting testimony of His Majesty's friendship and attachment to the family of Orange, and to the Dutch nation: the said high Contracting Parties, equally animated by those sentiments of cordial good will and attachment to each other, have nominated Their Plenipotentiaries: namely, His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honorable Robert Stewart, Viscount Castlereagh, one of His said Majesty's Most Honorable Privy Council; a Member of Parliament, Colonel of the Londonderry Regiment of Militia, Knight of the Most Noble Order of the Garter, and His Principal Secretary of State for Foreign Affairs, &c. &c.; and His Royal Highness the Prince of Orange-Nassau, Prince Sovereign of the United Netherlands, His Excellency Henry Fagel, His Ambassador Extraordinary and Plenipotentiary at the Court of His Britannic Majesty:—who, after having exchanged their full Powers, found in good and due from, have agreed to the following Articles:

I. His Britannic Majesty engages to restore to the Prince Sovereign of the United Netherlands, within the term which shall be hereafter fixed, the Colonies, Factories, and establishments which were possessed by Holland at the commencement of the late war, viz. on the 1st of January, 1803, in the Seas and on the Continents of America, Africa and Asia; with the exception of the Cape of Good Hope and the Settlements of Demerara, Essequibo, and Berbice of which possessions the high Contracting Parties reserve to Themselves the right to dispose by a Supplementary Convention, hereafter to be negotiated according to Their mutual interests, and especially with reference to the provisions contained in the 6th and 9th Articles of the Treaty of Peace signed between His Britannic Majesty and His Most Christian Majesty on the 30th of May, 1814.

II. His Britannic Majesty agrees to cede in full Sovereignty the Island of Banca, in the Eastern Seas, to the Prince Sovereign of the Netherlands, in exchange for the Settlement of Cochin and its dependencies on the coast of Malabar, which is to remain in full Sovereignty to His Britannic Majesty.

III. The places and forts in the Colonies and Settlements, which, by virtue of the two preceding Articles, are to be ceded and exchanged by the two high Contracting Parties, shall be given up in the state in which they may be at the moment of the signature of the present Convention.

IV. His Britannic Majesty guarantees to the subjects of His Royal Highness the Prince Sovereign of the United Netherlands, the facilities, privileges, and protection, with respect to commerce and the security of their persons and property within the limits of the British Sovereignty on the Continent of India, as are now or shall be granted to the most favored nations.

His Royal Highness the Prince Sovereign, on His part, having nothing more at heart than the perpetual duration of peace between the Crown of England and the United Netherlands, and wishing to do his utmost to avoid any thing which might affect their mutual good understanding, engages not to erect any fortifications in the Establishments which are to be restored to Him within the limits of the British Sovereignty upon Continent of India, and only to place in those establishments the number of troops necessary for the maintenance of the police.

V. Those colonies, factories, and establishments, which are to be ceded to His Royal Highness the Prince Sovereign of the United Netherlands by His Britannic Majesty, in the Seas or on the Continent of America, shall be given up within three months, and those which are beyond the Cape of Good Hope within the six months which follow the ratification of the present Convention.

VI. The high Contracting Parties, desirous to bury in entire oblivion the dissentions which have agitated Europe, declare and promise, that no individual, of whatever rank or condition he may be, in the countries restored and ceded by the present Treaty, shall be prosecuted, disturbed, or molested in his person or property, under any pretext whatsoever, either on account of his conduct or political opinions, his attachment either to any of the Contracting Parties, or to any Government which has ceased to exist, or for any other reason except for debts contracted towards individuals, or acts posterior to the date of the present Treaty.

VII. The native inhabitants and aliens, of whatever nation or condition they may be, in those countries which are to change Sovereigns, as well in virtue of the present Convention as of the subsequent arrangements to which it may give rise, shall be allowed a period of six years, reckoning from the exchange of the ratifications for the purpose of disposing their property, if they think fit, whether it be acquired before or during the late war, and retiring to whatever country they may choose.

VIII. The Prince Sovereign of the United Netherlands, anxious to cooperate, in the most effectual manner, with His Majesty the King of the United Kingdom of Great Britain and Ireland, so as to bring about the total abolition of the trade in slaves on the coast of Africa, and having spontaneously issued a Decree dated the 15th of June 1814, wherein it is enjoined, that no ships or vessels whatsoever, destined for the trade in slaves, be cleared out or equipped in any of the harbours or places of His Dominions, nor admitted to the forts or possessions on the coast of Guinea, and that no inhabitants of that country shall be sold or exported as slaves,

—does moreover hereby engage to prohibit all His subjects, in the most effectual manner and by the most solemn laws, from taking any share whatsoever in such inhuman traffic.

IX. The present Convention shall be ratified, and the ratifications shall be duly exchanged at London within three weeks from the date thereof, or sooner if possible.

In witness whereof, we the undersigned Plenipotentiaries, in virtue of our respective full Powers, have signed the present Convention, and have affixed thereto the seals of our arms.

Done at London, this 13th day of August, 1814.

Signed CASTLEREAGH, (L. S.) H. FAGEL, (L. S.)

Additional Articles.

I. In order the better to provide for the defence and incorporation of the Belgic Provinces with Holland, and also to provide, in conformity to Article IX of the Treaty of Paris, a suitable compensation for the rights ceded by His Swedish Majesty under the said Article, which compensation, it is understood, in the event of the above reunion, Holland should be liable to furnish, in pursuance of the above stipulations; it is hereby agreed between the high Contracting Parties, that His Britannic Majesty shall take upon Himself, and engage to defray the following charges:

1st. The payment of 1,000,000 sterling to Sweden, in satisfaction of the claims aforesaid, and in pursuance of a Convention this day executed with His Swedish Majesty's Plenipotentiary to that effect, (a copy of which Convention is annexed to these Additional Articles.)

2dly. The advance of 2,000,000 sterling, to be applied, in concert with the Prince Sovereign of the Netherlands, and in aid of an equal sum to be furnished by Him towards augmenting and improving the defences of the Low Countries.

3dly. To bear, equally with Holland, such further charges as may be agreed upon between the said high Contracting Parties and their Allies, towards the final and satisfactory settlement of the Low Countries in union with Holland, and under the dominion of the House of Orange, not exceeding, in whole, the sum 3,000,000 sterling, to be defrayed by Great Britain.

In consideration, and satisfaction of the above engagements, as taken by His Britannic Majesty, the Prince Sovereign of the Netherlands agrees to cede in full Sovereignty to His Britannic Majesty, the Cape of Good Hope, and the Settlements of Demerara, Essequibo and Berbice, upon the condition nevertheless, that the subjects of the said Sovereign Prince, being proprietors in the said Colonies or Settlements, shall be at liberty (under such regulations as may hereafter be agreed upon in a Supplementary Convention) to carry on trade between the said Settlements and the Territories in Europe of the said Sovereign Prince.

It is also agreed between the two high Contracting Parties, that the ships of every kind belonging to Holland, shall have permission to resort freely to the Cape of Good Hope for the purposes of refreshment and repairs, without being liable to other charges than such as British subjects are required to pay.

II. The small district of Bernagore, situated close to Calcutta, being requisite to the due preservation of the peace and police of that city, the

Prince of Orange agrees to cede the said district to His Britannic Majesty, upon a payment of such sum annually to His Royal Highness as may be considered, by Commissioners to be appointed by the respective Governments, to be just and reasonable, with reference to the profits or revenue usually derived by the Dutch Government from the same.

III. The present Additional Articles shall have the same force and validity as if they were inserted word for word in the Convention signed this day. They shall be ratified, and the ratifications shall be exchanged at the same time and place.

In witness whereof, we, the undersigned Plenipotentiaries have signed, and affixed to them the seals of our arms.

Done at London, this 13th day of August, 1814.

Signed CASTLEREAGH, (L. S.) H. FAGEL, (L. S.)

Treaty between Great Britain and the Netherlands. Signed at the Hague, May 4th 1818.

In the Name of the Most Holy Trinity.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, animated with a mutual desire to adopt the most effectual measures for putting a stop to the carrying on of the Slave Trade by their respective subjects, and for preventing their respective flags from being made use of as a protection to this nefarious traffic, by the people of other countries who may engage therein; their said Majesties have accordingly resolved to proceed to the arrangement of a Convention for the attainment of their objects, and have therefore named as Plenipotentiaries, *ad hoc.*

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honorable Richard Earl of Clancarty Viscount Dunlo, &c. &c. &c. Ambassador Extraordinary and Plenipotentiary of His said Majesty to His Majesty the King of the Netherlands, Grand Duke of Luxemburg; and His Majesty the King of the Netherlands, Anne William Charles Baron de Nagell d'Ampsen, Member of the Body Nobles of the Province of Guelderland, &c. &c. &c. who, having exchanged their full Powers, found in good and due form, have agreed on the following Articles:

I. The laws of the United Kingdom of Great Britian and Ireland rendering it already highly penal for the subjects of His Britannic Majesty to carry on, or to be in any way engaged in trade in Slaves, His Majesty the King of the Netherlands, referring to the 8th Article of the Convention entered into with His Britannic Majesty on the 13th August 1814, engages in pursuance thereof, and within eight months from the ratification of these presents, or sooner if possible, to prohibit all His subjects, in the most effectual manner, and especially by penal law the most formal, to take any part whatever in the Trade of Slaves; and in the event of the measures already taken by the British Government, and to be taken by that of the Netherlands, be found ineffectual or insufficient, the high Contracting Parties mutually engage to adopt such further measures, whether by legal provision or otherwise, as may from time to time appear to be best calculated, in the most effectual manner, to prevent all their respective subjects from taking any share whatever in the nefarious traffic.

II. The two high Contracting Parties, for the more complete attainment of the object of preventing all traffic in Slaves, on the part of their respective subjects, mutually consent that the ships of their Royal Navies, which shall be provided with special instructions for this purpose, as herein-after

mentioned, may visit such merchant vessels of the two nations, as may be suspected, upon reasonable grounds, of having Slaves on board for an illicit traffic; and in the event only of their finding such Slaves on board, may detain and bring away such vessels, in order that they may be brought to trial before the tribunals established for this purpose, as shall hereinafter be specified;

III. In the intention of explaining the mode of execution of the preceding Article it is agreed;

1st. That such reciprocal right of visit and detention shall not be exercised within the Mediterranean Sea, or within the Seas in Europe lying without the Straits of Gibraltar, and which lie to the northward of the thirty-seventh parallel of north latitude, and also within, and to the eastward of the meridian of longitude twenty degrees west of Greenwich.

2d. That the names of the several vessels furnished with such Instructions, the force of each, and the names of their several Commanders shall be, from time to time, immediately upon their issue, communicated by the Power issuing the same to the other high Contracting Party.

3d. That the number of ships of each of the Royal Navies authorized to make such visit as aforesaid, shall not exceed the number of twelve, belonging to either of the high Contracting Parties, without the special consent of the other high Contracting Party being first had and obtained.

4th. That if any time it should be deemed expedient that any ship of the Royal Navy of either of the two high Contracting Parties, authorized to make such visit as aforesaid, should proceed to visit any merchant ship or ships under the flag, and proceeding under the convoy of any vessel or vessels of the Royal Navy of the other high Contracting Party, and the Commanding Officer of the ship duly authorized and instructed to make such visit, shall proceed to effect the same in communication to the Commanding Officer of the convoy, who, it is hereby agreed, shall give every facility to such visit, and to the eventual detainer of the merchant ship or ships so visited, and in all things assist to the utmost of his power in the due execution of the present Convention, according to the true intent and meaning thereof.

5th. It is further mutually agreed, that the Commanders of the ships of the two Royal Navies, who shall be employed on this service, shall adhere strictly to the exact tenor of the Instructions which they shall receive for this purpose.

IV. As the two preceding Articles are entirely reciprocal, the two high Contracting Parties engage mutually to make good any losses which their respective subjects may incur unjustly, by the arbitrary and illegal detention of their vessels; it being understood that this indemnity shall invariably be borne by the Government whose cruizers shall have been guilty of the arbitrary detention; and that the visit and detention of ships specified in this Article shall only be effected by those British or Netherland vessels which may form part of the two Royal Navies, and by those only of such vessels which are provided with the special Instructions annexed to the present Treaty, in pursuance of the provisions thereof.

V. No British or Netherland cruizer shall detain any ship whatever not having Slaves actually on board; and in order to render lawful the detention of any ship, whether British or Netherland, the Slaves found on board such vessel must have been brought there for the express purpose of the traffic.

VI. All ships of the Royal Navies of the two nations, which shall hereafter be destined to prevent the traffic in Slaves, shall be furnished by

their respective Governments with a copy of the Instructions annexed to the present Treaty, and which shall be considered as an integral part thereof

These Instructions shall be written in the Dutch and English languages, and signed for the vessels of each of the two Powers, by the Minister of their respective marine.

The two high Contracting Parties reserve the faculty of altering the said instructions, in whole or in part, according to circumstances; it being, however, well understood, that the said alterations cannot take place but by the common agreement, and by the consent of the two high Contracting Parties.

VII. In order to bring to adjudication, with the least delay and inconvenience, the vessels which may be detained for having been engaged in a traffic of Slaves, according to the tenor of the Fifth Article of this Treaty, there shall be established, within the space of a year at furthest from the exchange of the ratifications of the treaty, two mixed Courts of Justice, formed of an equal number of individuals of the two nations, named for this purpose by their respective Sovereigns.

These Courts shall reside—one in a possession belonging to His Britannic Majesty, the other within the territories of His Majesty the King of the Netherlands; and the two Governments, at the period of the exchange of the ratifications of the present Treaty, shall declare, each for its own dominions, in what places the Court shall respectively reside. Each of the two high Contracting Parties reserving to itself the right of changing, at its pleasure, the place of residence of the Court held within its own dominions; provided, however, that one of the two Courts shall always be held upon the coast of Africa, and the other in one of the colonial possessions of His Majesty the King of the Netherlands.

These Courts shall judge the Causes submitted to them according to the terms of the present Treaty, without appeal, and according to the Regulations and Instructions annexed to the present Treaty, of which they shall be considered as an integral part.

VIII. In case of the Commanding Officer of any of the ships of the Royal Navies of Great Britain, and the Netherlands, commissioned under the Second Article of this Treaty, shall deviate in any respect from the dispositions of the said Treaty, and shall not be enabled to justify himself, either by the tenor of the said treaty, or of the instructions annexed to it; the Government which shall conceive itself to be wronged by such conduct, shall be entitled to demand reparation, and in such case the Government, to which the captor may belong, binds itself to cause enquiry to be made into the subject of the complaint, and to inflict upon the captor, if he be found to deserve it, a punishment proportioned to the transgression which may have been committed.

In witness whereof the respective Plenipotentiaries have signed the same, and thereunto affixed the seals of their arms.

Done at the Hague, the 4th day of May, in the year our Lord, 1818.

Signed Clancarty, (L. S.) A. W. C. de Nagell, (L. S.)
Van Maanen, (L. S.)

Additional Convention to the Treaty of the 22d of January, 1815, between His Britannic Majesty and His Most Faithful Majesty, for the purpose of preventing their Subjects from engaging in any illicit Traffic in Slaves. Signed at London on the 28th July, 1817.

EXTRACT.

I. The object of the Convention, is on the part of the two Governments, mutually to prevent their respective subjects from carrying on an illicit Slave Trade.

The two high Contracting Powers declare, that they consider as illicit, any traffic in Slaves carried on under the following circumstances:

1st. Either by British ships, and under the British flag, or for the account of British subjects, by any vessel or under any flag whatsoever.

2d. By Portugueze vessels in any of the harbours or roads of the coast of Africa, which are prohibited by the first Article of the Treaty of the 22d January, 1815.

3d. Under the Portugueze or British flag for the account of the subjects of any other Government.

4th. By Portugueze vessels bound for any Port not in the Dominions of His Most Faithful Majesty.

II. The Territories in which the traffic in Slaves continues to be permitted, under the Treaty of the 22d of January, 1815, to the subjects of His Most Faithful Majesty, are the following:

1st. The Territories possessed by the Crown of Portugal, upon the coast of Africa to the south of the Equator, that is to say, upon the eastern coast of Africa, the Territory laying between Cape Delgado and the Bay of Lourenço Marques; and upon the western coast, all that which is situated from the 8th to the 18th degree of south latitude.

2d. Those Territories on the coast of Africa to the south of the Equator, over which His Most Faithful Majesty has declared that He has retained His rights, namely,

The Territories of Molembo and Cabinda upon the eastern [western] coast of Africa; from the 5th degree 12′ to the 8th degree south latitude.

III. His Most Faithful Majesty engages, within the space of two months after the exchange of the ratifications of this present Convention, to promulgate in His capital, and in the other parts of His Dominions, as soon as possible, a Law, which shall prescribe the punishment of any of His subjects, who may in future participate in an illicit traffic of Slaves, and at the same time to renew the prohibition which already exists, to import Slaves into the Brazils, under any flag, other than that of Portugal; and His Most Faithful Majesty engages to assimilate, as much as possible, the Legislation of Portugal in this respect, to that of Great Britain.

IV. Every Portugueze vessel which shall be destined for the Slave Trade, on any point of the African coast, where this traffic still continues to be lawful, must be provided with a Royal passport, conformable to the model annexed to this present Convention and which model forms an integral part of the same. The passport must be written in the Portugueze language, with an authentic translation in English annexed thereto, and must be signed, for those vessels sailing from the port of Rio Janeiro, by the Minister of Marine; and for all other vessels which may be intended for the said traffic, and which may sail from any other ports of the Brazils, or from any other of the Dominions of His Most Faithful Majesty not in Europe, the passports must be signed by the Governor in Chief of the Captaincy to which the port

belongs: and as to those vessels which may proceed from the ports of Portugal, to carry on the traffic in slaves, their passports must be signed by the Secretary of the Government for the Marine Department.

V. The two high Contracting Powers, for the more complete attainment of their object, namely, the prevention of all illicit traffic in Slaves, on the part of their respective subjects, mutually consent, that the ships of war of their Royal navies, which shall be provided with special instructions for this purpose, as hereinafter provided, may visit such merchant vessels of the two nations, as may be suspected, upon reasonable grounds, of having slaves on board, acquired by an illicit traffic, and, (in the event only of their actually finding slaves on board,) may detain and bring away such vessels, in order that they may be brought to trial before the tribunals established for this purpose, as shall hereinafter be specified.

Provided always, that the commanders of the ships of war of the two Royal navies, who shall be employed on this service, shall adhere strictly to the exact tenor of the instructions which they shall have received for this purpose.

As this Article is entirely reciprocal, the two high Contracting Parties engage mutually, to make good any losses which their respective subjects may incur unjustly, by the arbitrary and illegal detention of their vessels.

It being understood that this indemnity shall invariably be borne by the Government whose cruizer shall have been guilty of the arbitrary detention: provided always, that the visit and detention of slave ships, specified in this Article, shall only be effected by those British or Portugueze vessels, which may form part of the two Royal Navies, and by those only of such vessels which are provided with the special Instructions annexed to the present Convention.

VI. No British or Portugueze cruizer shall detain any slave ship, not having slaves actually on board; and in order to render lawful the detention of any ship, whether British or Portugueze, the slaves found on board such vessel must have been brought there for the express purpose of the traffic; and those on board Portugueze ships must have been taken from that part of the coast of Africa where the slave trade was prohibited by the Treaty of the 22d of January, 1815.

VII. All ships of war of the two nations, which shall hereafter be destined to prevent the illicit traffic in slaves, shall be furnished by their own Government with a copy of the Instructions annexed to the present Convention, and which shall be considered as an integral part thereof.

These Instructions shall be written in Portugueze and English, and signed for the vessels of each of the two Powers, by the ministers of their respective marine.

The two high Contracting Parties reserve the faculty of altering the said instructions, in whole or in part, according to circumstances, it being, however, well understood, that the said alterations cannot take place but by common agreement, and by the consent of the two high Contracting Parties.

VII. In order to bring to adjudication, with the least delay and inconvenience the vessels which may be detained for having been engaged in an illicit traffic with slaves, there shall be established, within the space of a year at furthest, from the exchange of the ratifications of the present Convention, two mixed Commissions, formed of an equal number of individuals of the two nations, named for this purpose by their respective Sovereigns.

These Commissions shall reside—one in a possession belonging to His Britannic Majesty—the other within the Territories of His Most Faithful

Majesty; and the two Governments, at the period of the exchange of the ratifications of the present Convention, shall declare, each for its own Dominions, in what places the Commission shall respectively reside. Each of the two high Contracting Parties reserving to itself the right of changing, at its pleasure, the place of residence of the Commission held within its own dominions, provided, however, that one of the two Commissions shall always be held upon the coast of Africa, and the other in the Brazils.

These Commissions shall judge the causes submitted to them without appeal, and according to the Regulation and Instructions annexed to the present Convention, of which they shall be considered as an integral part.

IX. His Britannic Majesty, in conformity with the stipulations of the Treaty of the 22d of January, 1815, engages to grant in the manner hereafter explained, sufficient indemnification to all the proprieters of Portugueze vessels and cargoes captured by British cruizers, between the 1st of June, 1814, and the period at which the two Commissions, pointed out in Article VIII of the present Convention, shall assemble at their respective posts.

The two high Contracting Parties agree that all claims of the nature herein-before mentioned, shall be received and liquidated by a mixed Commission, to be held at London, and which shall consist of an equal number of the individuals of the two nations, named by their respective Sovereigns, and upon the same principle stipulated by the 8th Article of this Additional Convention, and by the other Acts which form an integral part of the same. The aforesaid Commission shall commence their functions, six months after the ratification of the present Convention, or sooner if possible.

The two high Contracting Parties have agreed that the proprietors of vessels captured by the British cruizers, cannot claim compensation for a larger number of the slaves than that which, according to the existing laws of Portugal, they were permitted to transport, according to the rate of tonnage of the captured vessel.

The two high Contracting Parties are equally agreed, that every Portugueze vessel captured with slaves on board for the traffic, which shall be proved to have been embarked within the territories of the coast of Africa, situated to the north of Cape Palmas, and not belonging to the Crown of Portugal,—as well as all Portugueze vessels captured with slaves on board for the traffic, six months after the exchange of the ratifications of the treaty of the 22d of January, 1815, and on which it can be proved that the aforesaid slaves where embarked in the roadsteds of the coast of Africa, situated to the north of the Equator, shall not be entitled to claim any indemnification.

X. His Britannic Majesty engages to pay, within the space of a year at furthest, from the decision of each case, to the individuals having a just claim to the same, the sums which shall be granted to them by the Commissions named in the preceding Articles.

XI. His Britannic Majesty formally engages to pay the £300,000 of indemnification, stipulated by the Convention of the 21st of January, 1815, in favor of the proprietors of Portugueze vessels captured by British cruizers, up to the period of the 1st of June, 1814, in the manner following, viz.

The first payment of £150,000 six months after the exchange of the ratifications of the present Convention, and the remaining £150,000, as well as the interest at five per cent. due upon the total sum, from the day of the exchange of the ratifications of the Convention of the 21st of January, 1815, shall be paid nine months after the exchange of the ratifications of the present Convention. The interest due shall be payable up to the day of the

last payment. All aforesaid payments shall be made in London, to the Minister of His Most Faithful Majesty, at the Court of His Britannic Majesty, or to the persons whom His Most Faithful Majesty shall think proper to authorize for that purpose.

XIII. The present Convention shall be ratified, and the ratifications thereof exchanged at Rio Janeiro within the space of four months at furthest, dating from the day of its signature.

In witness whereof, the respective Plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Done at London, the 28th July, 1817.

Signed CASTLEREAGH, (L. S.) CONDE DE PALMELLA, (L. S.)

Convention between Great Britain and Spain. Signed at London, the 14th of July, 1786.

(Translation, as laid before Parliament.)

The Kings of England and of Spain, animated with the same desire of consolidating, by every means in their power, the friendship so happily subsisting between Them and Their Kingdoms, and wishing, with one accord, to prevent even the shadow of misunderstanding which might be occasioned by doubts, misconceptions, or other causes of dispute between the subjects on the frontiers of the two Monarchies, especially in distant countries, as are those in America, have thought proper to settle, with all possible good faith, by a new Convention, the points which might one day or other be productive of such inconveniencies, as the experience of former times has very often shewn. To this end, the King of Great Britain has named the most Noble and most Excellent Lord, Francis Baron Osborne, of Kiveton, Marquis of Carmarthen, His Britannic Majesty's Privy Councillor, and Principal Secretary of State for the Department of Foreign Affairs, &c. &c. &c. and the Catholic King has likewise authorized Don Bernardo del Campo, Knight of the Noble Order of Charles the Third, Secretary of the same Order, Secretary of the Supreme Council of State, and His Minister Plenipotentiary to the King of Great Britain: who having communicated to each other their respective full Powers, prepared in due form, have agreed upon the following Articles:

I. His Britannic Majesty's subjects, and the other colonists who have hitherto enjoyed the protection of England, shall evacuate the country of the Mosquitos, as well as the continent in general, and the islands adjacent, without exception, situated beyond the line hereinafter described, as what ought to be the frontier of the extent of territory granted by His Catholic Majesty to the English, for the uses specified in the 3d Article of the present Convention, and in addition to the country already granted to them in virtue of the stipulations agreed upon by the Commissaries of the two Crowns, in 1783.

II. The Catholic King, to prove, on His side, to the King of Great Britain, the sincerity of His sentiments of friendship towards His said Majesty and the British nation, will grant to the English more extensive limits than those specified in the last Treaty of Peace: and the said limits of the lands added by the present Convention shall for the future be understood in the manner following:

The English line, beginning from the sea, shall take the centre of the river Sibun or Jabon, and continue up to the source of the said river, from thence it shall cross in a straight line the intermediate land, till it intersects the

river Wallis; and by the centre of the same river, the said line shall descend to the point where it will meet the line, already settled and marked out by the Commissaries of the two Crowns in 1783: which limits, following the continuation of the said line, shall be observed as formerly stipulated by the Definitive Treaty.

III. Although no other advantages have hitherto been in question, except that of cutting wood for dying, yet His Catholic Majesty, as a greater proof of His disposition to oblige the King of Great Britain, will grant to the English the liberty of cutting all other wood, without even excepting mahogany, as well as gathering all the fruits, or produce of the earth, purely natural and uncultivated, which may besides being carried away in their natural state, become an object of utility or of commerce, whether for food or for manufactures; but it is expressly agreed, that this stipulation is never to be used as a pretext for establishing in that country any plantation of sugar, coffee, cocoa, or other like articles; or any fabric or manufacture by means of mills or other machines whatsoever, (this restriction however does not regard the use of saw mills, for cutting or otherwise preparing the wood) since all the lands in question being indisputably acknowledged to belong of right to the Crown of Spain, no settlements of that kind, or the population which would follow, could be allowed.

The English shall be permitted to transport and convey all such wood, and other produce of the place, in its natural and uncultivated state, down the rivers to the sea, but without ever going beyond the limits which are prescribed to them by the stipulations above granted, and without thereby taking an opportunity of ascending the said rivers, beyond their bounds, into the countries belonging to Spain.

IV. The English shall be permitted to occupy the small Island, known by the names of Casina, St. George's Key, or Cayo Casina, in consideration of the circumstance of that part of the coast opposite to the said Island being looked upon as subject to dangerous disorders; but this permission is only to be made use of for purposes of real utility: and as great abuses, no less contrary to the intentions of the British Government, than to the essential interests of Spain, might arise from this permission, it is here stipulated, as an indispensable condition, that no fortification, or work of defence whatever, shall at any time be erected there, nor any body of troops posted, nor any piece of artillery kept there; and in order to verify with good faith the accomplishment of this condition *sine quâ non* (which might be infringed by individuals, without the knowlege of the British Government) a Spanish officer or Commissary, accompanied by an English Commissary or officer, duly authorized, shall be admitted, twice a year, to examine into the real situation of things.

V. The English nation shall enjoy the liberty of refitting their merchant ships in the southern triangle included between the point of Cayo Casina, and the cluster of small islands, which are situated opposite that part of the coast occupied by the cutters, at the distance of eight leagues from the river Wallis, seven from Cayo Casina, and three from the river Sibun, a place which has always been found well adapted to that purpose. For which end, the edifices and storehouses, absolutely necessary for that service, shall be allowed to be built; but in this concession is also included the express condition of not erecting fortifications there at any time, or stationing troops, or constructing any military works; and in like manner it shall not be permitted to station any ships of war there, or to construct an arsenal, or other building, the object of which might be the formation of a naval establishment.

VI. It is also stipulated, that the English may freely and peaceably catch fish on the coast of the country assigned to them by the last Treaty of Peace, as also of that which is added to them by the present Convention: but without going beyond their boundaries, and confining themselves within the distance specified in the preceding Article.

VII. All the restrictions specified in the last Treaty of 1783, for the entire preservation of the right of the Spanish Sovereignty over the country, in which is granted to the English only the privilege of making use of the wood of the different kinds, the fruits and other produce, in their natural state, are here confirmed; and the same restrictions shall also be observed with respect to the new grant. In consequence, the inhabitants of those countries shall employ themselves simply in the cutting and transporting of the said wood, and in the gathering and transporting of the fruits, without meditating any more extensive settlements, or the formation of any system of government, either military or civil, further than such regulations as Their Britannic and Catholic Majesties may hereafter judge proper to establish, for maintaining peace and good order amongst Their respective subjects.

VIII. As it is generally allowed that the woods and forests are preserved, and even multiply, by regular and methodical cuttings, the English shall observe this maxim, as far as possible; but if, notwithstanding all their precautions, it should happen in course of time that they were in want of dying-wood, or mahogany, with which the Spanish Possessions might be provided, the Spanish Government shall make no difficulty to furnish a supply to the English, at a fair and reasonable price.

IX. Every possible precaution shall be observed to prevent smuggling; and the English shall take care to conform to the regulations which the Spanish Government shall think proper to establish amongst their own subjects, in all communications which they may have with the latter; on condition nevertheless that the English shall be left in the peaceable enjoyment of the several advantages inserted in their favor in the last Treaty, or stipulated by the present Convention.

X. The Spanish Governors shall be ordered to give to the said English, dispersed, all possible facilities for their removal to the settlements agreed upon by the present Convention, according to the stipulations of the 6th Article of the Definitive Treaty of 1783, with respect to the country allotted for their use by the said Article.

XI. Their Britannic and Catholic Majesties, in order to remove every kind of doubt with regard to the true construction of the present Convention, think it necessary to declare that the conditions of the said Covention ought to be observed according to their sincere intention to ensure and improve the harmony and good understanding, which so happily subsist at present between Their said Majesties.

In this view, His Britannic Majesty engages to give the most positive orders for the evacuation of the countries above-mentioned, by all His subjects of whatever denomination; but if, contrary to such declaration, there should still remain any persons so daring as to presume, by retiring into the interior country, to endeavor to obstruct the entire evacuation already agreed upon, His Britannic Majesty, so far from affording them the least succour, or even protection, will disavow them in the most solemn manner, as He will equally do those who may hereafter attempt to settle upon the territory belonging to the Spanish Dominion.

XII. The evacuation agreed upon shall be completely effected within the space of six months, after the exchange of the ratifications of this Convention, or sooner if it can be done.

XIII. It is agreed that the new grants described in the preceding Articles, in favor of the English nation, are to take place as soon as the aforesaid evacuation shall be entirely accomplished.

XIV. His Catholic Majesty, prompted solely by motives of humanity, promises to the King of England, that he will not exercise any act of severity against the Mosquitos, inhabiting in part the countries which are to be evacuated, by virtue of the present Convention, on account of the connections which may have subsisted between the said Indians and the English; and His Britannic Majesty, on His part, will strictly prohibit all His subjects from furnishing arms, or warlike stores, to the Indians in general, situated upon the frontiers of the Spanish possessions.

XV. The two Courts shall mutually transmit to each other duplicates of the orders which they are to dispatch to their respective governors and commanders in America, for the accomplishment of the present Convention; and a frigate, or proper ship of war, shall be appointed, on each side, to observe in conjunction that all things are performed in the best order possible, and with that cordiality and good faith of which the two Sovereigns have been pleased to set the example.

XVI. The present Convention shall be ratified by Their Britannic and Catholic Majesties, and the ratifications exchanged within the space of six weeks or sooner if it can be done.

In witness whereof, we, the undersigned Ministers Plenipotentiary of Their Britannic and Catholic Majesties, in virtue of our respective full Powers, have signed the present Convention, and have affixed thereto the seals of our arms.

Done at London, this 14th day of July, 1786.

Signed CARMARTHEN, (L. S.) LE CHEVDEL CAMPO, (L. S.)

Additional Article. Signed at Madrid, August 28, 1814.

I. It is agreed that, pending the negociation of a new Treaty of Commerce, Great Britain shall be admitted to trade with Spain upon the same conditions as those which existed previously to the year 1796. All the Treaties of Commerce which at that period subsisted between the two nations, being hereby ratified and confirmed.

II. His Catholic Majesty, concurring in the fullest manner, in the sentiments of His Britannic Majesty with respect to the injustice and inhumanity of the traffic in slaves, will take into consideration, with the deliberation which the state of His possessions in America demands, the means of acting in conformity with those sentiments. His Catholic Majesty promises, moreover, to prohibit His subjects from engaging in the slave trade, for the purpose of supplying any islands or possessions excepting those appertaining to Spain, and to prevent likewise, by effectual measures and regulations, the protection of the Spanish flag being given to foreigners who may engage in this traffic, whether subjects of His Britannic Majesty or of any other State or Power.

III. His Britannic Majesty being anxious that the troubles and disturbances which unfortunately prevail in the Dominions of His Catholic Majesty in America should entirely cease, and the subjects of those provinces should return to their obedience to their lawful Sovereign, engages to take the most effectual measures for preventing His subjects from furnishing arms, ammunition, or any other warlike articles to the revolted in America.

The present Additional Articles shall form an integral part of the Treaty of Friendship and Alliance signed on the 5th day of July, and shall have

the same force and validity as if they were inserted word for word, and shall be ratified within forty days, or sooner if possible.

Done at Madrid, this 28th day of August, 1814.

Signed H. Wellesley, (L. S.)
M. el Duque de San Carlos, (L. S.)

Treaty between Great Britain and Spain, for the Abolition of the Slave Trade. Signed at Madrid, 23d September, 1817.

Extract.

I. His Catholic Majesty engages, that the Slave Trade shall be abolished throughout the entire Dominions of Spain, on the 30th day of May, 1820; and that, from and after that period, it shall not be lawful for any of the subjects of the Crown of Spain, to purchase Slaves, or to carry on the Slave Trade, on any part of the coast of Africa, upon any pretext or in any manner whatever; provided however, that a term of five months from the said date of the 30th of May, 1820, shall be allowed for completing the voyages of vessels which shall have cleared out lawfully, previously to the said 30th of May.

II. It is hereby agreed that, from and after the exchange of the ratifications of the present Treaty, it shall not be lawful for any of the subjects of the Crown of Spain to purchase slaves or to carry on the Slave Trade, on any part of the coast of Africa, to the north of the Equator; upon any pretext or in any manner whatever; provided however, that a term of six months, from the date of the exchange of the ratifications of this Treaty, shall be allowed for completing the voyages of vessels which shall have cleared out from Spanish ports for the said coast, previously to the exchange of the said ratifications.

III. His Britannic Majesty engages to pay in London on the 20th of February, 1818, the sum of £400,000, to such person as His Catholic Majesty shall appoint to receive the same.

IV. The said sum of £400,000 is to be considered as a full compensation for all losses sustained by the subjects of His Catholic Majesty, engaged in this traffic, on account of vessels captured previously to the exchange of the ratifications of the present Treaty; as also for the losses which are a necessary consequence of the abolition of the said traffic.

V. One of the objects of this Treaty, on the part of the two Governments, being mutually to prevent their respective subjects from carrying on an illicit slave trade, the two high Contracting Parties, declare that they consider as illicit, any traffic in slaves carried on under the following circumstances.

1st. Either by British ships and under the British flag, or for the account of British subjects by any vessel or under any flag whatsoever.

2d. By Spanish ships upon any part of the coast of Africa, north of the Equator, after the exchange of the ratifications of the present treaty: provided, however, that six months shall be allowed for completing the voyages of vessels, conformably to the tenor of the Second Article of this Treaty.

3d. Either by Spanish ships and under the Spanish flag, or for the account of Spanish subjects, by any vessel or under any flag whatsoever, after the 30th of May, 1820, when the traffic in slaves on the part of Spain is to cease entirely; provided always that five months shall be allowed for the completion of voyages commenced in due time conformably to the First Article of this treaty.

4th. Under the British or Spanish flag for the account of the subjects of any other Government.

5th. By Spanish vessels bound for any port not in the dominions of His Catholic Majesty.

VI. His Catholic Majesty will adopt, in conformity to the spirit of this treaty, the measures which are best calculated to give full and complete effect to the laudable objects which the high Contracting Parties have in view.

VII. Every Spanish vessel which shall be destined for the slave trade on any part of the coast of Africa where this traffic still continues to be lawful, must be provided with a Royal Passport, conformable to the model annexed to the present Treaty, and which model forms an integral part of the same. This Passport must be written in the Spanish language, with an authentic translation in English annexed thereto; and it must be signed by His Catholic Majesty, and countersigned by the Minister of Marine, and also by the principal naval authority of the district, station or port, from whence the vessel clears out, whether in Spain or in the colonial possessions of His Catholic Majesty.

VIII. It is to be understood that this Passport, for rendering lawful the voyages of slave ships, is required only for the continuation of the traffic to the south of the line; those Passports which are now issued, signed by the first Secretary of State of His Catholic Majesty, and in the form prescribed by the order of the 16th of December, 1816, remaining in full force for all vessels which may have cleared out for the coast of Africa, as well to the north as to the south of the line, previously to the exchange of the ratifications of the present Treaty.

IX. The two high Contracting Parties, for the more complete attainment of the object of preventing all illicit traffic in slaves on the part of their respective subjects, mutually consent, that the ships of war of their royal navies, which shall be provided with special instructions for this purpose as hereinafter mentioned, may visit such merchant vessels of the two nations as may be suspected, upon reasonable grounds, of having slaves on board, acquired by an illicit traffic, and in the event only of their finding slaves on board, may detain and bring away such vessels, in order that they may be brought to trial before the tribunals established for this purpose as shall hereinafter be specified; provided always that the commanders of the ships of war of the two Royal navies, who shall be employed on this service, shall adhere strictly to the exact tenor of the instructions which they shall receive for this purpose.

As this Article is entirely reciprocal, the two high Contracting Parties may engage mutually to make good any losses which their respective subjects incur unjustly, by the arbitrary and illegal detention of their vessels. It being understood that this indemnity shall invariably be borne by the Government whose cruizer shall have been guilty of the arbitrary detention; provided always that the visit and detention of slave ships specified in this Article, shall only be effected by those British or Spanish vessels which may form part of the two Royal navies, and by those only of such vessels which are provided with the special instructions annexed to the present Treaty.

X. No British or Spanish cruizer shall detain any slave ship not having slaves actually on board; and in order to render lawful the detention of any ship, whether British or Spanish, the slaves found on board such vessel, must have been brought there for the express purpose of the traffic; and those on board of Spanish ships must have been taken from that part of the coast of Africa where the slave trade is prohibited, conformably to the tenor of the present Treaty.

XI. All ships of war of the two nations, which shall hereafter be destined to prevent the illicit traffic in slaves, shall be furnished by their own Government, with a copy of the instructions annexed to the present Treaty, and which shall be considered as an integral part thereof.

These instructions shall be written in Spanish and English, and signed, for the vessels of each of the two Powers, by the Minister of their respective marine.

The two high Contracting Parties reserve the faculty of altering the said instructions, in whole or in part, according to circumstances; it being, however, well understood that the said alterations cannot take place but by the common agreement, and by the consent of the two high Contracting Parties.

XII. In order to bring to adjudication with the least delay and inconvenience, the vessels which may be detained for having been engaged in an illicit traffic of slaves, there shall be established, within the space of a year, at furthest, from the exchange of the ratifications of the present Treaty, two Mixed Commissions, formed of an equal number of individuals of the two nations, named for this purpose by their respective Sovereigns.

These Commissions shall reside, one in a Possession belonging to His Britannic Majesty; the other, within the Territories of His Catholic Majesty; and the two Governments, at the period of the exchange of the ratifications of the present Treaty, shall declare, each for its own Dominions, in what places the Commissions shall respectively reside. Each of the two high Contracting Parties reserving to itself the right of changing, at its pleasure, the place of residence of the Commission held within its own dominions; provided however, that one of the two Commissions shall always be held upon the coast of Africa, and the other, in one of the colonial possessions of His Catholic Majesty.

These Commissions shall judge the Causes submitted to them; without appeal, and according to the regulations and instructions annexed to the present Treaty, of which they shall be considered as an integral part.

XIV. The present treaty shall be ratified, and the ratifications exchanged at Madrid within the space of two months from this date, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have thereunto affixed the seals of their arms.

Done at Madrid the 23d of September, 1817.

Signed HENRY WELLESLEY, (L. S.) JOSE PIZARRO, (L. S.)

Convention between Great Britain and Sweden. Signed at London, the 13th day of August, 1814.

In the Name of the Most Holy and Undivided Trinity.

His Swedish Majesty, by Article IX of the Treaty concluded at Paris, the 30th of May last, having consented, in virtue of arrangements stipulated with the Allies, that the Island of Guadaloupe should be restored to His Most Christian Majesty, and it being understood and agreed that in consideration of the incorporation of the Belgic Provinces with Holland, as provided for in the Treaty of Paris, Holland should be liable to furnish, out of the Colonies now in possession of His Britannic Majesty, the compensation to which his Swedish Majesty is entitled for His rights ceded as aforesaid; and whereas it has been deemed more expedient by His Swedish Majesty, and by the Prince Sovereign of the Netherlands, that in the event of such incorporation taking place as aforesaid, the compensation to be furnished by Holland should be made in money; and His Swedish Majesty having agreed to accept the

sum of 24 millions of livres in full satisfaction of His said rights; and His Britannic Majesty, as the friend and ally of both Powers, being willing to to become answerable to His Swedish Majesty for the due and punctual discharge of the said compensation, Their said Majesties have resolved to enter into engagements accordingly, and have for this purpose nominated as Their Plenipotentiaries, namely, His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honorable Robert Stewart, Viscount Castlereagh, Knight of the Most Noble Order of the Garter, and His Principal Secretary of State for Foreign Affairs, &c. and His Majesty the King of Sweden, the Sieur Gotthard Maurice de Rehausen, His Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty, &c. &c. &c. who, after having exchanged their full Powers, found in good and due form, have agreed to the following Articles.

I. His Britannic Majesty agrees to pay, and His Swedish Majesty to accept, the sum of 24 millions of livres, in full discharge and satisfaction of His claims under Article IX of the Treaty of Paris. The said sum to be payable in London to His Swedish Majesty's Ministers, according to the rate of the exchange between London and Paris at each time of payment, in twelve equal monthly instalments: the 1st monthly instalment to become due and payable by His Britannic Majesty one month after the ratification of the Treaty, by which the said Belgic Provinces shall be incorporated with Holland as aforesaid.

II. It is agreed and understood, that the above arrangement being contingent upon the due execution of the engagements contained in the Treaty of Paris, His Swedish Majesty's rights to compensation from His Britannic Majesty and His Allies, shall not be prejudiced by any failure or non-fulfilment of the engagements in question, but shall continue in full force and effect, unless otherwise satisfied, as if this Convention had not been made. Done at London, this 13th of August, 1814.

Signed CASTLEREAGH, (L. S.) G. M. DE REHAUSEN, (L. S.)

Treaty between Great Britain and the Sublime Porte. Concluded at the Dardanelles, the 5th of January, 1809.

In the Name of the Most Merciful God.

The object of this faithful and authentic Instrument is as follows:—

Notwithstanding the appearances of a misunderstanding between the Court of Great Britain and the Sublime Ottoman Porte, consequent upon the occurrences of the moment, the two Powers, equally animated with a sincere desire of re-establishing the ancient friendship which subsisted between them, have named their Plenipotentiaries for that purpose, that is to say, His Most August and Most Honoured Majesty George the Third, King of the United Kingdom of Great Britain and Ireland, has named for His Plenipotentiary, Robert Adair, Esq. one of the Members of the Royal Parliament of Great Britain; and His Majesty the Most Noble, Most Powerful, and Most Magnificient Sultan Mahomet Han II. Emperor of the Ottomans, has named for His Penipotentiary, Seyde, Mehmed-Emin Vahid Effendi, Director and Inspector of the Department called "*Mercoufat*;" and invested with the rank of "*Nichangi*," of the Imperial Divan; who, having reciprocally communicated to each other their full Powers, after several conferences and discussions, have concluded the peace equally desired by both Powers, and have agreed upon the following Articles:

I. From the moment of signing the present Treaty, every act of hostility between England and Turkey shall cease; and in furtherance of this happy peace, the prisoners on both sides shall be exchanged without distinction, in thirty-one days from the signature of this Treaty, or sooner if possible.

II. Should any fortresses belonging to the Sublime Porte be in the possession of Great Britain, they shall be restored to the Sublime Porte, and given up, with all the cannons, warlike stores, and other effects, in the condition in which they were found at the time of their being occupied by England, and this restitution shall be made in the space of thirty-one days from the signature of the present Treaty.

III. Should there be any effects and property belonging to English merchants under sequestration, within the jurisdiction of the Sublime Porte, the same shall be entirely given up, and restored to the proprietors; and in like manner should there be any effects, property, and vessels, belonging to merchants, subjects of the Sublime Porte, under sequestration at Malta, or in any other islands and possessions of His Britannic Majesty, they also shall be entirely given up and restored to their proprietors.

IV. The Treaty of Capitulations agreed upon in the Turkish year 1086, (A. D. 1675) in the middle of the month Gemmaziel Akir, as also the Act relating to the Commerce of the Black Sea, and the other privileges *(Imtiazat)* equally established by Acts at subsequent periods, shall continue to be observed and maintained as if they had suffered no interruption.

V. In return for the indulgence and good treatment afforded by the Sublime Porte to English merchants, with respect to their goods and property, as well as in all matters tending to facilitate their commerce, England shall reciprocally extend every indulgence and friendly treatment to the flag, subjects, and merchants of the Sublime Porte, which may hereafter frequent the Dominions of His B. Majesty for the purposes of commerce.

VI. The last custom-house tariff established at Constantinople, at the ancient rate of 3 per cent. and particularly the Article relating to the interior commerce shall continue to be observed, as they are at present regulated and to which England promises to conform.

VII. Ambassadors from His Majesty the King of Great Britain shall enjoy all the honors enjoyed by Ambassadors to the Sublime Porte from other nations; and Ambassadors from the Sublime Porte at the Court of London shall reciprocally enjoy all the honors granted to the Ambassadors from Great Britain.

VIII. Consuls *(Shahbenders)* may be appointed at Malta, and in the Dominions of His Britannic Majesty where it shall be necessary to manage and superintend the affairs and interests of merchants of the Sublime Porte, and similar privileges and immunities to those granted to English Consuls resident in the Ottoman Dominions, shall be duly afforded to the "*Shahbenders*" of the Sublime Porte.

IX. English Ambassadors and Consuls may supply themselves, according to custom, with such Dragomen as they shall stand in need of, but as it has already been mutually agreed upon, that the Sublime Porte shall not grant the "*Barat*" of Dragoman in favour of individuals who do not execute that duty in the place of their destination, it is settled, in conformity with this principle, that in future, the "*Barat*" shall not be granted to any person of the class of tradesmen or bankers, nor to any shopkeeper or manufacturer in the public markets, or to one who is engaged in any matters of this description; nor shall English Consuls be named from among the subjects of the Sublime Porte.

X. English patents of protection shall not be granted to dependants, or merchants who are subjects of the Sublime Porte, nor shall any passport be delivered to such persons on the part of Ambassadors or Consuls, without permission previously obtained from the Porte.

XI. As ships of war have at all times been prohibited from entering the

canal of Constantinople, viz. in the straits of the Dardanelles and of the Black Sea; and as this ancient regulation of the Ottoman Empire is in future to be observed by every Power in time of Peace, the Court of Great Britain promises on its part to conform to this principle.

XII. The ratifications of the present Treaty of Peace between the high Contracting Parties shall be exchanged at Constantinople in the space of ninety-one days from the date of this Treaty, or sooner if possible. In faith of which and in order that the ratification of the twelve Articles of this Treaty (which has been happily concluded, by the assistance of God, and in the sincerity and good faith of the Two Parties) may be exchanged; I, Plenipotentiary of the Sublime Porte, have, in virtue of my full Powers, signed and sealed this Instrument, which I have delivered to the Plenipotentiary of His Britannic Majesty, in exchange for another Instrument exactly conformable thereto, written in the French language, with a translation thereof, which has been delivered to me on his part, agreeably to his full powers.

Done near the Castles of the Dardanelles, the 5th of January, 1809, which corresponds with the year of the Hegira 1223, the 19th day of the Moon *Zilkaade*. Signed SEYD MEHEMMED EMIN VAHID EFFENDI (L.S.)
Signed ROBERT ADAIR, (L. S.)

Treaty of Peace between Great Britain and Russia.—Orebro, 18 July, 1812.

EXTRACT. *(Translation as laid before Parliament.)*

II. The relations of friendship and commerce between the two countries shall be reestablished, on both sides, upon the footing of the most favored nations.

IV. The two high Contracting Parties will endeavor to come to an understanding and arrangement as soon as possible, as to all matters relating to their mutual interests, political as well as commercial.

Done at Orebro, the 18th of July, 1812.

Signed EDWARD THORNTON, (L. S.) SUCHTELEN, (L. S.)
PAUL BARON DE NICOLAY. (L. S.)

Declaration of the Dey of Algiers, 28th August, 1816.*

Declaration of His Most Serene Highness Omar Bashaw, Dey and Governor of the warlike City and Kingdom of Algiers, made and concluded with the Right Honorable Baron Exmouth, Knight Grand Cross of the Most Honorable Military Order of the Bath, Admiral of the Blue Squadron of His Britannic Majesty's fleet, and Commander-in-Chief of His said Majesty's ships and vessels in the Mediterranean.

In consideration of the deep interest manifested by His Royal Highness the Prince Regent of England for the termination of Christian Slavery, His Highness the Dey of Algiers, in token of His sincere desire to maintain inviolable his friendly relations with Great Britain, and to manifest his amicable disposition and high respect towards the Powers of Europe, declares, that in the event of future wars with any European Power, not any of the prisoners shall be consigned to slavery, but treated with all humanity as prisoners of war, until regularly exchanged according to European practice in like cases, and that at the termination of hostilities, they shall be restored to their respective countries without ransom; and the practice of condemning Christian prisoners of war to slavery is hereby formally and for ever renounced.

Done in duplicate in the warlike City of Algiers, in the presence of Almighty God, the 28th day of August, in the year of Jesus Christ, 1816, and in the year of the Hegira, 1231, and the 6th day of the Moon, Shawal.

Signed H. M'DONELL, Agent and Consul General. EXMOUTH.
By Command of the Admiral Signed JOS. GRIMES, Secretary.

* A similar Declaration was also made by the Bey of Tripoli, on the 29th of April, 1816.

REFERENCES

TO THE

PRINCIPAL CASES DECIDED IN THE COURTS OF THE UNITED STATES, AND IN SOME OF THE STATE TRIBUNALS,

IN

REGARD TO POINTS OR PRINCIPLES

CONNECTED WITH OUR

Foreign Relations.

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1. After the treaty of peace of 1783, no proceeding could be maintained in Pennsylvania, upon an attainder for treason, in adhering to the King of Great Britain, during the war. — Treaty with G. Britain. Attainder.

Respublica v. Gordon, 1 Dallas, 233.—Supreme Court of Pennsylvania, 1788.

2. The law of Nations forms a part of the municipal law of Pennsylvania, and violations of that law may be prosecuted by indictment, and punished by fine and imprisonment. — Foreign minister.

Respublica v. De Longchamps, 1 Dallas, 114. Court of Oyer and Terminer, Philadelphia, 1784.

3. A Foreigner, committing an act in violation of the law of Nations in regard to the person of a secretary of legation of the nation to which such foreigner belongs, cannot be delivered up, by the Executive of the State, to the minister of that nation; Although cases may occur, where, *pro bono publico*, and to prevent atrocious offenders evading punishment, they may be delivered up to the justice of the country to which they belong, or where the offences were committed; nor can such offender against the law of nations be imprisoned until his Government shall declare that the reparation is satisfactory. id. 116. — id.

4. The municipal laws of a country can not change the law of nations, so as to bind the subjects of another nation. — id.

Miller v. Ship Resolution, 2 Dallas, 4.—Federal Court of Appeals, 1781.

5. America was bound, as an ally of France, by the capitulation between Great Britain and France, for the surrender of *Dominica*. id. 15. — Treaty with France.

6. The ordinance of Congress founded on the Russian armed neutrality declaring that free ships should made free goods, included British property. id. 18. 36. — Armed neutrality.

7. In criminal prosecutions against Consuls, the Circuit Court of the United States has concurrent original jurisdiction with the Supreme Court, and the District Court. — Consuls. Courts.

The United States v. Ravara, 2 Dallas, 298.—Circuit Court U. S. Pennsylvania District, 1793.

8. Consuls are officers known to the law of nations, and are entrusted with high powers; but not with the power of authen- — Consuls. Foreign law

ticating the laws of foreign nations. There appears no reason for assigning to their certificate respecting a foreign law, any higher or different degree of credit than would be assigned to their certificates of any other fact.

Church v. Hubbart, 2, Cranch, 237.—Sup. Court U. S., 1804.

Foreign laws. 9. Foreign laws must be proved like other facts. They must be verified by oath, or by some other, such high authority that the law respects not less than the oath of an individual.

id. 187. and Talbot v. Seeman—1, Cranch, 38, 1801, Sup. Court U. S.

id. 10. A certificate of the proceedings of a court, under the seal of a person who states himself to be the secretary of foreign affairs in Portugal, is not evidence. id. 187. 239.

id. 11. If the decrees of the Portuguese colonies are transmitted to the seat of government and registered in the Department of State, a certificate of that fact under the great seal (of Portugal) with a copy of the decree authenticated in the same manner, would be sufficient *prima facie* evidence of the verity of what was so certified. id. 238, 239.

Courts. Admiralty. Consuls. 12. No foreign power can, of right, institute or erect any court of judicature of any kind within the jurisdiction of the United States, but such only as may be warranted by, and be in pursuance of treaties. The admiralty jurisdiction which had been exercised in the United States by the consuls of France, not being so warranted, were not of right.

Glass v. The Sloop Betsey, 3 Dallas, 16.—Supreme Court of the United States, 1794.

Courts. Admiralty. 13. The District Courts of the United States possess all the powers of Courts of Admiralty, whether considered as instance or as prize courts. id. 16.

Treaty with France. 14. By the 9th art. of the consular convention with France, an exhibition of the register vessel, or ship's roll, was necessary to authorize the District Judge to issue his warrant to arrest a deserter from a French vessel.

The U. S. v. Judge Lawrence, 3 Dallas 42.—Sup. Court U. S. 1795.

Treaty with G. Britain. Confiscation. 15. The rights of British creditors, whose debts had been sequestered, but not confiscated during the war, revived at the peace, both by the law of nations and the treaty.

The State of Georgia v. Brailsford—3 Dallas, 4, 5. Supreme Court U. S. 1794. Ware v. Hylton—3 Dallas, 199 to 235.—Sup. Court U. S. 1796.

Treaty with France. Prize. 16. Under the 19th art. of the French treaty, the privateers of France had a right to repair in our ports—and restitution was denied of a British ship captured and brought into the United States, by a French privateer which had been repaired in a port of the United States.

Moodie v. The ship Phoebe Ann.—3. Dallas, 319. Sup. Court, U. S. 1796.

Consul. 17. A Foreign Consul, who draws bills of exchange on account of his government is not personally liable.

Jones v. Le Tombe, 3 Dallas, 384.—Sup. Court, U. S. 1795.

Expatriation. 18. The right and mode of Expatriation discussed.

Talbot v. Janson—3 Dallas, 133 to 169.—Sup. Court, U. S. 1795.

19. A final condemnation in an inferior court of Admiralty, where a right of appeal exists and has been claimed, is not a *definitive* condemnation within the meaning of the 4th art. of the convention with France of the 30th of Sept. 1800. Treaty with France.

The U. S. v. The schooner Peggy—1, Cranch 103, Sup. Court, U. S. 1801. Treaty.

20. The Court is as much bound as the Executive to take notice of a treaty, and will reverse the original decree of condemnation, (although it was correct when made) and decree restitution of the property under the treaty made since the condemnation. ib. 103.

21. Salvage allowed to a ship of war of the United States for the recapture of a *Hamburgh* vessel out of the hands of the *French* (*France and Hamburgh being neutral to each other,*) on the ground that she was in danger of condemnation under the *French arrête* of 18th January, 1798. Prize. Salvage.

Talbot v. Seeman—1, Cranch 1.—Sup. Court U. S., 1801. Foreign laws.

22. Marine ordinances of foreign countries, promulgated by the Executive, by order of the Legislature of the United States, may be read in the courts of the United States without further authentication or proof. id.—38.

23. France and the United States were in a state of partial war in the year 1799. France. id.—31.

24. An American citizen residing in a foreign country, may acquire the commercial privileges attached to his domicil; and, by making himself the subject of a foreign power, he places himself out of the protection of the United States, while within the territory of the sovereign to whom he has sworn allegiance. Prize. Domicil.

Murray v. The Charming Betsy. 2, Cranch, 64. Sup. Court U. S., 1804.

25. *Quere*, whether a citizen of the United States can divest himself absolutely of that character, otherwise than in such manner as may be prescribed by law? And, whether by becoming a subject of a foreign power, he is rescued from punishment for a crime against the United States, and is disabled to hold lands? Expatriation. Aliens.

id.—ib.—and McIlvaine v. Coxe's lessee—2, Cranch, 280. Sup. Court U.S. 1804.

26. The treaty of peace with Great Britain, prevents the operation of the act of limitations of Virginia, upon British debts contracted before the treaty. Treaty with G. Britain.

Hopkirk v. Bell.—3, Cranch, 454, Sup. Court U. S., 1806. id.

27. *Quere*, Whether a British subject, born in England, in the year 1750, and who always resided in England, could, in the year 1786, take and hold lands in Virginia, by descent or devise? Aliens.

Lambert's lessee v. Paine.—3, Cranch, 97, Sup. Court U. S., 1805. Foreign laws.

28. An executor cannot maintain a suit in the District of Columbia, upon letters testamentary, granted in a foreign country.

Dixon v. Ramsay—3, Cranch, 319, Sup. Court, U. S., 1806. Prize.

29. A foreign sentence of condemnation *as good prize*, is not conclusive evidence that the legal title to the property was not in the subject of a neutral nation.

Maley v. Shattuck—3, Cranch, 458, Sup. Court U.S., 1806.

30. All the rights to a testator's personal property, are to be regulated by the laws of the country where he lived; but suits for *Lex loci*

those rights must be governed by the laws of that country in which the tribunal is placed.

Dixon v. Ramsay—3, Cranch, 458, Sup. Court U. S., 1806.

Law of nations. 31. If a foreign court cannot, consistently with the law of nations, exercise the jurisdiction which it has assumed, its sentence is to be disregarded; but of their own jurisdiction, *so far as it* Courts. *depends upon municipal laws*, the courts of every country are the exclusive judges. Every sentence of condemnation by a competent court, having jurisdiction over the subject matter of its judgment, is conclusive, as to the title to the thing claimed under it.

Rose v. Himely—4, Cranch, 241, Sup. Court U. S., 1808. Hudson v. Guestier—4, Cranch, 294, Sup. Court, U. S.. 1808.

32. It is for *Governments* to decide whether they will consider a revolted colony as an independent nation; and until such deci- Courts. sion shall be made, or the parent state shall relinquish her claim, Colonies. courts of justice must consider the ancient state of things as remaining unaltered, and the sovereign power of the parent state New states. over that colony as still subsisting.

Gelston v. Hoyt—3, Wheaton, 324, 1818. Rose v. Himely—4, Cranch, 272, Sup. Court U. S. 1808.

St. Domingo The following public documents, respecting the revolt of *St. Domingo*, were noticed by the Court:

Notification by Mr. *Pichon*, the French *chargé d'affaires* to the American Government, published in March, 1802, interdicting all manner of intercourse with ports of St. Domingo, in possession of the revolted negroes.

The order of the commander in chief of the French republic in St. Domingo.

The French *arrêtes of* 22*d June*, 1802, 2d Oct. 1802.

The decree of *General Ferrand*, of 1st March, 1804.

Rose v. Himely—4, Cranch, 273, 274, 275, Sup. Court U. S., 1808.

Treaty of alliance between the French Republic and Spain—19*th August*, 1796. 4, Cranch, 259.

Prize. 33. An American vessel seized by a *French* privateer within the territorial jurisdiction of the government of St. Domingo, for breach of the *French municipal law*, prohibiting intercourse with certain ports in that island, and carried by the captors directly to Courts. a *Spanish* port in the island of *Cuba*, was, while lying there, lawfully condemned by a *French* tribunal sitting at Guadaloupe.

Hudson v. Guestier—4, Cranch, 293, Sup. Court U. S. 1808.

id. 34. The possession of the sovereign of the captors, gives jurisdiction to his courts.

The possession of the captors, in a neutral port, is the possession of their sovereign.

If the possession be lost by re-capture, escape, or voluntary discharge, the courts of the captor lose the jurisdiction which they had acquired by the seizure.

The trial of a municipal seizure must be regulated exclusively by municipal law.

No foreign court can question the correctness of what is done, unless the court passing the sentence lose its jurisdiction by some circumstance which the law of nations can notice.

Hudson v. Guestier—4, Cranch, 293, Sup. Court U. S. 1808.

35. The sentence of a foreign court of admiralty, condemning a vessel for breach of blockade, is conclusive evidence of that fact in an action on the policy of insurance. Prize. Courts.

Croudson v. Leonard—4, Cranch, 433, Sup. Court U. S. 1808.

36. A person born in the colony of New Jersey before the year 1775, and residing there till 1777, when he joined the British army, and ever afterwards adhered to the British, claiming to be a British subject, and demanding and receiving compensation, from that Government for his loyalty and his sufferings as a refugee, did not, by the treaty of peace, become an alien to the state of New Jersey, but had a right to take lands, by descent, in that State. Treaty with G. Britain. Aliens.

McIlvaine v. Coxe's lessee—4, Cranch, 208, Sup. Court U. S. 1808.

37. A person born in England before the year 1775, and who always resided there, and never was in the United States, *is an alien*, and could not, in the year 1793, take lands in Maryland by descent from a citizen of the United States. id.

Dawson's lessee v. Godfrey—4, Cranch, 321, Sup. Court U. S. 1808.

38. Persisting in an *intention* to enter a blockaded port, after warning, is not *attempting* to enter it, within the meaning of the 18th art. of the British treaty of 1794. Treaty with G. Britain. Blockade.

Fitzsimmons v. The Newport Insurance Company—4, Cranch, 185. Sup. Court, U. S. 1808.

39. If an act of confiscation, independent of the British treaty of peace of 1783, should be construed to destroy the claim of a British mortgagee of land in Georgia, the 5th art. of that treaty reinstates the lien in its full force. Treaty with G. Britain.

Higginson v. Mein—4, Cranch, 419. Sup. Court, U. S. 1808.

40. A vessel sailing ignorantly for a blockaded port, is not liable to condemnation, under the law of nations. Blockade.

Yeaton v. Fry—5, Cranch, 335. Sup. Court, U. S. 1809.

41. Copies of the proceedings in the vice admiralty court of *Jamaica*, are admissible in evidence, not only under the 19th art. of the British treaty of 1794, but under the law of nations, and the practice of Courts of Admiralty, when authenticated under the seal of the Court, by the deputy Registrar, who is certified by the Judge of the Court, who is certified by a notary public. Treaty with G. Britain. Courts.

id. ib. & p. 343.

42. If a defendant in ejectment in a *State* Court, set up an outstanding title in a third person, no party to the suit, and contend that such outstanding title is protected by the British treaty, and the State Court decide that such outstanding title is not protected by the treaty, it is not such a case arising under a treaty, as will give appellate jurisdiction to the Supreme Court of the United States, under the constitution of the United States, although it be a case within the 25th sec. of the judiciary act of 1789. Treaty with G. Britain. Courts.

Owens v. Norwoods' lessee—5, Cranch, 344. Sup. Court, U. S. 1809.

43. The Continental Court of Appeals, *in prize causes*, had power to revise and correct the sentences of the Admiralty Courts of the several States. Prize. Courts.

U. S. v. Judge Peters, 5—Cranch, 115, Sup. Court, U. S. 1809.

44. The British orders in council of the 11th of Nov. 1807, did British or-

ders in council. Colonies.

not prohibit a direct voyage from the United States, to a colony of France.

King v. The Delaware Insurance Company—6, Cranch, 71, Sup. Court, U States, 1810.

Treaty with G. Britain. Courts. Confiscation.

45. The Supreme Court of the U States, has appellate jurisdiction of a cause decided in the highest Court of one of the States, where the question is whether a confiscation under the law of the State, was complete before the treaty of peace of 1783, with Great Britain.

Smith v. Maryland Ins. Company—6, Cranch, 286, Sup. Court U. S. 1810.

id.

46. By the confiscating acts of Maryland, the equitable interests of British subjects were confiscated, without office found, or entry, or other act done, and although such equitable interests were not discovered until long after the peace. id. ib.

France. Courts. Prize.

47. The jurisdiction of French Courts, as to seizures, is not confined to seizures made within two leagues of the coast.

Territorial Jurisdiction

48. A seizure beyond the limits of the territorial jurisdiction, for breach of a municipal regulation, is warranted by the law of Nations.

Hudson v. Guestier— 6, Cranch 281 Sup, Court, U. S. 1810

Blockade.

49. The letter of Mr. Merry, to the Secretary of State, of the 12th April 1804, extended to the island of *Curracoa*, the orders of the Lords Commissioners of the admiralty of the 5th of January, 1804, respecting the Blockade of *Martinique* and *Guadaloupe*, by which the British officers were directed "not to consider any "blockade of those Islands as existing unless in respect of parti- "cular ports, which may be actually invested; and then not to "capture vessels bound to such ports, unless they shall have "been previously warned not to enter them."

Maryland Insurance Company, v. Wood—7, Cranch, 402, Sup. Court, U: States, 1813.

Prize.

50. A sentence of a foreign tribunal condemning neutral property under an edict unjust in itself, contrary to the law of nations, and in violation of neutral rights, and which has been so declared by the legislative and executive departments of the government of the United States, changes the property of the thing condemned.

Foreign sentence.

Williams v. Armroyd—7, Cranch, 423. Sup. Court United States, 1813.

Prize.

51. A sale by the authority of the captors, before sentence of condemnation, is affirmed by such sentence, and is good *ab initio*. id. ib.

Prize.

52. A French tribunal at Guadaloupe, had jurisdiction of property seized on the high seas for breach of the *Milan* decree, and carried into the Dutch port of the Island of St. Martins, and there sold by order of the Dutch Governor of *St. Martins*, before condemnation, without any authority from the French tribunal at *Guadaloupe*. id. ib.

Courts.

Prize.

53. The American owner cannot reclaim, in the courts of this Country, his property which has been seized and condemned in a French Court under the Milan decree. id. ib.

Courts.

54. An Alien Enemy may take lands in Virginia by devise, and hold the same until office found, and such title is confirmed by the British Treaty of 1794. Alien.

Fairfax v. Hunter—7, Cranch, 604. Sup. Court United States, 1813.

55. A public vessel of war, of a foreign sovereign, coming into our ports, and demeaning herself in a friendly manner is exempt from the jurisdiction of this country. Law of nations. Municipal jurisdiction.

The Schooner Exchange, v. McFaddon—7, Cranch, 116. Sup. Court United States, 1812.

56. A Spanish subject who came to this country in a time of peace between Spain and Great Britain, to carry on a trade between this country and the Spanish provinces, under a Royal Spanish license, and who continues to reside here and carry on that trade after the breaking out of war between Great Britain and Spain, is to be considered as an American merchant, although the trade could be lawfully carried on by a Spanish subject only. Prize. Domicil.

Livingston v. Maryland Insurance Company—7, Cranch, 507. Sup. Court United States, 1813.

57. The national commercial character of a person is to be decided by his domicil, and not by the nature of his trade. id.

id. ib.

58. British property found in the United States, on land, at the commencement of hostilities with Great Britain, cannot be condemned as Enemy's property without a legislative act authorising its confiscation. The act, of the legislature, declaring war, is not such an act. Confiscation. Prize.

Brown v. United States—8, Cranch, 110. Sup. Court United States, 1814.

59. After a declaration of war, an American citizen cannot lawfully send a vessel to the enemy's country to bring away his property. Enemy trade. Prize.

The Rapid—8, Cranch, 156. Sup. Court United States, 1814.
The Alexander—8, Cranch, 179. Sup. Court United States, 1814.

60. The sailing on a voyage under the license and passport of protection of the enemy, in furtherance of his views or interests, constitutes such an act of illegality as subjects the ship and cargo to confiscation as prize of war. Prize. License.

The Julia—8, Cranch, 181. Sup. Court United States, 1814.
The Aurora—8, Cranch, 203.
The Hiram—8, Cranch, 444. id.

61. It is not necessary, in order to subject the property to condemnation for sailing under a license from the enemy, that the person granting the license, should be duly authorised to grant it, provided the person receiving it takes it with the expectation that it will protect his property from the enemy.

The Aurora, 8 Cranch, 203, Sup. Court U. S. 1814.

62. Sailing, with intent to further the views of the enemy, is sufficient to condemn the property, although that intention be frustrated by capture. Enemy trade. Prize.

id. ib.

63. Sailing with a cargo of provisions to the port of a neutral, who is the ally of our enemy in his war with another power, is such a furtherance of the views of the enemy, as will subject the ship and cargo to condemnation as prize of war. id. id.

The Hiram—8, Cranch, 444, Sup. Court U. S. 1814.

Salvage. Prize. Confiscation.

64. The case of a vessel and cargo belonging to a citizen of one belligerent nation, captured on the high seas by a cruizer o the other belligerent, given by the captor to a neutral, and by him brought into a port and libelled in a court of his own country, between which, and the nation to which the vessel originally belonged, war breaks out before final adjudication, is to be considered as a case of salvage. One moiety adjudged to the libellants, and the other moiety to remain subject to the future order of the court below; and to be restored to the original owner after the termination of the war, unless provision should previously be made for the confiscation of enemy's property, found in the country at the declaration of war.

The Adventure—8, Cranch, 221, Sup. Court, U. S., 1814.
The Astrea -1, Wheaton, 128, Sup. Court, U. S., 1816.

Prize. Domicil.

65. If a citizen of the United States establish his domicil in a foreign country, between which and the United States hostilities afterwards break out, any property shipped by such citizen before knowledge of the war, and captured by an American cruizer after the declaration of war, must be condemned as lawful prize.

The Venus—8, Cranch, 253, Sup. Court, U. S., 1814.

Proprietary interest. Prize.

66. If the option be given to the consignee to take the goods to his own account or not, the right of property does not vest in the consignee until he has made his election. id. ib.

Prize. Domicil.

67. A naturalized citizen, who, in time of peace, returns to his native country for the purpose of trade, but with intention of returning to his adopted country, continuing in the former a year after knowledge of the existence of war between the two countries, for the purpose of winding up his complicated affairs; and engaging in no new commercial transaction whatever with the enemy, and actually returning to his adopted country in a little more than a year after his first knowledge of the war, is to be considered as having gained a domicil in his native country.—And his goods captured during tne war, are liable to condemnation.

The Frances (Thompson and al. claimants)—8, Cranch, 335. Sup. Court United States, 1814.

Prize. Proprietary interest.

68. Goods, appearing by the Ship's papers to be a consignment from Alien enemies to American merchants, are liable to condemnation, as prize, although further proof was offered that American merchants were jointly interested, and that they had a lien upon the goods, in consequence of advances made by them.

id. ib.

Prize. Domicil.

69. The commercial domicil of a merchant at the time of the capture of his goods determines the character of those goods; hostile or neutral.

The Frances (Gillespies claim)—8, Cranch, 363. Sup. Court U. S., 1814.

Prize.

70. A municipal forfeiture under the laws of the United States is absorbed in the more general operation of the law of war.

The Sally—8, Cranch, 382. Sup. Court United States, 1814.

Proprietary interest. Prize.

71. No lien upon enemy's property, by way of pledge for the payment of purchase money, or otherwise, is sufficient to defeat the rights of the captors in a prize court, unless in very peculiar

cases, where the lien is imposed by a general law of the mercantile world independent of any contract between the parties.

The Frances (Irvin's claim)—8, Cranch, 18. Sup. Court U. S. 1814.

President's instructions

72. The President's instruction of 28th of August, 1812, was meant to protect all British merchandise on board an American ship, without any exception on account of British proprietary interest.

Prize.

The Thomas Gibbons—8 Cranch, 421. Supreme Court of the U. S. 1814.

Enemy trade.

73. A vessel sailing to an enemy's country after knowledge of the war, and taken bringing from that country a cargo consisting chiefly of enemy-goods, is liable to confiscation as prize of war.

Prize.

The St. Lawrence—8 Cranch, 434. Supreme Court of the U. S. 1814.

id.

74. Trade with the enemy is not excused by the necessity of obtaining funds to pay the expenses of the ship; nor by the opinion of an American minister, expressed to the master, that by undertaking the voyage he would violate no law of the U. S.

id.

The Joseph—8 Cranch, 451. Supreme Court U. S. 1814.

Prize.

75. An illegal act committed in the former part of a circuitous voyage is good ground of condemnation. id. ib.

id.

76. A capture as prize of war may lawfully be made within the territorial limits of the United States at any place below low water-mark. id. ib.

id.

77. Timber floated into a salt water creek, where the tide ebbs and flows, leaving the ends of the timber resting on the mud at low water, and prevented by booms from floating away at high water, and so found at the commencement of the war, is to be considered as landed, and not subject to condemnation as prize of war.

Confiscation.

Brown v. United States—3 Cranch, 110. Supreme Court U. S. 1815.

Prize.

78. If a vessel be captured by a superior force, and a prize-master and small force be put on board, it is not the duty of the master and crew of the captured vessel to attempt to rescue her; for they may thereby expose the vessel to condemnation, although otherwise innocent.

Rescue.

The Short Staple—9 Cranch, 55. Supreme Court U. S. 1815.

Territorial jurisdiction.

79. If a merchant vessel of the United States be seized by the naval force of the United States within the territorial jurisdiction of a foreign friendly power, for a violation of the laws of the United States, it is an offence against that power, which must be adjusted between the two governments. This court can take no cognizance of it; nor does the law connect that trespass with the subsequent seizure by the civil authority under the process of the district-courts, so as to annul the proceedings of that court against the vessel.

The ship Richmond—9 Cranch, 102. Supreme Court U. S. 1815.

Prize.

80. If, upon the breaking out of a war with this country, our citizens have a right to withdraw their property from the enemy's country, it must be done within a reasonable time. Eleven months after the declaration of war is too late.

With drawing funds.

The St. Lawrence—9 Cranch, 120. Supreme Court U. S. 1815.

Prize.

81. Where an American consignee of two cargoes has an option to take or reject both, within 24 hours after their arrival,

and he accept one, and says he will consider as to the other, the shipper may either cast the whole upon the American consignee, or resume the property and make the latter accountable for what came to his hands. The right of property in the cargo not accepted does not, *in transitu*, vest in the American house, but remains in the shipper and is liable to condemnation, he being an enemy.

Proprietary interest.

The Frances (Dunham and Randolphs' claim)—9 Cranch, 183. Sup. Court United States, 1815.

Prize.

Domicil.

82. The produce of an enemy's colony is to be considered as hostile property so long as it belongs to the owner of the soil, whatever may be his national character in other respects, or whatever may be his place of residence.

id. 30 hogsheads of sugar v. Boyle—9 Cranch, 191. Sup. Court U. S., 1815.

83. An island, in the temporary occupation of the enemy is to be considered as an enemy's colony. id. ib.

Courts.

84. In deciding a question of the law of nations, the court will respect the decisions of foreign courts. id. ib.

Prize.

Salvage.

85. Salvage is an incident to the question of prize, and may be given upon a libel praying condemnation as prize of war.

The schooner Adeline and cargo—9 Cranch, 244. Sup. Court U. S. 1815.

Prize.

Domicil.

Reciprocity

86. The property of persons domiciled in France (whether they be Americans, Frenchmen, or foreigners) is good prize if recaptured after being 24 hours in the possession of the enemy, that being the rule adopted in the French tribunals. id. ib.

Prize.

87. Property unclaimed will be decreed as good prize. id. ib.

Neutral rights.

Prize.

Courts.

88. The district courts of the United States, (being neutral,) have jurisdiction to restore to the original Spanish owner, (in amity with the United States) his property captured by a French vessel whose force has been increased in the United States, if the prize be brought *infra præsidia.*

The brig Alerta and cargo v. Blas Moran—9 Cranch, 359. Sup. Court U. States, 1815.

Prize.

89. In order to constitute a capture, some act should be done indicative of an intent to seize and to retain as prize: It is sufficient if such intent is fairly to be inferred from the conduct of the captor. id. ib.

Treaty.

Free ships free goods.

90. The stipulation in a treaty that "*free ships shall make free goods,*" does not imply the converse proposition that "*enemy ships shall make enemy goods.*"

The Nereide—9 Cranch, 389. Sup. Court United States, 1815.

Treaty with Spain.

Prize.

91. Our treaty with Spain does not contain, either expressly, or by implication, a stipulation that enemy ships shall make enemy goods. id. ib.

Reciprocity

92. The principle of retaliation, or reciprocity is no rule of decision in the judicial tribunals of the United States. id. ib.

Neutral rights,

93. A neutral may lawfully employ an armed belligerent vessel to transport his goods; and such goods do not lose their neutral character by the armament, nor by the resistance made by such

vessel, provided the neutral do not aid in such armament or resistance, although he charter the whole vessel and be on board at the time of the resistance. id. ib.

94. Although the original plaintiff become an alien enemy after the judgment below, yet the judgment in his favor may be affirmed in the Supreme Court upon a writ of error. Alien

Owens v. Hannay—9 Cranch, 180. Sup. Court United States, 1815.

95. The President's instructions (to privateers) of the 28th of August, 1812, protected an American vessel sailing from England, in August 1812, in consequence of the repeal of the British orders in Council, and compelled by dangers of the seas to put into Ireland, where she was necessarily detained, until April, 1813, when she sailed again for the United States, under the protection of a British license. The continuity of the voyage was not broken. Presidents instructions. British orders in council. Continuity of voyage.

The Mary—9 Cranch, 126. 1815.

96. The holder of a bottomry bond, has not such an interest as will support a claim to the vessel in a court of prize. id. ib. Prize. Bottomry.

97. An interest acquired in war, by possession, is divested by the loss of possession. Prize.

The Astrea—1 Wheaton, 125. Sup. Court, United States, 1816.

98. The appellate jurisdiction of the Supreme Court of the United States, extends to a final judgment or decree, in any suit in the highest Court of law, or equity of a State, where is drawn in question the validity of a treaty, and the judgment or decree is against the validity of the right claimed under the treaty; and such judgment may be re-examined by writ of error, in the same manner as if rendered in a Circuit Court. Treaty. Courts.

Martin v. Hunter's lessee—1 Wheaton, 304. Sup. Court, U. S. 1816.

99. Provisions, neutral property, but the growth of the enemy's country, and destined for the supply of the enemy's military or naval forces, are contraband; but if they be the growth of a *neutral* country, and destined for the general supply of human life in the enemy's country, they are not *contraband*. Prize. Contraband Provisions.

The Commercen—1 Wheaton, 382. Sup. Court, U. S. 1816.

100. Freight is never due to the neutral carrier of Contraband. id. ib. Prize. Contraband Freight.

101. A neutral ship laden with provisions, enemy's property, and the growth of an enemy's country, specially permitted to be exported for the supply of his forces, is not entitled to freight. It makes no difference, in such case, that the enemy is carrying on a distinct war, in conjunction with his allies, who are friends of the captor's country, and the provisions are intended for the supply of his troops, engaged in that war; and that the ship in which they are transported, belongs to subjects of one of those allies. id. id. ib.

102. Goods the property of persons actually domiciled in the enemy's country, at the breaking out of the war, are subject to capture and condemnation as prize. Prize. Domicil.

The Mary and Susan—(Richardson Claimant,) 1 Wheat. 46. Sup. Court, U. S. 1816. See also, 2 Dallas, 42—Mr. Vantelenger's claim, in the continental Court of Appeals, and 2 Cranch, 65, Murray v. Charming Betsey.

Alien. Prize. 103. The fact, that the commander of a privateer was an alien enemy, at the time of the capture made by him, does not invalidate such capture. id. ib.

Prize. Freight. 104. If part of the cargo of a neutral vessel, brought in for adjudication, be condemned and part restored, the freight is chargeable upon the whole cargo, as well upon that part restored as upon that condemned. Query, whether more than a *pro rata* freight be due to the master.

The Antonia Johanna—1 Wheat, 159. Sup. Court, U. S. 1816.

Prize. Domicil. 105. It seems that the property of a house of trade in the enemy's country, is confiscable as prize of war, notwithstanding the neutral domicil of one or more of its partners. id. ib.

Prize. Neutral rights. 106. The courts of this country, have no jurisdiction to redress any supposed torts committed on the high seas, upon the property of its citizens by a cruiser regularly commissioned by a foreign and friendly power, except where such cruiser has been fitted out in violation of our neutrality.

L'Invincible.—1, Wheaton, 238. Sup. Court, U. S. 1816.

Prize. Courts. 107. The exclusive cognizance of prize questions belongs to the capturing power. This is a consequence of the equality and absolute independence of sovereign states, on the one hand, and of the duty to observe uniform, impartial, neutrality on the other. Under the former, every sovereign becomes the acknowledged arbiter of his own justice, and cannot, consistently with his dignity, stoop to appear at the bar of other nations to defend the acts of his commissioned agents, much less the justice and legality of those rules of conduct which he prescribes to them. Under the latter, neutrals are bound to withhold their interference between the captor and captured; to consider the fact of possession as conclusive evidence of the right. Under this it is also, that it becomes unlawful to divest a captor of possession, even of the ship of a citizen, when seized under a charge of having trespassed upon belligerent rights. id.—p. 254, 255.

Prize. Neutral rights. 108. That the mere fact of seizure as prize does not, of itself, oust the neutral admiralty court of its jurisdiction, is evident from this fact, that there are acknowledged cases in which the courts of a neutral may interfere to divest possessions; to wit: those in which her own right to stand neutral is invaded: and there is no case in which the court of a neutral may not claim the right of determining whether the capturing vessel be, in fact, the commissioned cruiser of a belligerent power. Without the exercise of jurisdiction thus far, in all cases, the power of the admiralty would be inadequate to afford protection from piratical capture. id.—p. 258.

Prize. License. 109. Navigating under a license from the enemy is cause of confiscation, and is closely connected in principle with the offence of trading with the enemy; in both cases the knowledge of the agent will affect the principal, although he may, in reality, be ignorant of the fact. The Hiram—1, Wheaton, 440, 447. 1816.

110. The following is an account of the dates and substance of the British orders in council, and the French decrees, affecting our neutral rights, and which preceded the war of 1812 between Great Britain and the United States. Neutral rights. British orders.

On the 16th of May, 1806, the British Government issued an order in council, declaring the coast included between the Elbe and Brest in a state of blockade.

On the 21st of November, 1806, the French emperor issued his Berlin decree, declaring Great Britain and her dependencies in a state of blockade.

On the 7th of January, 1807, the British government issued an order in council, prohibiting neutral ships from carrying on trade from one enemy's port to another, including France and her allies.

On the 11th of November, 1807, the British orders in council were issued, which declared the continental ports from which British ships were excluded in a state of blockade, (except in case of ships cleared out from Great Britain whose cargoes had paid a transit duty,) and rendered liable to condemnation all neutral ships, with their cargoes, trading to or from the ports of France, or her allies, and their dependencies, or having on board certificates of origin.

On the 7th of December, 1807, the French emperor issued his Milan decree, declaring that any neutral ships which should have touched at a British port, or paid a transit duty to the British government, or submitted to be searched by British cruizers, should be liable to condemnation.

On the 22d of December, 1807, the American embargo took place.

On the 1st of March, 1809, the embargo was removed, and a non-intercourse substituted with both France and England.

On the 19th of April, 1809, a negotiation was concluded by Mr. Erskine, in consequence of which the trade with Great Britain was renewed on the 10th of June.

On the 26th April, 1809, a British order in council was issued, modifying the former blockade, which was henceforth to be confined to ports under the governments of Holland (as far north as the river Ems) and France, together with the colonies of both, and all ports of Italy included between Orbitello and Pesaro.

On the 10th of August, 1809, the non-intercourse with Great Britain again took place, in consequence of Mr. Erskine's arrangement not being ratified.

On the 1st of May, 1810, the trade with both Great Britain and France was opened, under a law of congress, that whenever either power should rescind its orders or decrees, the president should issue a proclamation to that effect; and in case the other party should not, within three months, equally withdraw its orders or decrees, that the *non-importation act* should go into effect with respect to that power.

On the 2d of November, 1810, the president issued his proclamation, declaring the Berlin and Milan decrees to be so far withdrawn, as no longer to affect the neutral rights of Ameria; and the orders in council not being rescinded,

On the 2d of February, 1811, the importation of British goods, and the admission of British ships into America, were prohibited.

On the 4th of April, 1812, an embargo was laid in the United States, and on the 18th of June following, war was declared against Great Britain. 1 Wheaton, p. 278-279.

Prize. Proprietary interest.

111. If the national character of property captured and brought in for adjudication appear ambiguous or neutral, and no claim be interposed, the cause will be postponed for *a year and a day* after the prize proceedings are commenced; and if no claimant appear within that time, the property will be condemned to the captors.

The Harrison—1 Wheaton, 298. 1816.

Prize. Practice.

112. As to the principles of *practice* in prize causes, see Mr. Wheaton's note II. in the appendix to the 1st vol. of his Reports, p. 494, and note I. in the appendix to his 2d vol. of Reports, p. 1.

Neutral rights. Rule of 1756

113. As to "*the Rule of the War of* 1756," and its history, see Mr. Wheaton's note III. in the appendix to the 1st vol. of his Reports, p. 507.

Prize. Enemy trade.

114. Trading with the enemy, by own citizens, whether from our own or a foreign port, is lawful cause of confiscation as prize; and the offence is complete the moment the vessel sails with intent to carry a cargo to the port of an enemy.

The Rugen—1 Wheaton, 74. 1816.

Prize.

115. Where enemy's property is fraudulently blended in the same claim with neutral property, the latter is liable to share the fate of the former.

The St. Nicholas—1 Wheaton, 417-431. 1816. 1 Caine's Reports, 565—Blagge v. New York Insurance Company—Supreme Court of N. Y. 1804. 2 Binney, 308—The Phœnix Insurance Company v. Pratt *et al.*—Sup. Court of Pennsylvania 1816.

Neutral rights. Rule of 1756

116. The "*Rule of* 1756" prohibits a neutral from engaging, in time of war, in a trade in which he was prevented from participating in time of peace, because that trade was, by law, exclusively reserved for the vessels of the hostile state. This prohibition stands upon two grounds:—1st. That a trade, such as the coasting or colonial trade, which, by the permanent policy of a nation, is reserved for its own vessels, if opened to neutrals during war, must be opened under the pressure of the arms of the enemy, and in order to obtain relief from that pressure. The neutral who interposes to relieve the belligerent under such circumstances, rescues him from the condition to which the arms of his enemy have reduced him, restores to him those resources which have been wrested from him by the arms of his adversary, and deprives that adversary of the advantages which successful war has given him. This the opposing belligerent pronounces a departure from neutrality, and an interference in the war to his prejudice, which he will not tolerate. 2d. That if the trade be not opened by law, a neutral employed in a trade thus reserved, by the enemy, to his own vessels, identifies himself with that enemy, and by performing functions exclusively appertaining to the enemy character, assumes that character.

The Commercen—1 Wheaton, 396, 397. 1816.

Alien.

117. A British subject claiming to take lands in this country by descent from a British subject in 1798, under the British treaty

of 1794, must show title in his ancestor at the time of making the treaty. Harden v. Fisher—1 Wheaton, 390. 1816.

118. In prize causes, the evidence to acquit or condemn, must come, in the first instance, from the papers and crew of the captured ship. Prize.

It is the duty of the captors to bring the ship's papers into the registry of the district court, and to cause the examinations of the principal officers and seamen of the captured ship to be taken on the standing interrogatories. It is exclusively upon these papers and examinations that the cause is to be heard in the first instance. If from this evidence the property clearly appears to be hostile, or neutral, condemnation or restitution immediately follows. If the property appear to be doubtful, or the case suspicious, farther proof may be granted, according to the rules which govern the legal discretion of the court. Practice.

If the parties have been guilty of fraud, or gross misconduct, or illegality, farther proof is not allowed, and condemnation follows.

If a party attempt to impose upon the court, by knowingly or fraudulently claiming as his own, property belonging in part to others, he will not be entitled to restitution of that portion which he may ultimately establish as his own.

The claimants have no right to litigate the question whether the captors were duly commissioned; but if the capture be made by a non-commissioned captor, the prize will be condemned to the United States. The Dos Hermanos—2 Wheaton, 77—1817.

119. The sailing under the enemy's license, constitutes, of itself, an act of illegality, which subjects the property to confiscation, without regard to the object of the voyage, or the port of destination. The Ariadne—2 Wheaton, 143. 1817. Prize. License.

120. Concealment, or even spoliation of papers, is not, of itself, a sufficient ground for condemnation in a prize court; but it may be ground for denying further proof. The Pizarro—2 Wheaton, 241. 1817. Prize. Spoliation of papers.

121. The right of visitation and search is a belligerent right which cannot be drawn in question; but must be conducted with as much regard to the safety of the vessel detained, as is consistent with the thorough examination of her character and voyage. The Anna Maria—2 Wheat. 327. 1817. The Eleanor—2 Wheat. 358–362. 1817. Neutral rights. Right of search.

122. Under the Spanish treaty of 1795, stipulating that free ships shall make free goods, the want of such a sea-letter or passport, or such certificates as are described in the 17th article, is not a substantive ground of condemnation; it only authorizes capture and sending in for adjudication; and the proprietary interest in the ship may be proved by other equivalent testimony. The Pizarro—1 Wheaton, 227. 1817. Prize. Sea-letter. Proprietary interest.

126. The term "*subjects*," in the 15th article, extends to all persons domiciled in the Spanish dominions. id. ib. Treaty with Spain.

124. The power of naturalization is exclusively in Congress. Chirac v. Chirac—2 Wheaton, 269. 1817. Alien. Naturalization.

Alien. 125. The treaty between France and the United States, of 1778, enabled the subjects of France to hold lands in the U. S.

id. p. 270.

The repeal of that treaty did not affect the title of a Frenchman who, before its repeal, became naturalized under the act of Congress. Upon his death, in 1799, intestate, his lands descended in fee to his French heirs under the Maryland statute of 1780, whose title was determinable upon their failure to perform the condition contained in that act. While they were so seized in fee, another treaty was entered into between France and the United States in 1800, which enabled French subjects to dispose of their lands by testament or otherwise, and to inherit lands without obtaining letters of naturalization. This treaty did away the incapacity of alienage, and placed these French heirs in precisely the same situation, with respect to lands, as if they had become citizens. But the treaty farther stipulates, "that "in case the laws of either of the two states should restrain "strangers from the exercise of the rights of property with re- "spect to real estate, such real estate may be sold, or otherwise "disposed of, to citizens or inhabitants of the country where "it may be." This will probably prevent a French subject from inheriting or purchasing the estate of a French subject, who is not also a citizen of the United States; but it cannot affect the right of him who takes or holds by virtue of the treaty, so as to deprive him of the power to sell, or otherwise dispose of, the property to citizens or inhabitants of this country. This power endures for life. This treaty controlled the act of Maryland, and substituted the term of life for the term of ten years. The expiration of the treaty did not affect the rights acquired and vested under it.

Chirac v. Chirac—2 Wheaton, 269 to 278. 1817.

Prize. Domicil. 126. It *seems* that where a native citizen of the United States emigrated, before a declaration of war, to a neutral country, there acquired a domicil, and afterwards returned to the United States during the war, and re-acquired his native domicil, he became a redintegrated American citizen; and could not afterwards, *flagrante bello*, acquire a neutral domicil by again emigrating to his adopted country.

The Dos Hermanos—2 Wheaton, 77-98. 1817.

Prize. 127. The commander of a squadron is liable to individuals for the trespasses of those under his command, in case of positive or permissive orders, or of actual presence and co-operation.

The Eleanor—2 Wheaton, 356.

So the commander of a single ship is responsible for the acts of those under his command; as are, likewise, the owners of privateers for the conduct of the commanders appointed by them.

id. ib.

Proprietary interest. 128. Under the treaty with Spain, the Spanish character of the vessel being ascertained, the proprietary interest in the cargo cannot be inquired into, unless so far as to ascertain that it does

not belong to citizens of the United States, whose property engaged *in trade with the enemy* is not protected by the treaty.

The Pizarro—2 Wheaton, 246—1817.

129. The act of Congress of 1794, ch. 50, sec. 3, prohibiting the fitting out any ship &c. for the service of a foreign prince or state, to cruise against the subjects of any other foreign prince or state, with whom the United States are at peace, does not apply to any new state not acknowledged by the United States, or by the government of the country, to which such new state previously belonged. New states. Gelston v. Hoyt—3 Wheat. 328. 1818.

130 The decision of a court of peculiar and exclusive jurisdiction, is completely binding upon the judgment of every other court, in which the same subject matter comes incidentally in controversy. Such are the sentences of ecclesiastical courts in the probate of wills, and granting of administrations of personal estate; the sentences of prize courts in all matters of prize jurisdiction—and the sentences of courts of Admiralty, and other courts acting *in rem*, either to enforce forfeitures or to decide civil rights. Courts. Prize.

And the sentence is equally conclusive whether it be of condemnation or acquittal. id.—p.315, 316

131. It belongs exclusively to *governments* to recognise new states, arising in the revolutions which may occur in the world; and until such recognition, either by our own govenment, or the government to which the new state belonged, courts of justice are bound to consider the ancient state of things as remaining unaltered. New states. Courts. id.—p. 324.

Neither the Government of *Petion*, nor *Christophe* (the rival chiefs in the islands of St. Domingo,) had been recognised as a foreign state by the government of France, or of the United States, in the year 1818. St Domingo id.—p. 325.

132. A married woman who was a British subject before the revolution, and always continued such, but whose husband resided in this country both before and after that period, was entitled to dower out of those lands of which he was seized before the revolution, but not of those of which he was subsequently seized. Alien.

Kelly v. Harrison—2. Johns. cases, 29. Sup. Court, of N. York 1800.

133. When lands of a British subject in New-York, descended in 1752, to his daughters who were British subjects, and who married British subjects, neither they nor their wives having become citizens of the United States, such marriages, even after the revolution, did not impair the rights of the wives, nor prevent the full enjoyment of the property according to the rights of the marriage state, especially after the provision of the 9th art. of the treaty of 1794. id.

Jackson v. Lunn, 3 Johns. cases, 109. 1802—Jackson v. Wright, 4 Johns. Rep. 75. Sup. Court of N. York. 1809.

134. The treaty of 1794 relates only to lands *then held* by British subjects, and not to any after acquired lands. id.

Jackson v. Decker—11 Johns. Rep. 418, 422, Sup. Court, N. Y. 1814.

135. An alien may, by the common law, take by purchase a

freehold or other interest in land, and may *hold* it against the world, except the King; and even against him until office found, and is not accountable for rents and profits previously received.

Craig v. Leslie—3 Wheat. 589. 1818. Craig v. Radford—3 Wheaton, 594. 1818.

Alien

136. A grant of land by Virginia in 1788, to a British subject, issued upon a warrant and survey made in 1774, vested a good title in fee in the British subject, which title was rendered absolute and indefeasible by the 9th art. of the treaty of 1794.

Craig v. Radford—3 Wheaton, 594, 599, 1818.

Prize.

Domicil.

137. The native character does not revert by a mere return to his native country, of a merchant domiciled in a neutral country at the time of capture who afterwards leaves his commercial establishment in the neutral country to be conducted by his clerks in his absence; who visits his native country merely on mercantile business and intends to return to his adopted country. Under there circumstances the neutral domicil still continues.

The Friendschaft—3 Wheaton, 14. 1818.

id.

id.

138. British subjects, resident in Portugal (though entitled to great privileges) do not retain their native character, but acquire that of the country where they reside and carry on their trade.

id. p. 14.

Prize.

Reciprocity

139. By the law of this country the rule of reciprocity prevails upon the recapture of the property of friends. The law of France denying restitution upon salvage after 24 hours possession by the enemy, the property of persons domiciled in France is condemned as prize by our courts, on recapture, after being in possession of the enemy that length of time.

The Star—3 Wheaton, 78, 92. 1818.

Prize.

License.

140. One citizen of the United States, has no right to purchase of, or sell to another, a license or pass from the public enemy, to be used on board an American vessel.

Patton v. Nicholson—3 Wheaton, 204. 207.

Piracy.

Courts.

141. A robbery committed on the high seas, although such robbery, if committed on land, would not, by the laws of the United States, be punishable with death is piracy under the 8th § of the act of 1790, c. 36, (ix.) for the punishment of certain crimes against the United States and the circuit courts of the United States have jurisdiction thereof.

The United States v. Palmer—3 Wheaton, 610, 626. 1818.

The crime of robbery, as mentioned in the act is the crime of robbery as recognized and defined at common law. id. 630.

The crime of robbery committed by a person who is not a citizen of the United States on the high seas, on board of a ship belonging exclusively to subjects of a foreign state, or on persons in a foreign vessel, is not piracy under the act, and is not punishable in the courts of the United States. id. ib.

New States.

Courts.

142. When a civil war rages in a foreign nation, one part of which separates itself from the old established government, and erects itself into a distinct government, the courts of the Union

must view such newly constituted government as it is viewed by the legislative and executive departments of the government of the United States. If that Government remains neutral but recognises the existence of a civil war, the courts of the Union can not consider as criminal, those acts of hostility which war authorises, and which the new government may direct against its enemy. id. 634.

The same testimony which would be sufficient to prove that a vessel or person is in the service of an acknowledged state, is admissable to prove that they are in the service of such newly created government. Its seal cannot be allowed to prove itself, but may be proved by such testimony as the nature of the case admits: and the fact that a vessel or person is in the service of such government may be established otherwise, should it be impracticable to prove the seal. id. 635.

143. Where a neutral ship-owner lends his name to cover a fraud with regard to the *cargo*, this circumstance will subject the ship to condemnation. Prize.

The Fortuna—3 Wheaton, 236-245—1818.

144. Spoliation of papers by an enemy master carrying a cargo chiefly hostile, will not preclude a neutral claimant, to whom no fraud is imputable, from further proof. id. Spoliation of papers.

The Friendsschaft—3 Wheaton, 48.

145. A blockade does not, according to modern usage, extend to a neutral vessel found in port, nor prevent her coming out with a cargo which was on board when the blockade was instituted. Prize. Blockade.

Olivera v. The Union Insurance Company—3 Wheaton, 194—1818.

146. A *neutral* cargo found on board an armed enemy's vessel is not liable to condemnation as a prize of war. Prize. Neutral rights.

The Atalanta—3 Wheaton, 409-15—1818.

147. It is not competent for a neutral Consul, without the special authority of his government, to interpose a claim on account of a violation of the territorial jurisdiction of his country. Prize. Consul.

The Anne—3 Wheaton, 435-445—1818.

Quere, Whether such a claim can be interposed even by a public minister, without the sanction of the government in whose tribunals the cause is pending? id. p. 446.

148. A capture made within neutral territory is, as between the belligerents, rightful, and its validity can only be questioned by the neutral state. Prize. id. p. 447. Neutral rights.

149. If the captured ship commence hostilities upon the captor within the neutral territory, she forfeits the neutral protection, and the capture is not an injury for which redress can be sought from the neutral sovereign. id. id. id. ib.

150. British subjects who took lands in New York by devise in December, 1776, continued to hold the same until their title became obsolete by the 9th article of the treaty of 1794. Treaty with G. Britain. Alien.

Jackson v. Clarke—6 Wheaton, 1—1818.

Prize. *Jus Postliminii.* 151. By the maritime law, condemnation completely extinguished the title of the former owners.

The Star—3 Wheaton, 86—1818.

Prize. Salvage. *Jus Postliminii.* 152. The original owner of an American vessel, captured by the enemy, condemned, sold, and re-captured by an American privateer, was not entitled to restitution on payment of salvage under the salvage act of 3d March, 1800, ch. 14, and the prize act of 26th June, 1812, c. 107.

The Star—3 Wheaton, 78—1818.

Salvage. 153. As to the rules of the several maritime codes, in regard to salvage, see Mr. Wheaton's note to the case of

The Star—3 Wheaton, 93.

Alien. 154. An alien may take an estate in lands by the act of the parties, as by *purchase*, but he cannot take by the act of the law, as by *descent*. Orr v. Hodgson—4 Wheaton, 453—1819.

Treaty with G. Britain. Alien. 155. The 6th article of the treaty of peace of 1783, completely protected the titles of British subjects to lands in the United States which would have been liable to escheat for the defect of alienage. That article was not meant to be confined to confiscations *jure belli*. id. ib.

Treaty with G. Britain. 156. The 9th article of the British treaty of 1794 gives to the title of the parties, whatever it may be, the same legal validity as if they were citizens. It is not necessary to show actual seizure or possession, but only that the title was in them at the time the treaty was made. id. ib.

The 9th article of that treaty did not mean to include any other persons than British subjects and citizens of the United States. id. ib.

Prize. Domicil. 157. The property of a house of trade established in the enemy's country is condemnable as prize, whatever may be the personal domicil of the partners.

The Friendshaft—4 Wheaton, 105—1819.

Conquest. 158. By the conquest and military occupation of a portion of the territory of the United States by a public enemy, that portion is to be deemed a foreign country, so far as respects our revenue laws. United States v. Rice—4 Wheaton, 247-254—1819.

Prize. License. 159. A vessel and cargo which is liable to seizure as enemy's property, or for sailing under the pass or license of an enemy, may be seized after her arrival in a port of the United States, and condemned as prize of war. The *delictum* is not purged by the termination of the voyage.

The Caledonian—4 Wheaton, 100—1819.

New states. Courts. 160. The government of the United States, having recognized the existence of a civil war between Spain and her colonies, but remaining neutral, the courts of the United States are bound to consider as lawful, those acts which war authorises, and which the new governments in South America may direct against their enemy. The Divina Pastora, 4 Wheaton, 52-63—1819.

Captures made by the cruizers of those governments, are to be regarded by us captures *jure belli*, the legality of which cannot be determined by the courts of a neutral country, unless the neutral rights of the United States be violated. id. 64

161. As to the jurisdiction of neutral courts over belligerent captures, made in violation of the neutral jurisdiction, see Mr. Wheaton's note to the case of the *Divina Pastora*. Neutral rights. Courts.

4 Wheaton, 65—1819.

For a collection of the public acts by which the government of the United States recognized the existence of a civil war, between Spain and her colonies, before the year 1819, Spanish colonies.

See Mr. Wheaton's Appendix to the 4th vol. of his reports, p. 23 to 59.

162. The right of adjudicating, on all captures, and questions of prize belongs exclusively to the courts of the captors' country; but it is an exception to this general rule, that where the captured vessel is brought, or voluntarily comes, *infra præsidia* of the neutral power, that power has a right to enquire whether its own neutrality has been violated by the capturing cruizer; and if such violation has been committed, is in duty bound to restore to the original owner, property captured by cruizers illegally equipped in its ports. The Estrella—4 Wheaton, 307—1819. Prize. Courts. Neutral rights.

163. No part of the act of the 5th of June 1794, c. 226, was repealed by the act of the 3d of March 1817, c. 58. The act of 1794, c. 226, remained in force until the act of 20th April 1818, c. 83, by which all the provisions respecting our neutral relations were embraced, and all former laws on the same subject were repealed. id. 311. id.

164. In the absence of every act of Congress on the subject, the Courts of the United States would have authority, under the general law of nations, to decree restitution of property captured in violation of their neutrality, under a commission issued within the United States, or under an armament, or augumentation of the armament, or crew, of the capturing vessel, within the same. id. 311. Courts. Neutral rights.

165. War having been recognised to exist between Spain and her colonies, by the government of the U. States, it is our duty, when a capture is made by either of the belligerent parties, without any violation of our neutrality, and the prize is brought innocently within our jurisdiction, to leave things in the same state they find them; or to restore them to the state from which they have been forceably removed by the act of our own citizens. New states; Colonies.

The Neustra Senora de la Caridad.—4 Wheaton, 502. 1819.

The above case was not within the Spanish treaty, as the Carthagenian captors were not pirates, and the capture was not made within the jurisdictional limits of the United States, the only two cases in which the treaty enjoins restitution. id. 502. Treaty with Spain.

166. Upon a piratical capture, the property of the original owners cannot be forfeited for the misconduct of the captors in Piracy. Proprietary interest.

violating the municipal laws of the country, to which the vessel seized by them is carried.

The Josefa Segunda—5 Wheaton, 338, 351, 1820.

Prize. 167. But where the capture is made by a regularly commissioned captor he acquires a title to the captured property, which can only be divested by recapture, or by the sentence of a competent tribunal of his own country; and the property is liable to forfeiture for a violation, by the captor, of the revenue, or other municipal laws of the neutral country into which the prize is carried. id.

Jurisdiction High seas. 168. A murder committed on board of a ship of war of a nation, on the high seas, is committed within the jurisdiction of that nation.

Mr. Marshall's speech in the House of Representatives of the United States, upon the case of Thomas Nash, alias Jonathan Robbins.

See p. 5 of the Appendix to 5 Wheaton's Rep.

The jurisdiction of a nation at sea, is *personal*, reaching *its own citizens only*; and consequently that of the United States cannot extend to a murder committed by a British sailor on board a British frigate navigating the high seas, under a commission from the King of Great Britain. id. p. 6 and 7.

A contract made at sea is governed and to be decided upon according to the laws of that nation to which the vessel, or contracting parties, belong. id. p. 7.

So if a crime be committed on board a ship at sea no nation but that to which the vessel belonged has jurisdiction of the offence and can punish the offender. id. ib.

The right of every nation to punish is, in its nature, limited to offences against the nation inflicting the punishment. It comprehends every possible violation of its laws on its own territory, and extends to violations committed elsewhere by persons it has a right to bind. It extends also to *general piracy*. A pirate, under the law of nations, is an enemy of the human race. Being the enemy of all, he is liable to be punished by all: Any act which denotes this universal hostility, is an act of piracy. Not only actual robbery therefore, but cruizing on the high seas without commission and with intent to rob, is piracy. This is an offence against all and every nation, and is therefore alike punishable by all. But an offence, which, in its nature, affects only a particular nation, is only punishable by that nation. It is by confounding general piracy, with piracy by statute, that indistinct ideas have been produced respecting the power to punish offences on the high seas. A statute may make any offence piracy, committed within the jurisdiction of the nation passing the statute, and such offence will be punishable by that nation. But piracy under the law of nations, which alone is punishable by all nations, can only consist in an act which is an offence against all. No particular nation can increase or diminish the list of offences thus punishable. id. p. 7 and 8.

Piracy.

No new offence is made piracy by the British Statutes which

make offences committed at sea triable and punishable as if committed on land. If a man be indicted as a pirate the offence must be shown to have been piracy before the statute, except where *in the case of British subjects*, express acts of parliament have declared that the crimes therein specified shall be adjudged piracy, or shall be liable to the same mode of trial, and degree of punishment.

It is true that the offence (piracy) may be completed by a single act; but it depends upon the nature of that act. If it be such as manifests a general hostility against the world; an intention to rob generally, then it is piracy. id. p. 9, 10 and 11.

169. If a British subject commit distinct acts of murder and piracy on Board a british frigate at sea, and escape into this country, he is liable to be lawfully arrested and delivered by the President of the United States, up to the British Government, under the 27th Article of the British Treaty of 1794, although he might be tried for the piracy in the courts of this country. Treaty with G. Britain. Fugitives.

id. p. 11 and 12.

The judicial power of the United States is by the constitution confined to cases *in law and equity;* it cannot extend to political compacts, as the establishment of a boundary line between the American and the British dominions; the case of the late guaranty in the treaty with France; or the case of the delivery of a murderer under the 27th article of our treaty with Great Britain. Courts.

id. p. 17.

170. Piracy, under the law of nations, is of admiralty and maritime jurisdiction; and upon this principle the courts of admiralty under the confederation took cognizance of piracy, although there was no power in Congress to define and punish the offence. Piracy. Courts. Admiralty.

id. p. 18.

171. The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations. Of consequence the demand of a foreign nation can only be made on him. He posseses the whole executive power. He holds and directs the force of the nation. Of consequence, any act to be performed by the force of the nation is to be performed through him. President of U. States.

He is charged to execute the laws. A treaty is declared to be law. He must then execute a treaty, where he, and he alone, possesses the means of executing it. Treaty.

id. p. 26.

172. The President may order a *nolle prosequi* to be entered. President of U. States.

id. p. 29.

173. The act of the 30th of April, 1790, c. 36, §. 8, concerning certain crimes committed upon the high seas, &c. extends to all persons on board all vessels which throw off their national character by cruizing piratically, and commiting piracy on other vessels. Piracy.

U. S. v. Klintock—5 Wheaton, 152. 1820.
U. S. v. Furlong—5 Wheaton, 184–192. 1820.

174. The act of the 3d of March, 1819, c. 76, §. 5, referring to the law of nations for a definition of the crime of piracy, is a id.

constitutional exercise of the power of Congress to define and punish that crime.

U. S. v. Smith—5 Wheaton, 153-157. 1820.

The crime of piracy is defined by the law of nations with reasonable certainty. id. p. 160.

Piracy, by the law of nations is robbery upon the sea. id. 162.

Piracy. 175. The 8th §. of the act of the 30th of April, 1790, c. 36, for the punishment of certain crimes against the United States is not repealed by the act of the 3d of March, 1819, c. 76, to protect the commerce of the United States, and to punish the crime of piracy.

U. S. v. Furlong and al.—5 Wheaton, 184-192. 1820.

In an indictment for a piratical murder (under the act of the 30th of April, 1790, c. 36, §. 8,) it is not necessary to allege that the prisoner is a citizen of the United States, nor that the crime was committed on board a vessel belonging to citizens of the United States; but it is sufficient to charge it as committed *from* on board such a vessel by a mariner sailing on board such a vessel. id. 194.

The words, "*out of the jurisdiction of any particular State,*" in the act of the 30*th of April*, 1790, *c.* 36, §. 8, mean, out of the jurisdiction of any particular state *of the Union.* id. p. 200.

High seas.

A vessel lying in an open roadstead of a foreign country, is "*upon the high seas*" within the act of 30, *April* 1790, *c.* 36, §. 8, id. ib.

A citizen of the United States fitting out a vessel in the ports of the United States, to cruise against a power in amity with the United States, is not protected by a foreign commission from punishment for any offence *committed against the property of citizens of the United States.* id. p. 201.

Piracy. 176. The courts of the United States have jurisdiction under the act of 30th April, 1790, c. 36, §. 8, of murder or robbery committed on the high seas by a citizen, or by a foreigner *on board of a piratical vessel*—and the burden of proof is on the prisoners to show the national character of the vessel. The offence is equally within the statute if the murder be committed by throwing the person into the sea.

The U. S. Holmes—5 Wheaton, 416-418. 1820.

Prize. Neutral rights. Courts. Law of nations. 177. In cases of violation of our neutrality by any of the belligerents, if the prize come *voluntarily* within our territory, it is to be restored to the original owner by our courts. But their jurisdiction for this purpose, under the law of nations, extends only to restitution of the specific property with costs and expenses during the pendency of the suit, and does not extend to the infliction of vindictive damages, as in ordinary cases of marine torts.

The Josefa Segunda—5 Wheaton, 389—1820.

Prize. Neutral rights. Courts. 178. Where the original owner seeks for restitution in our courts upon the ground of a violation of our neutrality by the captors, the *onus probandi* rests upon *him;* and if there be reasonable doubts respecting the facts, the court will decline to exercise its jurisdiction. id. 391.

179. On the subject of prize law, and the prize ordinances of foreign governments, see 5 Wheaton's Appendix,—Note III. Prize.

180. On the subject of the neutrality of the United States, in the contest between Spain and her colonies, see 6 Wheaton's Appendix—Note V. Spanish colonies.

181. Whether the capture be made by a duly commissioned captor, or not, is a question between the government and the captor with which the claimant has nothing to do. Prize.

The Amiable Isabella—6 Wheaton, 1, 66—1821.

182. The 17th article of the Spanish treaty of 1795, so far as it purports to give any effect to passports, is imperfect and inoperative, in consequence of the omission to annex the form of passport to the treaty; consequently the *proprietary* interest of the ship is to be proved according to the ordinary rules of the prize court; and if thus shown to be Spanish, will protect the cargo. Treaty with Spain. Proprietary interest.

id. p. 69.

183. By the rules of the prize court, the *onus probandi* of a neutral interest rests on the claimant. id. p. 77. Prize. Practice.

The evidence to acquit or condemn must come in the first instance from the ships papers, and the examination of the captured persons. Where these are not satisfactory, farther proof may be admitted, if the claimant has not forfeited his right to it by a breach of good faith. On the production of further proof, if the neutrality of the property be not established beyond reasonable doubt, condemnation follows.

The assertion of a false claim, in whole or in part, by an agent, or in connivance with the real owner, is a substantive cause of condemnation. id. ib.

184. A foreign consul has a right to claim, or libel, *in rem.* where the rights of property of his fellow subjects are in question, without any special authority from those for whose benefit he acts; but he cannot receive actual restitution of the *thing* in controversy without such special authority. Consul.

The Bello Corrunes—6 Wheaton, 152, 168, 169.—1821.

185. A citizen of the United States, cannot in the courts of the United States, claim as prize the property of a nation in amity with the United States, captured by him under a foreign commission. Prize. Courts. id. ib.

186. In case of an illegal capture in violation of the neutrality of this country, the property of the lawful owners, cannot be forfeited for a breach of our revenue laws by the captors, or persons who have rescued the property from their possession. Prize. Neutral rights. id. ib.

187. By the 2d section of the 14th article of the treaty with Spain, citizens of the United States, who take commissions from any prince or state with which Spain is at war, to cruize against Spain, are to be punished as pirates, and cannot support, in the courts of the United States, any claim for prizes made under such commissions. Treaty with Spain. Prize. id. 171

Treaty with Spain. Spanish colonies. New states

188. Under the 14th article of the Spanish treaty, the new Spanish South American States are to be considered as "*states at war*" with Spain; and the neutrality act of June, 1797, c. 1, extends the same prohibition, with all its consequences, to a colony revolting and making war against its parent country. id. ib.

Prize. Neutral rights.

189. The property of a friendly nation captured by a vessel built, armed, equipped, and owned in the United States, will, if brought within our territorial limits, be restored to the original owners. La Conception—6 Wheaton, 235–238—1821.

Mexican republic. Courts.

190. In 1821 the Government of the United States had not acknowledged any Mexican Republic or State at war with Spain, nor could the Supreme Court of the United States recognize the existence of any court of admiralty sitting at Galveztown with authority to adjudicate upon captures.

The Nueva Anna & Liebre—6 Wheaton, 193—1821.

Consuls.

191. As to the powers of consuls, see

6 Wheaton, 156, note *(a)* to the case of the Bello Corrunes, and the Appendix, note V. p. 3.

Passports.

192. As to the form and effect of passports to neutral vessels, see 6 Wheaton, Appendix, note II. p. 12.

Treaty between Russia and G. Britain.

For the Convention of 1801, between Russia and Great Britain, see 6 Wheaton, Appendix, note IV. p. 52.

Aliens.

193. British subjects born before the revolution are equally incapable with those born after, of inheriting, or transmitting the inheritance of lands in this country.

Blight's Lessee v. Rochester—7 Wheaton, 535—1822.

Treaty with G. Britain.

194. The treaties of 1783 and 1794 only provide for titles existing at the time those treaties were made, and not to titles subsequently acquired. id. 544.

Aliens.

Actual possession is not necessary to give the party the benefit of the treaty; but the existence of title at the time is necessary. id. 545.

Treaty with G. Britain. Alien.

195. The British treaty of 1794 did not enable the next of kin of a British subject who acquired land in Kentucky after the treaty of 1783, and who died seized before that of 1794, to take that land by descent, although the next of kin were citizens of the United States. id. 546.

Prize.

196. The commission is conclusive proof of the national character of a public ship.

The Santissima Trinidad—7 Wheaton, 283–335—1822.

Spanish colonies.

197. During the existence of the civil war between Spain and her colonies, and previous to the acknowledgement of the independence of the latter by the United States, the colonies were deemed by us belligerent nations, and entitled to all the sovereign rights of war against their enemy. id. 337.

Contraband

198. Our municipal laws do not prohibit the trade in contraband articles. It is merely subject, by the law of nations, to the penalty of confiscation in case of capture. id. 340

199. In cases of capture, supposed to be in violation of our neutrality, where the enlistment of men in our territory is proved, the *onus probandi* is thrown upon the claimant to prove that such enlistment was lawful, as being of the subjects of the state under whose flag the capture was made. id. 342. Neutral rights.

200. The 6th article of the Spanish treaty of 1795, only provides for the restitution of Spanish ships captured *within our jurisdiction.* id. 346. Treaty with Spain.

201. *Quere*, As to the right of expatriation. id. 347. Expatriation.

Supposing such a right to exist, it cannot be exercised without a *bona fide* change of domicil, and can never be asserted as a cover for fraud, or to justify a crime against the country, or any violation of its laws. id. 348.

202. An augmentation of force, or illegal outfit within the neutral territory, only affects captures made during the cruise for which such augmentation, or outfit, was made. id. ib. Prize. Neutral Rights.

203. Captures made by public ships, as well as by privateers, if made in violation of our neutrality, are subject to restitution. id. 350. id. id.

204. A condemnation as prize in the court of the captor's country, will not *oust* the jurisdiction of the neutral tribunal which has custody of the *res capta*, before its condemnation in the court of the captor. id. 355. id. id.

205. Prizes made by armed vessels which have violated the statutes for preserving the neutrality of the United States, will be restored if brought into our ports; but the Court has never decided that the offence adheres to the vessel under *all* circumstances; nor that it cannot be deposited at the termination of the cruise in preparing for which it was committed: But if this termination be merely colorable, and the vessel were originally equipped with the intention of being employed on the cruise during which the capture was made, the *delictum* is not purged. id. id.

The Gran Para—7 Wheaton, 471–486—1822.

206. The Court will restore to the former owners property captured in violation of the neutrality of the United States, where it is claimed by the original wrong doer, although it may have come back to his possession after a regular condemnation as prize. id. id.

The Arrogante Barcelones—7 Wheaton, 496—1822.

207. The 4th article of the Spanish treaty of 1795, which prohibits the citizens or subjects of the respective contracting parties from taking commissions from the enemy of the other, is confined to private armed vessels, and does not extend to public ships. Treaty with Spain.

The Santissima Trinidad—7 Wheaton, 284—1822.

208. The exemption of foreign public ships coming into our waters under an express or implied license from the local jurisdiction, does not extend to their prize ships or goods captured in violation of our neutrality. id. ib. Prize. Neutral rights.

209. The capacity of private individuals (British subjects,) or of corporations, created by the Crown, in this country, or in Alien.

Great Britain, to hold lands or other property in this country, was not affected by the revolution.

Courts. The proper courts in this country will interfere to prevent an abuse of the trusts confided to British corporations holding lands here to charitable uses, and will aid in enforcing the due execution of the trusts; but neither those courts, nor the local legislatures where the lands lie, can adjudge a forfeiture of the franchises of the foreign corporation, or of its property.

Prize.

Treaty with G. Britain. The lands of British corporations in this country are protected by the 6th article of the treaty of peace of 1783, in the same manner as those of natural persons; and their title thus protected is confirmed by the 9th article of the treaty of 1794, so that it could not be forfeited by any intermediate legislative act, or other proceeding, for the defect of alienage.

Alien.

Treaty. The termination of a treaty, by war, does not divest rights of property already vested under it; nor do treaties in general become extinguished, *ipso facto*, by war between the two governments. Those stipulating for a permanent arrangement of territorial and other national rights, are, at most, suspended during the war, and revive at the peace, unless they are waived by the parties, or new and repugnant stipulations are made.

The Society for the propagation of the Gospel, &c. v. The Town of New Haven, *et al.*—8 Wheaton, 464—1823.

Discovery. 210. DISCOVERY is the original foundation of titles to land in America, as between the different European nations, by whom

Conquest. conquests and settlements were there made; and gave to the nation making the discovery the sole right of acquiring the soil

Indian title. from the natives; and establishing settlements upon it. It was a right with which no Europeans could interfere. It was a right

Origin of land titles. which all asserted for themselves, and to the assertion of which, by others, all assented. The relations which were to exist between the discoverer and the natives, were to be regulated by themselves.

While the different nations of Europe, respected *the rights of the natives as occupants*, they asserted the *ultimate dominion* to be *in themselves*; and claimed, and exercised, as a consequence of this ultimate dominion, a power to grant the soil, while yet in possession of the natives. These grants have been understood by all to convey a title to the grantees, subject only to the indian *right of occupancy*.

Johnson v. McIntosh—8 Wheaton, 573---574. 1823.

Treaty with G. Britain. 211. It has never been doubted, that either the United States, or the *several* states, had a clear title to all the lands, within the boundary lines described, in the treaty (of peace of 1783,) sub-

Indian title. ject only to the Indian right of occupancy; and that the exclusive power to extinguish that right was vested in that government which might constitutionally exercise it. id. 385.

The several states have, generally, ceded those lands to the United States. They were occupied by numerous, warlike and independent tribes of Indians, but the exclusive right of the United States, to extinguish their title, and to grant the soil, has never been doubted: and any attempt of others to intrude

into that country, would be considered as an aggression which would justify war.

212. The United States maintain, as all others have maintained, that discovery gave an exclusive right to extinguish the Indian title of occupancy, either by purchase or by conquest; and gave also a right to such a degree of sovereignty, as the circumstances of the people would allow them to exercise. id. 587. Discovery.

213. Conquest gives a title, which the courts of the conqueror cannot deny. id. 588 Conquest.

214. The Indian title is not inconsistent with a seisin in fee by a sovereign State. id. 592. Indian title.

A grant of lands, by the Indians to an individual, conveys only the Indian title. The grantee holds under their laws, and incorporates himself with the Indian nation, so far as respects the property purchased. The courts of the United States cannot interpose for the protection of his title. id. 593.

By the King's proclamation in 1763, the crown reserved under its own dominion and protection, for the use of the Indians, "all the lands and territories lying to the westward of the sources of the rivers which fall into the sea, from the west and northwest," and forbade all British subjects from making any purchases or settlements whatever, or taking possession of the reserved lands. id. 594.

In Virginia the complete title of the crown to vacant lands was always acknowledged; and so far as respected the authority of the crown, no distinction was taken between vacant lands and lands occupied by the Indians. id. 596.

A title to lands under grants, to private individuals, made by Indian tribes or nations northwest of the river Ohio, in 1773 and 1775, cannot be recognised by the courts of the United States. id. 543.

215. Whether a regular sentence of condemnation in a court of the captor, or his ally, the captured property having been carried *infra præsidia*, will preclude the courts of this country from restoring it to the original owners, where the capture was made in violation of our laws, treaties and neutral obligations; yet whoever claims under such a condemnation must show that he is a *bonæ fidei* purchaser, for a valuable consideration, unaffected by any participation in the violation of our neutrality by the captors. La Nereyda—8 Wheaton, 108, 174—1823. Prize. Neutral rights.

216. When the boundary between two nations runs through the middle of a river, the waters of the whole river must, upon the general principles of the law of nations, be considered as common to both nations for all purposes of navigation as a common highway necessary for the advantageous use of its own territorial rights and possessions. The Apollon—9 Wheaton, 369. 1824. Boundary. River.

217. The municipal laws of a nation do nor extend, in their operation, beyond its own territory, except as regards its own Municipal laws.

citizens; nor can a seizure for a breach of the municipal laws of one nation be lawfully made within the territory of another.

id. 370.

Right of search. *It seems*, that the rights of visitation and search for enforcing the revenue laws of a nation may be exercised beyond the territorial jurisdiction *upon the high seas* on the vessels of such nation and on foreign vessels *bound to its ports*. id. 371.

Treaty with G. Britain. Alien. 218. Under the 9th article of the British treaty of 1794, it is not necessary for the Alien to show that he was in the actual possession or seisin of the land at the date of the treaty, which applies to the title, whatever that may be, and gives it the same legal validity as if the parties were citizens.

Hughes v. Edwards---9 Wheaton, 489-496. 1824.

The title of an alien mortgagee is protected by the treaty. But independent of the stipulations of the treaty he has a right to come into a court of equity and have the property sold to raise the money due on the mortgage. This demand is merely personal, the debt being considered as the principal, and the land as an incident. id. 97.

Power of Congress to regulate commerce. The power of Congress to regulate commerce, extends to the regulation of navigation and to every species of commercial intercourse between the United States and foreign nations, and among the several states. It does not stop at the external boundary of a state. It has no limitations but such as are prescribed in the Constitution itself. So far as it extends it is exclusive, and no part of it can be exercised by a state. It extends to navigation carried on in vessels exclusively employed in transporting passengers; and to vessels propelled by steam as well as to those navigated by means of wind and sails.

Gibbons v. Ogden---9 Wheaton, 1. 186. 1824.

Alien. 220. The statute of 11 and 12, W. III. c. 6, which is in force in Maryland, removes the common law disability of claiming title through an *alien ancestor*, but does not apply to a *living* alien ancestor, so as to create a title by heirship where none would exist by the common law, if the ancestor were a natural born subject or citizen. Thus the children of the person who would have been heir if he had not been an alien, were citizens of the United States and would, by virtue of the statute of 11 and 12 W. 3. c. 6, have taken the estate by descent if their father had died before the intestate; but he being living, and being an alien at the time of the death of the intestate, could not take the land by descent nor could his children claim through him.

McCreery's lessee v. Somervill---9 Wheaton, 354. 1824.

Slave trade. 221. The African slave trade is contrary to the law of nature, but is not prohibited by the positive law of nations.

The Antelope---10 Wheaton 66. 114. 1825.

Right of search. 222. The right of visitation and search does not exist in time of peace. A vessel engaged in the slave trade contrary to the laws of the country to which it belongs, cannot, for that cause

alone, be seized on the high seas and brought in for adjudication, in time of peace, in the courts of another country. But if the laws of that other country be violated, or the proceeding be authorised by treaty, the act of capture is not unlawful. id. ib.

223. Although a consul may claim for subjects *unknown* of his nation, yet restitution cannot be decreed without specific proof of the individual proprietary interest. id. ib. Prize. Consuls.

224. The treaty of 1778 between France and the United States, allowed the citizens of either country to hold lands in the other; and the title once vested in a French subject to hold lands in the United States, was not divested by the abrogation of that treaty, and the expiration of the subsequent convention of 1800. Treaty with France. Alien.

Carneal v. Banks 10 Wheaton, 181—1825.

225. Seizures made *jure belli*, by non-commissioned captors, are made for the government, and no title of prize can be derived but from the prize acts. Prize.

The Dos Hermanos---10 Wheaton, 306-310---1825.

226. A non-commissioned captor can only proceed in the prize-court as for salvage, the amount of which is discretionary. id. ib. Prize. Salvage.

227. An attack made upon a vessel of the United States, by an armed vessel, with avowed intention of repelling the approach of the former, or of crippling or destroying her, upon a mistaken supposition that she was a piratical cruiser, and without a piratical or felonious intent, or for the purpose of wanton plunder or malicious destruction of property, is not a *piratical aggression* under the act of Congress of 3d March, 1819, c. 75. Piracy. Marine trespass.

The Marianna Flora---11 Wheaton, 39---1826.

Nor is an armed vessel, captured under such circumstances, liable to confiscation as for a hostile aggression under the general law of nations. id. 40. Law of nations.

228. The act of 3d March, 1819, c. 75, extends to foreign vessels committing a piratical aggression; and whatever responsibility the United States may incur towards foreign states by executing its provisions, the tribunals of the United States are bound to carry them into effect. id. 39. Piracy.

Pirates may be lawfully captured by the public or private ships of any nation, in peace or in war; for they are *hostes humani generis*. id. 40.

American ships offending against our own laws may be seized upon the ocean; and *foreign* ships *thus* offending within our territorial jurisdiction, may be pursued and seized upon the ocean, and brought into our ports for adjudication. id. 42. Municipal seizure.

But in such cases the party seizes at his peril, and is liable to costs and damages if he fail to establish the forfeiture. id. ib.

229. Ships of war sailing under the authority of their government, in time of peace, have a right to approach other vessels at sea for the purpose of ascertaining their real character, so far as Right of search.

the same can be done without the exercise of the right of visitation and search, which does not exist in time of peace. id. 43.

No vessel is bound to await the approach of vessels under such circumstances; but such vessel cannot lawfully prevent their approach by the use of force, upon the mere suspicion of danger. id. 40.

The captor, under such circumstances of mutual mistake, and being a public ship of war, is not liable for damages or costs. id. 50.

Alien. 230. An alien may *take* real property by grant, whether from the state or an individual; and may *hold* the same until his title is divested by an inquest of office, or some equivalent proceeding.

Governeur's Heirs v. Robertson---11 Wheaton, 332-351---1826.

Foreign ministers. Courts. 231. An indictment under the act of Congress of 1790, c. 36, (IX.) §. 37, for infracting the law of nations by offering violence to the person of a foreign minister, is not a case "*affecting ambassadors, other public ministers and consuls*," within the 2d § of 3d article of the Constitution of the United States, but is cognizable by the Circuit Courts of the United States.

The United States v. Ortega---11 Wheaton, 467---1826. (See, also, Mr. Wheaton's note to that case, page 469.)

Piracy. Courts. 232. In cases of seizure, in time of peace, for an alleged hostile or piratical aggression in time of peace, the country of the *captors* and of the *captured* have concurrent jurisdiction; and when the *res capta* is brought into a port of the captor's country for adjudication, its courts may exercise jurisdiction.

The Marianna Flora---11 Wheaton, 1-56---1826.

Mistake of national character. Flag. 233. In order to exempt a captor from damages and costs, for a capture founded on mutual mistake of the national character of the conflicting vessels, it is not necessary that he should have affirmed his national flag with a gun. If such be the custom of France, Spain, Portugal, and other continental European powers, it is not that of England or the United States, nor is it binding upon them. id. 48.

Piracy. Probable cause. 234. A justly founded suspicion of piracy will excuse the captors from costs and damages.

Although probable cause will not excuse a seizure under a mere municipal statute, unless made a ground of justification by the statute itself, (see the Appollon—9 Wheaton, 372.) This principle does not extend to captures *jure belli*, nor to *marine torts* generally, nor to acts of Congress, authorising the exercise of belligerent rights to a limited extent, such as the piracy acts of 3d March, 1819, c. 75 and 15th May, 1820, c. 112.

The Palmyra,---12 Wheaton, 1, 16, 17---1827.

Spanish grants. 235. Spanish grants made after the treaty of peace of 1783, between the United States and Great Britain, within the territory east of the river *Mississippi*, and north of a line drawn from that river, at the 31st degree of north latitude, east, to the middle of the river *Apalachicola*, have no intrinsic validity, and the

holders must depend for their titles exclusively on the laws of the United States.

Henderson v. Poindexter's lessee---12 Wheaton, 531---1827.

236. No Spanish grant, made while the country was wrongfully occupied by Spain, can be valid unless it was confirmed by the compact between the United States and the state of Georgia of the 24th of April 1802, or has been laid before the board of Commissioners constituted by the act of Congress of the 3d of March 1803, c. 340, or of March 27th 1804, c. 414. id. ib. Spanish grants.

237. An alien can take land by purchase and hold it until office found. He can grant it, and his grantee can maintain an action to recover it and may declare of his own seisin in fee. Alien.

Sheaffe v. O'Neil,—1 Mass. T. R. 256---1804. Sup. Court of Massachusetts.

238. To constitute a blockade, so as to effect a policy of insurance, by a violation of it, there must be an actual existing force before the port at the time it is entered. The *animus revertendi* of an obsidiary fleet does not continue the blockade, nor is the entry of a neutral, after being warned, a breach of his neutrality, if blockading force be not before the port. Blockade. Neutral rights.

Williams v. Smith---2 Caines N. Y. T. Rep. 1. Sup. Court of N. York---1804.

239. A cargo belonging to enemies found afloat in our ports at the breaking out of the war, is confiscable *jure belli* without any special act of congress authorizing the seizure; and belongs to the United States, unless granted by them to other persons. Prize.

Cargo of the Emulous--Brown claimant, 1 Gallison, 563. Circuit Court U. S. 1813.

240. No subject can legally commit hostilities where the sovereign has either directly or constructively prohibited such acts. War.

id. ib.

241. An alien enemy cannot sustain a claim in a prize court, nor can a purchaser from an enemy. id. ib. Alien.

242. Upon a declaration of war, the President has an authority, as incident to his office, to authorize the capture of enemy property, wherever, by the law of nations, it is liable to capture. President of U. States.

id. ib.

243. A trade exclusively confined to the subjects of one country is purely national, and must follow the situation of that country, as to peace or war, and be deemed hostile or neutral accordingly; and, it is immaterial whether the shipment be made in time of peace or war. Prize. Enemy trade.

In time of war, property cannot change its character *in transitu*. Transfer *in transitu*.

id. ib.

244. Captors of neutral property in an enemy's ship are not, in general, entitled to freight, unless the goods are carried to their port of destination, within the intent of the contracting parties. Prize. Freight.

id. ib.

245. The captors are not liable to damages where there is pro- Prize.

Probable cause.

bable cause; such as sailing from the port of an enemy without license, &c.

The Liverpool Packet—1 Gallison, 513, Circuit Court U. S, 1813.

Prize. Confiscation.

246. It has not been the modern usage to extend the right of confiscation to enemy's property found in the country at the beginning of the war.

The Ann Green—1 Gallison, 292, C. Court, U. S. 1813.

Confiscation.

247. By the law of nations, the debts, credits, and corporeal property of the enemy found in the country at the breaking out of the war, are confiscable.

The cargo of the Emulous—1 Gallison, 563, Ct. Court U. S. 1813.

Lex loci.

248. The law of the, place where a contract is made, is to govern as to the validity, nature, and construction of the contract; but the *remedy* on such controct is to be pursued according to the law of the place where the suit is brought.

Van Reimsdyk v. Kane & al—1 Gal. 371, Circuit Court U. S. 1813.

But where the contract is to be executed in a place different from that in which it is made, the law of the place of execution will apply. id. ib.

Lex loci.

249. A state, by virtue of its general authority, may act upon contracts made between its own citizens in every country; but not as to contracts between its own citizens and foreigners made in foreign countries. id. 377.

Effect of war upon contracts.

250. By the general law, a state of war puts an end to all executory contracts between the citizens of the different countries. Whatever then remains *in fieri* is either suspended or dissolved, *flagrante bello.*

The Frances—1 Gal. 448, Circuit Court 1813.

Territorial jurisdiction.

251. Every nation has exclusive jurisdiction over the waters adjacent to its shores, to the distance of a cannon shot, or marine league. Brig Ann—1 Gal 62, Circuit Court U. S. 1813.

War.

252. On a declaration of war, the citizens are not bound to return from foreign countries, unless so ordered by the government.

The Joseph—1 Gallison, 545, Circuit Court U. S. 1813.

Piracy.

253. To constitute the offence of piracy within the act of 1790, c. 9., by piratically and feloniously running away with a vessel, personal force and violence is not necessary; but it must be *animo furandi.*

United States v. Tully & al.—1 Gallison, 247, Circuit Court U. S. 1813.

Piracy. High seas.

254. Under that act, the term "*High seas,*" means any waters on the sea coast, which are without the boundaries of low-water mark; although such waters may be in a *roadstead* or bay within the jurisdictional limits of a foreign government.

United States v. Ross—1 Gallison, 624, Circuit Court, U. S. 1813.

Prize. Courts.

255. The prize court has jurisdiction to decree restitution of a vessel recaptured from the enemy, and to award damages against the recaptors for embezzlement.

The Dove and cargo—1 Gallison, 585. Circuit Court United States, 1813.

256. A special order of the sovereign, though contrary to the law of nations, justifies the captors in all tribunals of prize. Prize.

Maisonaire v. Keating—2 Gallison, 585. Circuit Court U. States, 1815.

257. A commission to capture enemy's property extends to all neutral property seized in violating neutral duties. id. 339. Prize. Neutral Rights.

258. Provisions become contraband when destined to a port of naval equipment of an enemy, or for the supply of his army. Prize. Contraband

id. 335.

259. A Territory conquered by an enemy is not to be considered as incorporated into the dominions of that enemy, without a renunciation in a treaty of peace, or a long and permanent possession. Until such incorporation it is still entitled to the full benefit of the law of postliminy. Conquest. *Jus Postliminii.*

United States v. Hayward—2 Gallison, 501. Circuit Court U. S. 1815.

260. The trial of prizes, and of all incidents to the question of prize, and the awarding of damages for an illegal capture made by a lawfully commissioned cruiser belong exclusively to the courts of the capturing powers. Prize. Courts.

The Invincible—2 Gallison, 29. Circuit Court United States, 1814.

261. The tribunals on one sovereign cannot revise the acts done under the authority of another. id. 44. Law of nations.

262. The admiralty courts of the United States will exercise jurisdiction *in rem*, to enforce a bottomry bond executed in a foreign country, between subjects of a foreign country when the ship is within the territory of the United States. Bottomry.

The Jerusalem—2 Gallison, 191. Circuit Court United States, 1814.

263. The admiralty has exclusive jurisdiction of suits on *ransom bills:* but not of a suit upon a bill of exchange given as security for payment of a ransom bill. Ransom.

Maisonaire v. Keating—2 Gallison, 341. Circuit Court U. States, 1815.

264. The jurisdiction of the District courts of the United States as courts of admiralty, extends to all maritime contracts, and to all *torts* and injuries committed on the high seas, or within the ebb and flow of the tide. A policy of insurance is a maritime contract and therefore within the admiralty jurisdiction. Admiralty. Courts.

De Lovio v. Boit—2 Gallison, 398. Circuit Court United States, 1815.

The courts of common law have a concurrent jurisdiction with the admiralty courts over maritime contracts. id. ib.

265. Goods owned and shipped by an American citizen, (after a known war) from an enemy's port to a port of his colony are subject to confiscation. Prize.

The Diana—2 Gallison, 93-98. Circuit Court United States, 1815.

266. A wharfenger has a lien on a foreign ship for wharfage by the law of the admiralty; which lien will overreach a prior bottomry. Admiralty.

Exparte Lewis—2 Gallison, 483. Circuit Court United States, 1815.

267. The treaty of 1810 between Great Britain and Portugal Prize.

Domicil. did not prevent British merchants resident in the *Brazils* from acquiring the neutral character of their domicil.

S. J. Indiano—2 Gallison, 292. Circuit Court United States, 1814.

Prize. 268. All goods found on board an enemy's ship are presumed to the property of the enemy, unless a *distinct* neutral character be *impressed upon and accompany them.*

The Flying Fish—2 Gallison, 374. Circuit Court U. States, 1815.
S. P. The Avery—2 Gallison, 337. Circuit Court United States, 1815.

Prize. Duties. 269. Prize goods, brought in by ships of war of the United States are liable to the payment of duties, as to the moiety belonging to the officers and crew of the capturing ships; but no duties are payable upon the moiety belonging to the United States the whole of that moiety belongs to the navy pension fund.

The Liverpool Hero—2 Gallison, 184. Circuit Court United States, 1814.

Prize. Neutral rights. 270. No suit can be sustained in *a neutral tribunal* against a lawfully commissioned cruizer which is brought within its jurisdiction to recover damages for a supposed illegal capture.

The Invincible—2 Gallison, 29. Circuit Court United States, 1814.

License. 271. To make a vessel good prize for using an Enemy's license, she must have been seized *in delicto*. So of breaches of blockade, &c. The Saunders—2 Gallison, 215. Circuit Court U. S. 1814.

Prize. Duties. Neutral rights. 272. As it respects duties, condemnation of prize goods relates to the time of importation. Duties accrue upon a voluntary importation only. If a neutral be captured, brought in and restored, no duties attach, unless the cargo were afterwards voluntarily unladen and an election made by the neutral to consider the United States, as the port of discharge.

Prince v. U. S.— 2 Gal. 208, 209. Circuit Court U. S. 1814.

Prize. Ransom. Enemy trade. 273. A ransom cannot lawfully be made at any distance of time after the capture, and by a new voyage undertaken for that special purpose; but such voyage is such a trading with the enemy as subjects the vessel to confiscation.

The Lord Wellington—2 Gallison, 104. Circuit Court U. S. 1814.

Alien Naturalization. 274. Under the naturalization act of 14 April, 1802, the registry of aliens required by the 2d sec. of the law, must have been made 5 years before the application for naturalization.

Anonymous—1 Peters Rep. 457. Circuit Court U. S. 1817.

Alien enemy. 275. A person beneficially interested in a suit, if an alien enemy, cannot support the suit in the name of his trustee who is not an alien, unless the contract arise out of a licensed trade.

Crawford v. The Wm. Penn—1 Peters' Rep. 106. Circuit Court U. S. 1815.

Alien enemy. President of U. States. 276. The President of the United States had authority, under the act of Congress of the 6th of July 1798, respecting alien enemies to order their confinement in certain cases, and to use the necessary means for that purpose.

The marshals of the several districts are the proper officers to execute the orders of the President under the alien act; and it is

not necessary to call in the aid of the judicial authority on all occasions to enforce the orders of the President.

Lockington v. Smith—1 Peters Rep. 466. Circuit Court U. S. 1817.

277. A bottomry bond given for the repairs of a vessel which had been employed as a cartel, made in an enemy's port, may be enforced by the admiralty powers of the District Court of the United States, although the hypothecation was to an alien enemy. Cartel. Bottomry. Alien enemy.

Crawford v. The Wm. Penn—1 Peters Rep. 106. Circuit Court U. S. 1815.

278. A *cartel* is, *pro hac vice*, a neutral licensed vessel, and all persons concerned in her navigation, upon the particular service in which both belligerents have employed her, are neutral in respect to both, and under the protection of both. All contracts made for equipping and fitting her for this service are to be considered as contracts made between friends, and consequently ought to be enforced in the tribunals of either belligerent, having jurisdiction of the subject. Cartel. id. 112.

279. It is to the Department of State, that a reference must be made for the official acts of the President of the United States, in relation to such public measures as are not immediately connected with the duties of some other department. Department of State.

Lockington v. Smith---1 Peters Rep. 466. Circuit Court U. S. 1817.

But the President may direct some other department to make known such measures as he may establish. id. ib.

280. The question of prize or no prize exclusively belongs to the admiralty jurisdiction, and the sentence of a competent court of admiralty, condemning the property as prize, is conclusive. Prize. Admiralty. Courts.

Jenkins v. Putnam—1 Bay's Reports, 9. Sup. Court, S. Carolina, 1784.

Whatever is an incident springing out of a prize case, is as exclusively within the jurisdiction of the Admiralty, as the original capture.

Sasportas v. Jennings and Woodrop---2 Bay, 463, 471. Sup. Court, South Carolina, 1795.

281. Captures made on land by unauthorised individuals from an enemy, do not divest the property out of the original owner unless there has been a condemnation by some court of competent authority. Prize. Capture on land.

Turnbull v. Ross---2 Bay, 19, 22. Sup. Court, South Carolina, 1785.

282. Under the 25th art. of the French treaty of 6 Feb. 1778, it was not absolutely necessary in order to give a vessel of the United States the character of a free ship, so as to protect belligerent property on board of her, that she should have a sea letter on board at the time of capture; but the want of such sea letter excused the captor from payment of costs and damages. Treaty with France. Sea letter.

Tunno v. Preary---Bees, Rep. 6. District Court U. S. 1794.

283. To a libel in the admiralty no person can *answer* unless he be named in the libel: nor can a third person interpose a plea to the jurisdiction of the Court. Prize. Practice.

Teasdale v. Sloop Rambler & E. Ballard---Bee's Rep. 9. Dist. Court U. S. 1794.

Prize. Courts.

284. The question of prize belongs exclusively to the courts of the captor's country.

Castello v. Bouteille—Bee's Rep. 29 District Court U. S. 1794. Sheaffe & Turner v. 70 hogsheads sugar, Bee 163, Dist. Court U. S. 1800.

Prize. Neutral rights.

285. The courts of a neutral country have jurisdiction in cases of prize made in violation of its neutral rights, and brought within its territorial jurisdiction.

Janson v. Vrow Christina Magdalena—Bee's Rep. 28. Kelly v. schooner Prosperity, Bee's Rep. 38, Dist Court U S 1794. British Consul v schooner Nancy, Bee's Reports 73—Dist. Court U. States, 1795. Ellison v. ship Bellona, Bee 114. Moodie v. The Betty Catheart—Bee's Report 199, District Court United States, 1795.

Treaty with France.

But by the treaty with France of 6 *Feb.* 1778, *art.* 17 and 22, the subjects of France had a right to equip and arm their vessels in our ports; to bring in their prizes and depart to with them, without interference by our courts.

Stannick v. ship Friendship—Bee's Report 40, District Court United States, 1794: Salderondo v ship Nostra Signora del Camino—Bee 43, 1794.

Territorial Jurisdiction

286. The words "*a marine league from the coasts or shores of the United States,*" in the act of Congress of the 5th of June, 1794, mean a league from the land, bordering on, and washed by the sea, extending to low water mark; and not a league from a shoal at a distance from the shore.

Soult v. L'Africaine—Bee's Rep. 204, District Court U. S. 1804.

Prize. Neutral rights.

287. *False papers* divest a neutral vessel of her national character.

Mann's executors v. Sacks—Bee's Rep 202, Dist. Court U. S. 1804.

Consul.

288. Foreign consuls are general agents for the subjects of their respective countries not otherwise represented.

Gernon v. Cochran—Bee's Reports 210. District Court U. S. 1804.

A master of a ship in a foreign port represents both owners and shippers, not having other agent on the spot. id. ib.

Prize.

289. A sale before condemnation becomes valid by the subsequent condemnation.

Dennis v. Brig Lear—Bee's Reports, 213, District Court U. S. 1805. Young v. Tavel —id. 229. S. P. District Court U. S. 1806.

Admiralty. Alien.

290. The courts of admiralty in this country will not generally take cognizance of cases, between foreigners, if the cause of action do not arise within our jurisdiction.

Thompson v. Ship Nanny—Bee's Reports, 224. District Court U. S. 1805.

Salvage. Prize.

291. Salvage is not due for the rescue of property from the possession of a friendly power.

Waite v. Brig Antelope—Bee's Reports, 233. District Court U. S. 1806.

Prize. Neutral rights.

292. Belligerents have no right, unless by treaty, to sell their prizes in a neutral country. The neutral government may grant permission, but ought not to do so unless all the powers at war can be put upon an equal footing.

The Consul of Spain v. the Consul of G. Britain—Bee's Reports, 263. District Court U. S.

293. The stipulations of a treaty are paramount to the provisions of the constitution of a particular state of the confederacy. Treaty

Gordon's lessee v. Kerr & al.---1 Washington, Circuit Court Reports, 322. Circuit Court U. S. 1806.

294. The treaty of peace between Great Britain and the United States, was in force from the 20th of January 1783, that being the day on which terms of peace were "agreed upon between "Great Britain and France; and his Britannic Majesty was "ready to conclude such treaty accordingly." Treaty with G. Britain.

Hylton's lessee v. Brown---1 Washington, Circuit Court Reports, 353 Circuit Court U. S. 1806.

295. A foreign secretary of legation is entitled to the protection of the law of nations, and cannot lawfully be arrested by the civil authorities of the United States, or of the respective states, even by the consent of the legation; but if committed under the authority of one of the states, he cannot be discharged upon *Habeas Corpus* by a court or judge of the United States; it having been expressly provided in the 14th sec. of the judiciary act of 1789 "that such writs of *Habeas corpus*, shall, in no case, extend "to prisoners in gaol, unless where they are in custody under, or by "colour of the authority of the United States, or are committed "for trial before some court of the same or are necessary to be "brought into court to testify." Law of nations. Secretary of Legation.

The laws of the United States for the punishment of those who violated the privileges of a foreign minister, are as obligatory upon the state courts as upon those of the United States, and it is equally the duty of each to quash proceedings against any one having those privileges. The injured party may seek redress in either court against the aggressor, or he may prosecute under the 26th sec. of the act of 30th April 1790, ch. ix. But the circuit court of the United States cannot quash proceedings depending in a State Court. Foreign ministers. Courts.

Exparte Cabrera---1 Washington, Circuit Court Reports, 232. Circuit Court U. S. 1805.

296. Prize causes are always *in rem*, against the vessel and cargo, or one of them; or *quasi in rem*, against the proceeds, wherever they are. Prize.

Carson's Exors v. Jennings---1 Washington, Circuit Court Rep. 131. Circuit Court United States, 1804.

297. A law, of a foreign country, which protects the party to a contract from execution, will, in the courts of the United States protect the same individual from arrest upon the same contract. *Lex Loci.*

Camfranque v. Burnell—1 Washington Circuit Court Rep. 340. Circuit Court United States, 1806.

The laws which in any manner affect a contract, whether in its construction, in the mode of discharging it, or which control the obligation which the contract imposes, are essentially incorporated in the contract. id. ib.

A contract is governed by the law of the country where it was made, and may be enforced in foreign countries, according to

their own form of proceeding; but in such a manner as to give effect to the contract according to the law which gave it validity. id. ib.

Law of nations. 298. The law of nations is part of the law of Pennsylvania.

Wilcox v. Union Insurance Company—2 Binney, 581. Superior Court Pennsylvania, 1810.

Aliens. 299. A British *antenatus* is incapable of taking lands by descent in Pennsylvania.

Jackson v. Burnes—3 Binney, 75. Supreme Court Pennsylvania, 1812.

Alien. 300. The English doctrine that no man can divest himself of the allegiance under which he was born, is not compatible with the the Constitution of Pennsylvania, or of the other states. id. 85.

Prize. Courts. 301. In order to give jurisdiction to the courts of the captors' country it is not necessary that the prize should be brought within its territorial jurisdiction.

Seizure as prize and safe possession in a neutral port are sufficient.

Cheriot v. Faussat—3 Binney 220. Superior Court Pennsylvania, 1810.

Prize. Courts. 302. A court of common law has no jurisdiction of a cause to recover property taken and condemned as prize for having violated the law of France prohibiting trade with the revolted parts of *St. Domingo*. id. ib.

Consul. Courts. 303. A state court has no jurisdiction of suits or prosecutions against a foreign consul.

Mannhardt v. Soderstrom—1 Binney, 138. Sup. Court Pennsylvania, 1808.

Treaty with France. Courts. 304. Under the 12th article of the convention with France of the 14th of November, 1788, the courts of this country had not jurisdiction of suits between French subjects.

Bertrandt v. Gautier—1 Yeates, 571. Sup. Court Pennsylvania, 1794.

Aliens. Courts. 305. An alien defendant in an action of slander, brought in a state court, cannot remove it, under the 12th §. of the judiciary act of 1789, to the circuit Court of the United States although he make affidavit that the matter in dispute exceeds 500 dollars exclusive of cost.

Rush v. Cobbet—2 Yeates 276. Sup. Court Pennsylvania, 1798.

Prize. Natural rights. 306. Belligerents cannot establish prize courts in a neutral country; nor can they make any sale of their prizes there unless authorised by treaty.

Wheelwright v. Depeyster—1 Johnsons, 471. Sup. Court N. Y.

Treaty with G. Britain. 307. The British treaty of 1794, confirmed the title of lands in New York to British subjects then holding, and their heirs, notwithstanding their alienage.

Jackson v. Wright—4 Johnson 75. Sup. Court N. Y. 1809.

Alien. Courts. 308. The state courts have jurisdiction of actions for *torts* committed on board of a foreign vessel on the *high seas where both parties are foreigners*; for personal injuries are of a *transitory* nature and follow the person or *forum* of the defendant.

Gardner v. Thomas—14 Johnson, 134. Sup. Court N. Y. 1817.

And though the injury is laid in the declaration to be *contra pacem &c.* that is matter of form only and not traversable.

id. ib.

But it rests in the sound discretion of the court to exercise jurisdiction or not, according to the circumstances of the case.

id. ib.

309. The state courts of common law have jurisdiction of marine trespasses, where there is no question of prize. It is not the place, but the nature of the case, which determines the jurisdiction. Prize. Marine trespass.

310. Trover will lie in a state court, by the original owner of an American vessel against the owner of a Carthagenian privateer, *illegally fitted out in the United States*, for a capture of the plaintiff's vessel as prize. Prize. Courts.

Hallett v. Novion—14 Johnson, 273. Sup. Court N. Y. 1817.

311. The courts of the United States have no jurisdiction of causes between aliens. Courts. Alien.

Montalet v. Murray—4 Cranch, 47. Sup. Court U. S. 1808

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2. Convention concerning *vessels recaptured*, of the 8th of October, 1782; negotiated at the Hague, by John Adams, on the part of the United States, George Van Randwyck, B. V. D. Santheuvel, P. V. Bleiswyk, W. C. H. Van Lynden, D. I. Van Heeckeren, Joan Van Kuffeler, F. G. Van Dedem, and H. Tjassens, on the part of the Netherlands. Ratified by congress on the 23d of January, 1783. Page, - - - - - 162

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2. Of *amity* and *commerce*, of the 4th of September, 1816; negotiated at Stockholm, by Jonathan Russell, on the part of the United States, and Le Comte d'Engestrom and Le Comte A. G. de Morner, on the part of Sweden, Ratified on the 25th of Sept., 1818. To be in force for eight years from the day of ratification, it therefore expired on the 25th of Sept., 1826 - 192

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2. Boundaries of the United States and their territories, defined and admitted ib
3. The United States to have the right to take fish on the Grand and other banks of Newfoundland; in the gulf of St. Lawrence, on the coast of Newfoundland, and to dry and cure them, for the present, in the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen islands, and Labrador - 209

Article 4. No impediment allowed to the recovery of debts on either side page 210
5. Congress to recommend to the respective states to provide for the restitution of confiscated property belonging to real British subjects and others, &c.—no lawful impediment in the prosecution of just rights - ib
6. All confiscations, and prosecutions of persons, for the part they may have taken in the war, to cease - - - 211
7. A firm and perpetual peace—hostilities to cease—prisoners to be released—armies and fleets to be withdrawn from the U. States—artillery to remain—archives, records, deeds and papers to be restored - - ib
8. The navigation of the Mississippi to be free to both nations - ib
9. Conquests on either side, before the arrival of these articles in America to be restored without difficulty, and without requiring any compensation - ib

2. Armistice, declaring a *cessation of hostilities*, of the 20th of January, 1783; negotiated at Versailles, by Alleyne Fitz Herbert, on the part of Great Britain, and by John Adams and Benjamin Franklin, on the part of the United States. Sanctioned by congress on the 11th of April, 1783 - - 212

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2. The boundaries of the United States defined and established - ib
3. The citizens of the United States to continue to enjoy the right of fishing on the banks of Newfoundland, in the gulf of St. Lawrence—liberty allowed to dry and cure fish in the unsettled bays of Nova Scotia - 221
4. No impediment allowed to the recovery of debts on either side - 222
5. Congress to recommend to the states to provide for the restitution of confiscated estates—twelve months allowed to certain persons to endeavor to recover their estates—congress to recommend to the states a reconsideration of their laws concerning confiscations—persons having an interest in confiscated lands, to meet with no lawful impediment in the prosecution of rights ib
6. All confiscations and prosecutions of persons, for the part they may have taken in the war to cease - - - ib
7. Firm and perpetual peace—prisoners to be released—negroes not to be carried away—armies and fleets to be withdrawn—archives, &c. to be restored - 225
8. The navigation of the Mississippi to be free to both nations - ib
9. Conquests on either side, before the arrival of the provisional articles in America, to be restored - - - - ib

4. Treaty of *amity, commerce*, and *navigation*, of the 19th of November, 1794; negotiated at London, by William Wyndham, (baron Grenville) on the part of Great Britain, and John Jay, on the part of the United States. The senate of the United States, on the 24th of June, 1795, advised the president to ratify this treaty, on condition that there should be added thereto an article, whereby it should be agreed to suspend the operation of a part of the 12th article. Such an article having been added, the treaty was duly ratified by the President of the United States and his Britannic Majesty, and the ratifications were exchanged at London, on the

28th day of October, 1795. The ratification of the 1st explanatory article took place on the 9th of May, 1796; and the ratification of the second explanatory article on the 5th of June, 1798. The former of the explanatory articles was negotiated at Philadelphia, on the 4th of May, 1796, by P. Bond, on the part of Great Britain, and T. Pickering on the part of the U. States; and the latter at London, on the 15th of March, 1798, by Lord Grenville, on the part of Great Britain, and Rufus King, on the part of the United States - - page 224

1. A firm, inviolable, and universal peace between the two nations - 224
2. Great Britain to withdraw her troops from certain posts within the boundary line of the United States, on or before the 1st of June, 1796—settlers and traders, residing in the precincts of the posts to be surrendered, to enjoy the property unmolested—these settlers not to be compelled to become citizens of the United States, nor to take the oath of allegiance - ib
3. Freedom of intercourse and trade mutually allowed to citizens and subjects of the two parties, and to the Indians, on the continent of America; the limits of Hudson's bay company excepted—exceptions as to the admission of vessels of either party—the river Mississippi to be open to both parties—goods and merchandise not wholly prohibited, to be admitted into the territories of each party—each party may export goods, not prohibited, from the territories of the other—no duty of entry to be levied on peltries brought by land—indians not to pay impost or duty—no higher or other tolls to be demanded than are payable by natives, on either side; and no duty to be paid on goods which are merely carried over portages, and not attempted to be sold or exchanged in the passage - - 225
4. A joint survey of the Mississippi to be made, from one degree below the falls of St. Anthony, to the principal sources of that river, to ascertain whether a line drawn due west from the lake of the Woods, will intersect the Mississippi - - - - 227
5. Commissioners to be appointed to identify the river St. Croix, designated in the definitive treaty of peace, in 1783, as forming part of the boundary line of the United States—the commissioners to make a particular and descriptive declaration as to the identity of the river St. Croix, and their decision to be final - - - - 227
6. The United States to compensate British creditors for losses occasioned by legal impediments to the collection of debts contracted before the peace of 1783—limitation of this provision to losses sustained by legal impediments only—five commissioners to be appointed to ascertain the amount of losses which the United States consent to make good to British creditors—commissioners to take an oath—form of the oath to be taken by the commissioners—three commissioners to form a board—eighteen months allowed for receiving claims, with an extension of the time for six months in just and reasonable cases—the commissioners to meet at Philadelphia with powers to adjourn elsewhere—rules prescribed, and powers vested in the commissioners, for the investigation of claims—award of the commissioners to be final—the United States to pay in specie—no payment to British creditors previously to a year after the ratifications of this treaty - 228
7. The British government to make compensation to the citizens of the U. States for illegal captures of their vessels by British subjects, where adequate compensation cannot be obtained in the ordinary course of justice—this provision not to extend to losses occasioned by negligence of claimants—five commissioners to be appointed, with the same powers, as those appointed in virtue of the 6th article of this treaty for adjusting the amount of compensation to be paid by the British government to citizens of the U. States, for illegal captures of their vessels and merchandise—the commissioners appointed in virtue of this article, to decide respecting claims to be paid by the United States to British subjects, for losses sustained by captures made by armed vessels, under the circumstances mentioned in a letter from Mr. Jefferson to Mr. Hammond, of the 5th of September, 1793 - 230
8. The commissioners to be appointed according to subsequent agreement—other expenses to be defrayed jointly—vacancies in the commission to be filled in the manner of the first appointments - - 231
9. American citizens and British subjects holding lands in the territory of either party, to exercise the rights appertaining thereto, as natives - 232
10. No debts, or moneys, vested in funds, to be confiscated in the event of war - ib
11. Reciprocity of navigation and commerce under certain limitations - ib

Art. 12. Trade allowed to the British West Indies, in vessels of the United States, not exceeding 70 tons, and in such articles as British vessels may carry thither from the United States—vessels of the United States allowed to export from the British West Indies to the United States, such articles as may be carried thither in British vessels—proviso: restricting the vessels of the U. States to a direct trade from the British West Indies—proviso: allowing importations and exportations from and to the British West Indies in British vessels—limitation of this article to the period of two years after the signing of preliminary articles of peace, between Great Britain and the powers at war with her in 1794—after the expiration of this article, further regulations to be the result of future efforts; as well with respect to trade with the British West Indies, as concerning certain neutral rights page 232

13. Vessels belonging to citizens of the United States, to be admitted into the ports of the British East Indies—proviso: restricting, in time of war, the exportation of military and naval stores and rice from the British ports—reciprocity, as to tonnage duties; also, as to duties on cargoes—the trade from the British East Indies to be direct to the United States—American vessels not allowed to carry on the coasting trade in the British East Indies—The citizens of the United States not to reside in, or go into the interior parts of the British East Indies without permission—Citizens of the U. States may touch at the island of St. Helena for refreshment - 234

14. Reciprocal and perfect liberty of commerce, between the British dominions in Europe, and the United States - - - 235

15. Neither party to pay, in the ports of the other higher, or different duties than are paid there by any other nations on like articles—Great Britain reserves the right of equalizing tonnage duties; as also to countervail the difference of duties on European and Asiatic goods, when imported in American, or in British vessels—The parties to treat for a more exact equalization of duties at the time mentioned in the 12th article hereof—The U. States, in the interval, not to increase existing duties, nor the differences therein - 235

16. Consuls may be reciprocally appointed; to enjoy their proper rights, after being duly admitted as such; and may be punished, dismissed, or sent home, the reasons being assigned therefor - - - 236

17. Vessels captured on suspicion of having contraband, or enemy's property to be sent into the nearest port; the contraband to be taken out, and the vessel to be allowed to proceed - - - ib

18. Specification of contraband goods—Contraband goods to be confiscated—Provisions and other articles, when, from particular circumstances, they are contraband, to be paid for on seizure—Vessels of either party, not to be detained, on attempting to enter a blockaded place, unless previously warned off—Vessels and goods of either party, found in an invested place, after surrender, to be restored to the owners - - ib

19. Those concerned in private armed vessels, on either side, to be answerable for damages done by them—Commanders of privateers to give bonds, to be answerable for misconduct—Authentic copies of process of condemnation in admiralty courts, to be furnished without delay, to commanders of vessels against which sentence may have been pronounced, on payment of fees - 237

20. Pirates not to be received, nor concealed—Ships and goods brought into port of either party, by pirates, to be seized and restored - 238

21. Citizens and subjects not to accept commissions from a third power, to act in a hostile manner against either party—A third (enemy) power, not allowed to enlist citizens or subjects of either party—Persons taken offending against the provisions of this article, may be treated as pirates - ib

22. Acts of reprisal not to be authorised by either party, without previous demand of satisfaction - - - - 239

23. The ships of war of each party, to be hospitably received and well treated in the ports of the other—American vessels not usually allowed to enter British ports, but compelled to do so by stress of weather, to be kindly received and permitted to refit—But not to break bulk, unless indispensably necessary - ib

24. Privateers of a third (enemy) power, not to arm in the ports of either nation, nor to sell their prizes - - - - ib

25. Prizes made by ships of war and privateers of either party, allowed to enter and depart from the ports of each other without examination—Nothing in this treaty to operate contrary to existing treaties with other nations—Neither party to allow the ships or goods belonging to citizens or subjects of the other, to be taken within cannon shot of its coast, - 240

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28. The first ten articles of this treaty to be permanent; the others, with the exception of the 12th, limited to twelve years, the subject of the 12th article, to be discussed anew, before its expiration; but if no further arrangement can be effected, then all the articles, except the first ten, to expire together—This treaty, after the mutual exchange of ratifications, to be binding—Other articles may be proposed and added to this treaty - 241

Letter from Thomas Jefferson to George Hammond on the subject of compensation for British vessels captured by cruisers fitted out in ports of the United States—Obligation of the U. States, in relation to three belligerent nations to protect their vessels, in American ports—The rule extended to Great Britain, although not required by treaty—The president determined to make compensation for certain vessels, for the restitution of which suitable efforts had not been made by the U. States—Determination of the president as to future similar cases - - - 243

Governors of states instructed to use all the means in their power to restore prizes found in their ports—Mr. Hammond to communicate with governors of states—Intention of the president distinctly stated—important for Mr. Hammond to substantiate facts—His list of privateers correct—Losses by detention, to be ascertained by persons to be appointed by collectors and British consuls - - - - 244

Additional article—That part of the 12th article of the treaty of November 19th 1794, relating to the trade between the United States and the British West India Islands, suspended - - - - - ib

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The 3d art. of the treaty between the United States and Great Britain of 19th Nov. 1794, not to be affected by any treaty subsequently concluded with other nations—This article, after mutual ratification, to make part of the treaty, between the United States and Great Britain, of Nov. 19, 1794 - 246

Second explanatory article—Reference to the 28th article of the treaty between the United States and Great Britain of Nov. 19, 1794, which permits additional articles to that treaty; Difficulties in relation to the source of the river St. Croix—The commissioners appointed in virtue of the 5th article of the treaty between the U. States and Great Britain, of Nov. 19, 1794, not obliged to particularize the latitude and longitude of the source of the St. Croix—A monument to be erected at the source of the St. Croix—This article, after mutual ratification to make part of the treaty of Nov. 19, 1794 - 247

5. Convention relative to the *execution of the sixth article* of the treaty of the 19th of November, 1794, (No. 4,) of the 8th January, 1802; negotiated at London, by Robert Banks Jenkinson, (lord Hawkesbury,) on the part of Great Britain, and Rufus King, on the part of the United States. Ratified on the 26th of April, 1802. - 248

Difficulties in the execution of the 6th article of the treaty between the United States and Great Britain, of the 19th November, 1794; consequent suspension of proceedings under the seventh article of the same treaty - ib

Article 1. The 6th article of the treaty between the United States and Great Britain, of November 19, 1794, annulled, except &c.—In lieu of the obligations imposed by the 6th article, the United States agree to pay £600,000 sterling, at Washington, in three annual instalments of £200,000 each—Mode of payment - - - - - ib

2. The 4th article of the definitive treaty of peace, concluded at Paris on the 3d September, 1783, which declares there shall be no lawful impediment to the recovery of debts on each side, recognized and confirmed anew - 249

3. The commissioners appointed in pursuance of the 7th article of the treaty of November 19, 1794, to proceed in the execution of their duties—All sums awarded by the commissioners acting under the 7th article of the treaty of November 19, 1794, to be paid in three equal instalments - - ib

4. This convention, after mutual ratification, to be binding - - ib

No. 6 Of *peace* and *amity*, of the 24th of December, 1814; negotiated at Ghent, by James lord Gambier, Henry Goulbourn, and William Adams, on the part of Great Britain, and John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin, on the part of the United States. Ratified on the 17th of February, 1815. - - - - - page 250

Article 1. Firm and universal peace—Territory, &c. to be restored, except, &c.—Archives, records, &c. to be restored—Islands in the bay of Passamaquoddy to remain in the hands of the party occupying, &c. - - ib

2. Orders to be sent to the armies, etc. to cease hostilities, etc.—Limitation of time for captures in different latitudes, etc. - - - 251

3. Prisoners of war to be restored - - - - ib

4. Reference to the boundary line established by the treaty of 1783—Conflicting claims to islands in the bay of Passamaquoddy, Fundy, etc. to be referred to commissioners—Mode of appointing the commissioners—Meeting and duties of the commissioners—In case of the commissioners differing, reference to the arbitration of a friendly sovereign or state, whose decision is to be final - - - - - - 252

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7. Commissioners to fix the boundary from the water communication between lakes Huron and Superior to the Lake of the Woods—In case of difference, etc. - 255

8. The several boards of commissioners may appoint a secretary, employ surveyors, etc.—Pay of the commissioners—Grants of land in islands changing jurisdiction under this treaty, to be valid - - - 256

9. Reciprocal pacification of the Indian tribes - - - ib

10. Both parties to use their endeavors to effect the abolition of the slave trade - 257

11. The treaty binding when ratified - - - - ib

No. 7. Convention to *regulate commerce* between the territories of the United States and his Britannic Majesty, of the 3d of July, 1815, negotiated at London, by John Quincy Adams, Henry Clay, and Albert Gallatin, on the part of the United States, and Frederick J. Robinson, Henry Goulbourn, and William Adams, on the part of Great Britain. Ratified by the Prince Regent, on the 31st of July, 1815, and by the President and Senate, on the 22d of December, 1815; on which latter day ratifications were exchanged at Washington. - - - - - 258

Article 1. Reciprocal liberty of commerce between the territories of the United States and the British territories in Europe—Complete protection to commerce, subject to the laws of each country - - - - 258

2. No higher or other duties, on the importation or exportation of the productions, etc. of each country, than on those of other foreign countries—Prohibitions on the importation or exportation of the productions of either country, to extend to all other nations—Equality of duties on American and British vessels—Equality of duties on the produce, etc. of each country, whether imported in American or British vessels—Equality of duties and bounties on the exportation, from one country to the other, of the productions of either, in British or American vessels—Drawbacks the same, whether the goods were originally imported in American or British bottoms; except in case of re-exportation, in the vessels of one party from the country of the other, to a third foreign nation—Intercourse with the British West Indies and North American continental possessions, not affected by this article - ib

3. United States' vessels may trade to Calcutta, Bombay, and Prince of Wales' Island, *direct*, in articles not prohibited: but not to export military or naval stores or rice thence, when the British are at war—Citizens of the United States not to pay for their vessels, in the permitted ports of the East Indies, more than is paid on vessels of the most favored European nation—Articles must be conveyed direct to the United States, and be unladen—Vessels of the United States not to carry on the coasting trade in the British East Indies; but may proceed, with part, or the whole, of their original cargoes,

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Article 4. Consuls to reside in the dominions of each party; who may be punished according to law, or sent home—Particular places excepted from the residence of consuls - - - - - - 261
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No. 8. Convention respecting *fisheries, boundaries, &c.* of the 20th of October, 1818; negotiated at London, by Albert Gallatin and Richard Rush, on the part of the United States, and Frederick J. Robinson and Henry Goulbourn, on the part of Great Britain. Ratifications exchanged at Washington on the 30th of January, 1819. By this Convention, the provisions of the Convention of London, of the 3d of July, 1815, are continued for ten years, - 262

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No. 9. Convention of St. Petersburgh, of the 12th of July, 1822, respecting *the meaning of the first article of the treaty of Ghent, in relation to an indemnification for slaves taken from the United States during the late war with Great Britain;* negotiated at St. Petersburgh, by Henry Middleton, on the part of the United States, Count Nesselrode and Count Capodistrias, on the part of Russia, and Charles Bagot, on the part of Great Britain. Ratifications exchanged on the 10th of January, 1823. - - 266

The United States and Great Britain agree to refer their differences, with respect to the meaning of the first article of the treaty of Ghent, to the Emperor of Russia, in pursuance of the fifth article of the convention of the 20th of October, 1818—His Imperial Majesty's award—The United States are entitled to claim a just indemnification for such slaves as were within the places and territories to be restored, &c.—Such slaves as may have been transferred from these territories to British vessels within the waters of the said territories, and have not been restored, to be considered as carried away—For American slaves who were carried away from territories not stipulated to be restored, no indemnification to be claimed - - 266
His Imperial Majesty's good offices have been invoked to assist in framing a convention between the United States and Great Britain - - 268
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2. If an average value be not agreed upon, as compensation, the commissioners and arbitrators shall examine evidence, so as to fix an average value—In case they shall not agree, the evidence and proceedings shall be submit-

ted to the minister or agent of the mediating power accredited to the United States, whose decisions shall be final and conclusive - page 270
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4. The two commissioners to examine and determine claims under the rule of the Imperial decision, with reference, if need be, to the annexed explanatory documents, marked A and B - - - - ib
5. If the two commissioners shall not agree in any particular case, they shall draw, by lot, the name of one of the arbitrators, who shall consult with them, and the opinion of a majority of the three shall be the final decision—The arbitrator, while so acting, shall be deemed a commissioner - 274
6. The decision of the two commissioners, or of the majority, as in the preceding article, shall be final—His Britannic Majesty engages to pay the sums awarded in specie, without deduction, at the time and place specified by the commissioners—Payments not to be made in less than twelve months after the exchange of the ratifications - - - - ib
7. The commissioners and arbitrators to be paid, as shall be agreed upon between the governments of the United States and Great Britain, at the exchange of the ratifications—All other expenses to be paid jointly - - 276
8. A certified copy of this convention, after ratification, to be delivered by each of the contracting parties to the minister or agent of the mediating power near the United States - - - - - ib

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B. Mr. Bagot's understanding, &c. - - - - 284
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No. 10. Convention awarding *the amount of indemnification* under the St. Petersburgh Convention, of the 13th of November, 1826; negotiated at London, by Albert Gallatin, on the part of the United States, and William Huskisson and Henry U. Addington, on the part of Great Britain. Ratifications exchanged in London on the 6th of February, 1827. - - - - - 288
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2. Convention cancelled - - - - 289
3. The sum of $1,240,960 in two equal payments—First payment in twenty days; and the last on the first of August, 1827 - - - ib
4. Final adjustment - - - - - ib
5. Documents, etc. to be delivered up - - - ib

No. 11. Decision of the Commissioners under the 4th article of the treaty of Ghent, respecting *certain islands in the Bay of Passamaquoddy;* adjusted by John Holmes, on the part of the United States, and Thomas Barclay, on the part of Great Britain. - 291
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Declaration of the commissioners, accompanying their decision—Each of the commissioners has yielded a part of his individual opinion, etc. - ib

No. 13. Decision of Commissioners, under 6th art. Treaty of Ghent, at Utica, New York, June 18; 1822 - - - - 293
Boundary line designated - - - - ib

No. 14. Arrangement, &c. entered into at Washington, in April, 1817, by Richard Rush, on the part of the United States, and Charles Bagot, on the part of Great Britain. Approved by the Senate, and sanctioned by the Prince Regent, and promulgated by the President of the United States on the 28th of April, 1818. p. 297

Arrangement as to the American and British naval force to be maintained on the Lakes—On Lake Ontario, one vessel, not exceeding one hundred tons burden, and armed with one eighteen pounder—On the Upper Lakes, two vessels, of like burden, and armed with like force - - ib

On Lake Champlain, one vessel, like burden and like force—Other vessels to be dismantled—Stipulation may cease, on six months' notice—Naval force to be restricted, etc. - - - - - 298

TREATIES WITH PRUSSIA.

1. Of *amity* and *commerce*. This treaty bears no special date, but was signed by the negotiators as follows: by B. Franklin, at Passey, on the 9th July, 1785; by Thomas Jefferson, at Paris, on the 28th of July, 1785; by John Adams, at London, on the 5th of August, 1785; and F. G. de Thulemier, at the Hague, on the 10th of September, 1785. By the 27th article it was limited to ten years, and expired in 1796: it was supplied by No. 2. Ratified by congress on the 17th May, 1786 - - 299

1. Firm, inviolable, and universal peace and friendship - - 300
2. The subjects of Prussia may frequent the coasts and countries of the United States; may reside and trade there; and allowed to enjoy all the rights and privileges of commerce granted to the most favored nations - ib
3. American citizens may freely trade to the Prussian dominions; may reside there; and are entitled to all the privileges of commerce and navigation granted to the most favored nations - - - ib
4. Each party to have a right to carry their own produce, &c. in their own or other vessels, to the dominions of the other, &c—Each party may retaliate on nations restraining the transportation of merchandise to vessels of the country of which it is the growth—Subjects or citizens of either party not to import or export prohibited merchandise, unless that privilege is allowed to other nations - - - - ib
5. The loading or unloading of vessels of each party, not to be constrained or impeded, in the ports of the other - - - 302
6. All lawful examination of goods for exportation, to be made before they are put on board; and no search of vessels except in case of fraud - ib
7. Each party to endeavor to protect the vessels and effects of the other, within their respective jurisdictions, by sea or land, &c. - - ib
8. Vessels of either party, coming on the coasts or entering the ports of the other and not willing to break bulk, to be allowed freely to depart, &c. - 304
9. In cases of shipwreck of the vessels of either party within the dominions of the other, friendly assistance to be given to persons, effects, &c.—The right to wrecks, abolished between the parties - - ib
10. The citizens or subjects of each party may dispose of their personal estate, by will or otherwise, and inherit, in the dominions of the other, &c.—Where no one appears to claim inheritance, to be held in the custody of the law of the land—Citizens or subjects of each party, allowed a reasonable time to sell lands, &c. in the dominions of the other, which they cannot hold without naturalization—This article not to derogate from the laws of Prussia concerning emigration - - - - - ib
11. Liberty of conscience secured—Citizens or subjects of either party, dying in the dominions of the other, to be decently buried - - - 305
12. Free trade allowed with an enemy—Free ships to make free goods—Free ships to protect persons except soldiers in the actual service of an enemy - ib
13. No goods to be deemed contraband, so as to justify confiscation—But vessels carrying contraband goods may be detained, on payment of loss sustained by the delay—Military stores detained, may be used by the captors, on paying the full value of them—If the master of a vessel, stopped for having on board goods held to be contraband, offers to deliver them up, she may proceed on her voyage - - - - ib

Art. 14. One of the parties being at war, and the other at peace, the neutral party to be furnished with sea letters or passports, which are to be exhibited as well at sea as in port—Vessels of the neutral party, being under convoy, are not to be molested - - - - page 308
15. Armed vessels of either party visiting merchant ships of the other, to remain out of cannon shot—All persons belonging to public and private armed vessels, to be answerable for injuries done to the effects, &c. of either party ib
16. Citizens or subjects of each party, their vessels, &c. not to be detained by embargo, or otherwise—Recovery of debts, &c. to be prosecuted according to law - - - - - - 310
17. Vessels, &c. of either party, taken by an enemy or a pirate, and recaptured by the other, to be restored on proof - - - ib
18. Vessels of either party, driven by stress of weather, &c. into the ports of the other, to be protected, and the persons on board treated humanely - ib
19. Vessels of war of each party may freely enter and depart from the ports of the other with their prizes: except captures made from the subjects of the king of France. See treaty with his most christian majesty, art. 17, page 46. 310
20. Citizens of one party not to take commissions, or letters of marque, from a third power, to act against the other—Neither to furnish military or naval succor to a third power, to aid against the other - - 312
21. Regulations to be observed in case of war against a common enemy. 1. Vessels of one party, recaptured from the enemy of the other, by a private armed vessel, within 24 hours after being taken, to be restored on payment of one third of the value of the vessel—In case the recapture should be by a public vessel of either party within 24 hours after capture, restoration to be made—Proof & surety required before restitution—The legality of prizes to be determined according to the laws of each party, respectively - ib
22. In case of a common enemy or both being neutral, the vessels of war of each party to afford convoy - - - - - 314
23. In case of war, nine months allowed to merchants of each nation to settle affairs; Women, children, cultivators, &c. not to be molested in case of war—Private property to be protected by the armed force of the other party during hostilities—Merchant vessels allowed to pass free—No commissions to be given to interrupt trading vessels - - - 314
24. Prisoners of war not to be sent into inclement countries, nor crowded into noxious places, neither party will send them to Asia or Africa, nor confine them in dungeons, nor put them in irons, &c. officers to be enlarged on parole, and, together with the privates, to be otherwise well provided for—Expense of supporting prisoners of war to be defrayed by each party respectively—Commissaries of prisoners allowed on each side—Commissaries may visit prisoners and distribute comforts, &c—Prisoners violating parole, or escaping to forfeit future indulgence in relation to enlargement—The pretence that war dissolves all treaties, &c. not to effect this and the preceding articles; viz. (the 23d and 2 th) - - - - 316
25. Each party may have consuls, &c. in the ports of the other—Consuls not to have peculiar privileges in commerce - - - 318
26. Favors granted to any other nation, in navigation or commerce, by one party, shall become common to the other, on the same conditions - ib
27. This treaty to endure for ten years from the year 1786. - ib

2. Of *amity* and *commerce*, of the 11th of July, 1799; negotiated at Berlin, by John Quincy Adams, on the part of the United States, and Charles William count of Finckenstein, Philip Charles of Alvensleben, and Christian Henry Curce, on the part of Prussia. Ratifications exchanged at Berlin, on the 22d of June, 1800.—By the 27th article, it was limited to ten years, and expired on the 22d of June, 1810, - - - 320

Article 1. Firm, inviolable, and universal peace, and sincere friendship - 320
2. The subjects of Prussia may frequent, and trade, on the coasts of the U. States ib
3. American citizens may trade to the Prussian dominions; reside there, &c. - 322
4. Each party to carry their own produce to the dominions of the other—Each party may retaliate on nations restraining the transportation of merchandise to vessels of the country of which it is the growth—Subjects or citizens of either party, not to import or export prohibited merchandise, &c. - ib
5. The loading or unloading vessels not to be constrained or impeded, &c. - ib
6. All lawful examination of goods for exportation to be made before put on board, 324
7. Each party to endeavor to protect the vessels and effects of the other, &c. - ib

Article 8. Vessels of either party, coming on the coasts of the other, and not willing to break bulk, to be allowed freely to depart &c - pag 4
9. In cases of shipwreck, &c. friendly assistance to be given to persons and effects ib
10. Citizens of either party may dispose of personal estate, by will or otherwise—Where no one appears to claim inheritance, to be held by law of the land—Citizens or subjects allowed a reasonable time to sell lands, &c. in the dominions of the other—This article not to derogate from the laws of Prussia concerning emigration - - - 326
11. Liberty of conscience secured—Citizens, &c. dying in the dominions of the other, to be decently buried, &c. - - - ib
12. The principle adopted in the treaty of 1785, relative to free ships making free goods, declared not to have been sufficiently respected by belligerents—The parties determined to concert measures for the security of neutral navigation—In the mean time, one of the parties being at war, is to conduct itself towards the other being neutral, according to the law of nations - 328
13. No goods to be deemed contraband, so as to justify confiscation—But vessels carrying contraband goods may be detained, on payment of loss sustained by the delay—Military stores, detained may be used by the captors, on paying the full value of them—If the master of a vessel, stopped for having on board goods held to be contraband, offers to deliver them up, she may proceed on her voyage—Contraband specified - - ib
14. Vessels of each party, in time of war, to be characterized by particular documents. First: A passport to be exhibited when required—Vessels of either party under convoy to be permitted to pass, on the word of the commanding officer.—Secondly: A charter party.—Thirdly: A list of the ship's company.—These documents not indispensable for three months after the information of the declaration of war, &c. - - - 330
15. Armed vessels visiting a merchantman to remain out of cannon shot, &c. 332
16. Vessels of each party, subject to general embargo on the footing of the most favored nations—Exemption stipulated in the 16th article of the treaty of 1785, annulled—Indemnity stipulated for vessels detained for public uses—Arrests of the citizens or subjects of one party, within the jurisdiction of the other, to take place according to law only. - - ib
17. Vessels of one of the parties, being neutral, recaptured by the other, to be restored on proof - - - - ib
18. Vessels of either party, driven by stress of weather into the ports of the other to be treated humanely, - - - ib
19. Vessels of war of each party may freely enter and depart from the ports of the other with their prizes: [*See article 24 page 239.]—Vessels that have made a prize on British subjects, not entitled to shelter in the ports of the U. States 334
20. The citizens of neither party to take commissions, or letters of marque, from a third power, to act against the other—Neither to furnish military or naval succor to a third power—Regulations to be observed in case of war against a common enemy— - - - ib
21. Vessels of the citizens or subjects of one party recaptured from the enemy of the other, before being carried into port, to be restored, on payment of one-eight part of vessel and cargo to a public vessel, and one sixth to a privateer Proof and surety required before restitution—The legality of prizes to be determined according to the laws of each party—Each nation may make regulations concerning prizes carried in the ports of the other - ib
22. In case of a common enemy or both being neutral, the vessels of war of each party to afford convoy - - - 336
23. In case of war, nine months allowed to settle affairs—Women, children, cultivators, &c. not to be molested in case of war - - ib
24. Prisoners of war not to be sent into inclement countries &c.—Expense of supporting prisoners of war, defrayed by each party respectively—Commissaries of prisoners allowed on each side—Commissaries may visit prisoners and distribute comforts—Prisoners violating parole, or escaping, to forfeit future indulgence in relation to enlargement—The pretence that war dissolves all treaties, not to effect this and the preceding article - 338
25. Each to have consuls in the ports of the other—Consuls not to have peculiar privileges in commerce - - - 340
26. Favors granted to any other nation, in navigation, to be common to both - ib
27. This treaty to endure ten years from 1786 - - ib

TREATIES WITH SPAIN.

1. Of *friendship, limits,* and *navigation,* of the 27th of October, 1795; negotiated at San Lorenzo el Real, by Thomas Pinckney, on the part of the United States, and the Prince of Peace. Ratified on the 3d of March, 1796. - - page 342

Article 1. Firm and inviolable peace, and sincere friendship - - ib

2. Designation of the southern boundary line of the U. States, which divides their territory from the Spanish colonies of East & West Florida—Garrisons &c. of either party, in the territory of the other, to be withdrawn within six months after the ratification of this treaty, &c. - - 342

3. Each party to furnish a commissioner and surveyor, to meet at Natchez, to run the boundary line, keep journals, &c. which are to be considered as part of this convention—The commissioners and surveyors allowed to have guards of American and Spanish troops, &c. - - 344

4. The western boundary of the U. States, separating the Spanish colony of Louisiana from their territories, to be in the middle of the channel, or bed of the river Mississippi—The entire navigation of the Mississippi, free only to American and Spanish subjects. - - - ib

5. Peace and harmony to be maintained among the Indians inhabiting the country adjacent to the Floridas—Mutual stipulation for restraining by force all hostilities between the Indians residing within the boundaries of the parties respectively—No treaties except treaties of peace, to be made by one party, with the Indians living within the boundaries of the other—Advantages of the Indian trade to be common, &c. - - 346

6. Each party to protect the vessels of the other within its jurisdiction, by sea or land; and to restore vessels and effects by whomsoever taken - ib

7. Citizens and subjects, vessels and effects, not liable to embargo, or detention for any military expedition, &c. by either party—Arrests, &c. for debts and offences, to take place only according to law—Citizens and subjects of either party allowed to employ such advocates, &c. in the trial of causes, as they judge proper, &c. - - - 348

8. Vessels of either party, forced by stress of weather, &c. into the ports, &c. of the other, to be received with kindness, allowed to refresh, and freely to depart. - - - - - ib

9. Property taken from pirates to be restored to the true owner, on proof - ib

10. In case of wrecks, &c. each party to afford the other the same assistance it would give to its own citizens or subjects under similar circumstances, &c. ib

11. Right of devise, donation, and of inheritance with respect to personal goods, secured to the citizens or subjects of each party, in the dominions of the other—In the absence of a claimant, goods to be in the custody of the law of the land, by which all disputes concerning them are to be finally decided—Aliens, citizens, or subjects, of either party allowed to dispose of real estate descending to them in the dominions of the other, &c. - 350

12. Merchant ships of one party, making for a port of an enemy of the other, obliged to exhibit passports and certificates, &c. - - ib

13. In case of war between the parties, one year, after proclamation of it, allowed to citizens and subjects, respectively, to settle their affairs, &c. - ib

14. No subject of Spain to take a commission from a third power with whom the U. States are at war, to cruise agsinst the citizens, &c. of the latter—Nor any American citizen to take a commission from a power with which Spain is at war, to cruise against the persons and property of Spaniards - 352

15. Offenders to be punished as pirates—Free trade allowed with an enemy—And from one enemy port to another enemy port, either directly or indirectly—Free ships to make free goods—Contraband goods excepted—Free ships to protect persons, unless they are soldiers in the actual service of an enemy ib

16. Specification of contraband goods—Discrimination as to articles not contraband; Entire freedom of commerce in articles not contraband, except to blockaded places—Public ships of either party, in distress at sea allowed to supply their vessels with necessaries from the cargoes or merchant vessels of the other, giving receipts for the same, for the purpose of payment, &c. - ib

17. One of the parties being engaged in war, the vessels of the other must be furnished with sea letters or passports, &c.—[* The form of this passport, after diligent search, cannot be found in the department of state, and is not annexed to the original treaty.]—Ships that are laden, to be provided also with certificates, &c. in the accustomed form—Vessels not being furnished with passports and certificates, may be condemned as prize, unless equivalent proof of property be furnished - - 356

Art. 18. Vessels of war of either party, visiting merchantmen of the other, under the right of search to remain out of cannon shot, & board, in a boat, with two or three men only - - - page 356
19. Each party permitted to establish consuls in the ports of the other, &c. - 358
20. Free access allowed, for the purposes of justice, for the citizens or subjects of of each party, to the courts within the dominions of the other. - ib
21. Differences occasioned by losses sustained by American citizens, from Spanish captures, to be referred for decision to commissioners—Three commissioners; and the mode of appointing them—The three commissioners to be sworn—To sit at Philadelphia—Vacancies to be supplied in the manner of the first appointments—Duties of the commissioners—Their powers—The award of any two of the commissioners to be final—The amount of awards to be paid in specie - - - ib
22. The existing good correspondence and friendship to be strengthened by future extension and favor to the mutual commerce of the parties—In consequence of the stipulations of the 4th article, (see page 345,) the citizens of the U. States are allowed to deposite their merchandise and effects in the port of New Orleans, &c. for the space of three years, &c. - 360

2. **A Convention between his Catholic Majesty and the United States of America, for the indemnification of those who have sustained *losses, damages, or injuries*, in consequence of the excesses of individuals, of either nation, during the late war, contrary to the existing treaty or the laws of nations; negotiated at Madrid, on the 11th August, 1802, by Charles Pinckney, on the part of the United States, and Pedro Cevallos, on the part of Spain. Ratified by the President and Senate, on the 9th January, 1804; and by the King of Spain on the 9th July, 1818.** - 363

1. A board of five commissioners - - - ib
2. Commissioners to take an oath - - - 364
3. Commissioners to meet and sit at Madrid, receive claims, &c. - ib
4. The commissioners may examine every question on oath - - ib
5. No appeal from the commissioners; and the agreement of three of them conclusive—Awards to be paid in specie - - - ib
6. Rights founded on claims originating from excesses of foreign cruisers reserved by each party - - - - ib

3. **Treaty of *Amity, Settlement*, and *Limits*, between the United States of America and his Catholic Majesty; negotiated at Washington, the 22d February, 1819, by John Quincy Adams, on the part of the United States, and Luis de Onis, on the part of Spain. Ratified by the President and Senate on the 22d February, 1819, and by the king of Spain, on the 24th October, 1820** - 366

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3. Boundary line west of the Mississippi—the Sabine, the Red River, the Arkansas, and latitude 42 degrees north, to the South Sea—According to Melish's Map, 1st. Jan. 1818—The use of the waters of the Sabine, Red River, and Arkansas, common to both countries—Territorial renunciations corresponding with the Boundary Line - - - ib
4. A commissioner and Surveyor to be appointed by each party, to meet at Natchitochez to run the boundary line - - 371
5. Free exercise of religion in the ceded territories, and permission to remove, and sell or export their goods without duties - - ib
6. Inhabitants of the ceded territories to be incorporated in the Union, &c. - 373
7. Spanish troops to be withdrawn and possession given within six months after the exchange of ratifications—United States to furnish transports for the troops 373
8. Grants of land before 24th Jan. 1818, confirmed—Owners to fulfil certain conditions—Grants since 24th Jan. 1818, null and void - - ib
9. Reciprocal renunciation of all claims—Claims renounced by the U. States—Claims renounced by Spain—Renunciation of claims for transactions in the Floridas—Satisfaction by the U. States, for injuries to inhabitants of Florida ib
10. Convention of 11th August 1802, annulled - - 375
11. United States to satisfy claims of their citizens to amount of five millions of dollars—Three commissioners—To meet at Washington, and decide upon claims—Commissioners to take an oath—In case of sickness, &c. their

places may be supplied—Commissioners may hear and examine on oath—Spanish government to furnish documents, &c.—Payment of the claims—Records of proceedings, &c. to be deposited in the Department of State page 377
Art. 12. Treaty of 1795 confirmed, with exceptions—Neutral flag to cover enemies' property only where the government acknowledges the principle - 379
13. Deserters to be delivered up on proof, to the vessel to which they belong - ib
14. United States certify that they received no compensation from France for claims provided for in this treaty - - - ib
15. Spanish vessels laden with Spanish productions, coming direct to Pensacola or St. Augustine, to be admitted without higher duties than those of the United States, for twelve years - - - ib
16. [*This privilege to Spanish vessels will expire on the 22d of May, 1833.] - 381
Grants annulled by the foregoing Treaty - - 386
Surrender of the Floridas, by Spain - - - 396

TREATY WITH RUSSIA.

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2. Navigation and commerce on the basis of perfect equality, and reciprocity - 407
3. Citizens, of either party not to pay higher duties in the ports of the other, on the produce and manufactures of their own growth, than the most favored - ib
4. Reciprocal duties the basis of this treaty - - 408
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8. Consuls and Vice Consuls received in all ports open to foreign commerce - 409
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1. Of *peace* and *friendship*, of the 28th June, 1786; negotiated at Morocco, by Thomas Barclay, on the part of the United States, under an appointment from John Adams and Thomas Jefferson, ministers plenipotentiary of the United States at London and Paris. Ratified by congress on the 18th of July, 1787 page 415

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3. Persons or goods of one party, captured in an enemy vessel by the other, to be released—Enemy goods, laden on board a vessel of either party to pass free ib
4. Vessels to have passports—Ships under convoy free of examination - ib
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6. American citizens and effects to be restored - - ib
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10. Vessels engaged within gunshot of forts to be protected—Vessels stranded, &c. ib
11. Enemy vessels not allowed to follow for twenty-four hours - - ib
12. Ships of war not to be examined in port, &c.—Fugitive slaves - ib
13. Salutes to be returned, with an equal number of guns - - 418
14. American commerce on the most favored footing &c. - - ib
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16. Prisoners to be exchanged—Balance of prisoners to be paid for $100 per man ib
17. No compulsion in buying or selling - - - ib
18. No examination of goods on board, except on proof of contraband, &c. - ib
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20. Disputes between Americans, &c. to be decided by the consul, &c. - 419
21. Killing or wounding on either side, punishable by the law of the country, &c. - ib
22. Persons dying intestate, &c. care of their effects—Validity of wills - ib
23. Residence of consuls. [It is generally Tangier.] American consul not accountable for debts of citizens - - - ib
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25. This treaty to last fifty years - - - ib

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1. Of *peace* and *amity*, of the 5th of September, 1795; negotiated at Algiers, by Joseph Donaldson, junior, under an appointment from David Humphreys, commissioner plenipotentiary of the United States. Ratified on the 2d of March, 1796. Annulled by war. 421

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2. Free trade with Algiers—Duties—Naval and military stores may be sold free ib
3. Vessels and effects to pass free - - - ib
4. Visit of American merchantmen by Algerine ships of war,—American ships of war meeting Algerine cruizers, &c—Ships, the property of citizens only entitled to passports, &c. - - - 422
5. Persons not to be taken out of American vessels, &c. - - ib
6. Stranded vessels to receive assistance—Goods wrecked free of duty - ib
7. The Algerines not to sell vessels of war to enemies of the United States - ib
8. Prizes bought of Algerines by Americans, not to be captured by the cruisers of the regency, then at sea, although they have not a passport - ib
9. Barbary powers, at war with the U. States, not to sell prizes in Algerine ports ib
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11. Presents of provisions to ships of war—Fugitive slaves, &c. - - ib
12. Redemption of slaves—Americans taken on board enemy ships &c.—Personal passports essential - - - - ib

13. Effects of persons dying intestate, &c.--Validity of wills - page 423
14. Freedom in buying goods–Consul not responsible for debts of citizens—The Dey wanting to freight an American vessel &c. - - ib
15. Disputes to be decided by the Dey—Disputes to be decided by the Consul - 424
16. Killing or wounding an Algerine, &c. - - - ib
17. Security, liberty, and privileges of the American Consul; religious indulgence to christian slaves, &c. - - - ib
18. In case of war, American citizens may embark, &c. - - ib
19. Persons and property, captured on board enemy vessels, to be discharged - ib
20. Salutes to be returned—Presents of fresh provisions - - ib
21. Household article of the consul, duty free - - 425
22. Inquiry and reparation, to prevent war—Mutual promise to observe this treaty—The U. States to pay annually 12,000 sequins: ($21,600.)—Vessels captured in future, to be released - - - ib

2. Treaty of *peace* and *amity*, of June 30, 1815, concluded by commodore Decatur and William Shaler, on the part of the United States of America, and his highness Omar Pashaw, Dey of Algiers. Ratified by the President, by and with the advice and consent of the Senate, on the 26th December, 1815. - 427

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2. Abolition of tribute in any form - - - ib
3. American citizens to be delivered up—Subjects of Algiers delivered up without ransom - - - - ib
4. Indemnification to American citizens for detention and loss of property, &c.—Bales of cotton and 10,000 dollars in lieu - - ib
5. Enemies' property to pass free in the vessels of each party - ib
6. Citizens or subjects taken on board enemy vessels to be liberated; and American citizens and property not to be held captive or detained on any account 428
7. Passports to vessels of either party: and right of visit restricted—Offenders to be punished for abusing the right of visit—Vessels of war of the U. States to suffer Algerine cruisers to pass, satisfied as to their consular Document ib
8. Certificates of condemnation and bill of sale sufficient passport for six months, in case of purchase of prizes - - - 429
9. Provisions to be furnished to the vessels of each party at market price—In case of repair, cargoes may be landed without duty; no compulsion to land cargoes ib
10. When vessels are cast ashore in the territory of either party, assistance to be given to the crews and protection to the property - - ib
11. Vessels of either party to be protected within cannon shot, and in port; and an enemy not permitted to pursue within 24 hours - - ib
12. Commerce, protection to merchants, rights of establishing consuls, &c. on the footing of the most favored nations - - - ib
13. Consuls of the U. States not responsible for debts of citizens, - ib
14. Salutes to vessels of war of the U. States, as to the most favored nations—Christian captives taking refuge on board American ships, of war, cannot be reclaimed - - - - 430
15. Pretexts arising from religious opinions not to interrupt harmony, &c—Liberty to celebrate religious rights—Consuls may travel within the territories of each party - - - - ib
16. In case of dispute arising from violation of this Treaty, the grievances to be stated, and three months allowed for an adjustment of differences—If war ensues, Consuls, citizens, and subjects to be permitted to embark unmolested ib
17. Prisoners of war not to be made slaves, but to be exchanged, rank for rank, within 12 months. &c. - - - - 431
18. Powers at war with the U. States, not to be suffered to sell American captured vessels at Algiers; but the vessels of war of the United States may sell their prizes at Algiers - - - ib
19. Consul of the U. States to decide disputes between American citizens, &c. — Other disputes to be settled by the consuls or agents of the nations to which the parties belong—Disputes between citizens of the U. States and subjects of Algiers to be decided by the dey in person - - ib
20. In case of killing, wounding, or striking, the law of the country to prevail, the consul assisting at the trial, and punishments to be equal, &c. - ib
21. Consul of the U. States not to pay duties on domestic articles. - ib
22. Citizens of the U. States dying within the regency of Algiers, their property to be under the direction of the consul, unless otherwise disposed of by will; If no consul, the effects to be deposited, &c.—Dey, &c. not to hinder execution of a will. - - - 432

RENEWED TREATY WITH ALGIERS.

3. Treaty of *peace* and *amity*, December 23, 1816, concluded by W. Shaler and I. Chauncey, on the part of the United States, and the Dey and Regency of Algiers - - - page 432

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3. American citizens to be delivered up—Subjects of Algiers to be delivered up without ranson, for the excess of prisoners - - ib
4. Indemnification of American citizens for detention and loss of property ib
5. Enemies' property to pass free in the vessels of each party - 434
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7. Passports to vessels of either party; and right of visit restricted - Offenders to be punished, in the most exemplary manner for abusing the right of visit—Vessels of war of the U. S to suffer Algerine cruisers to pass, &c. - ib
8. Certificates of condemnation and bill of sale sufficient passport for six months, - ib
9. Provisions furnished at market price—In case of repair, cargoes may be landed without duty; but no compulsion to land cargoes - - 435
10. Vessels cast ashore, assistance given to crews and protection to property - ib
11. Vessels within gunshot of forts to be defended, &c. - - ib
12. Commerce, etc. on the most favored footing - - ib
13. Consuls of the U. States, not responsible for debts of citizens, unless, &c. - ib
14. Salutes, &c. on the most favored footing—Christian captives taking refuge, &c. ib
15. Pretext arising from religious opinions, not to interrupt harmony—Liberty to celebrate religious rights—Consuls may travel in the territories, &c. - 436
16. In case of disputes arising from a violation of this treaty, 3 months allowed for an adjustment of differences—In case of war, consuls &c. to embark, &c. ib
17. Prisoners of war not to be made slaves, but exchanged in 12 months - ib
18. Power at war with the U. States not to sell prizes at Algiers, but the vessels of war of the U. States may sell their prizes at Algiers, - 437
19. Consul of the U. States to decide disputes between American citizens—Other disputes settled by the consuls or agents of which the parties belong—Disputes between Americans and Algerines decided by the Dey in person - ib
20. In case of killing or wounding the law of the country to prevail, &c. - ib
21. Consul of the U. States not to pay duties on domestic articles - ib
22. Citizens of the U. States dying within the regency of Algiers, their property to be under the direction of the consul, unless otherwise disposed of by will—If no consul the effects to be deposited &c.—Dey not to hinder the execution of a will - - - - ib

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TREATIES WITH TRIPOLI.

4. Of *peace* and *friendship*, of the 4th of November, 1796; negotiated by Joel Barlow, under an appointment from David Humphreys, commissioner plenipotentiary, of the United States. Ratified on the 10th of June, 1797. Annulled, by war. 439

1. Peace between the U. States and Tripoli, guaranteed by the dey of Algiers. ib
2. Enemy goods, etc. free. - - - ib
3. Citizens or subjects in enemy vessels, etc. - - - ib
4. Vessels of both parties to be furnished with passports, etc. - ib
5. Prize vessels bought by citizens or subjects of either party, allowed a year to procure regular passports. - - - ib
6. Provisions—Repairs—Landing cargoes - - ib
7. Stranded vessels.—No pillage, etc. - - - ib
8. Vessels within gunshot of forts to be defended as much as possible - 440
9. Commerce, &c. on the footing of the most favored nations. - ib
10. Acknowledgment by the bey of the receipt of a sum in gross, which, with certain stipulated consular presents, exonerate the U. S. from future tribute. ib
11. No pretext from religious opinions to interrupt the harmony of the countries ib
12. No appeal to arms in case of a dispute concerning a violation of this treaty,—The consul failing to settle disputes, reference to be made to the dey of Algiers ib

2. Of *peace* and *amity*, of the 4th of June, 1805; negotiated at Tripoli, by Tobias Lear, on the part of the United States. Ratified on the 17th of April, 1806, - - page 442

1. Firm and inviolable peace, on terms of the most favored nation - Favors granted to other nations by one party, to be common to the other; free, if freely allowed; otherwise, as the parties may agree. - ib
2. Americans to be delivered to the squadron of the U. States off Tripoli: Tripolines to be given up to the bashaw—The U. States to pay 60,000 dollars for the balance of prisoners; (about two hundred) - ib
3. The forces of the U. States to be withdrawn, &c. - 443
4. Enemy goods on board vessels of either party, to pass free - ib
5. Citizens or subjects in enemy vessels to be immediately liberated - 443
6. The vessels of both parties to be furnished with passports—Visits of American vessels by Tripoline cruisers, &c.—Passports, &c. - ib
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8. Provisions—Repairs—Landing cargo, without paying duties - ib
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10. Vessels attacked within gunshot of forts, &c. - - ib
11. Commerce, &c. on the footing of the most favored nations - ib
12. Consul not answerable for debts, &c.—Salutes. - - ib
14. No pretext arising from religious opinions to interrupt prevailing harmony,—Exercise of religion—Indulgence to christian slaves—Consular privileges, 445
15. No immediate appeal to arms In the event of war, consuls may embark ib
16. Prisoners of war, to be exchanged—Deficiency in prisoners to be paid for ib
17. Enemies of the U. States not to sell prizes in Tripoline ports: but Americans may 446
18. Disputes to be settled by the American consul—Other disputes - ib
19. Killing or wounding on either side, punishable by the law of the country, &c. ib
20. Persons dying intestate, &c.—Validity of wills - - ib

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1. Of *peace* and *friendship*, of the 26th March, 1799; negotiated by Joseph S. Famin, chargé d'affaires, &c. and as to certain alterations, by William Eaton and James Leander Cathcart. Ratified on the 10th of January, 1800 - - - 449

1. Perpetual and constant peace, and permanent friendship - ib
2. Persons and property of either party, on board enemy vessels, &c. - ib
3. Enemy goods on board vessels of either party, free - - 450
5. Merchant vessels under convoy, to pass on the word of the commander - ib
6. No exactions by vessels of war—Refugee slaves &c.—Slaves carried away. ib
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8. Provisions for vessels in port—Repairs—Unloading cargo—Wages of laborers 451
9. Vessels wrecked to be assisted, &c.—Salvage - ib
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11. Salutes when requested—Salutes to be returned in barrels of powder - ib
12. Merchants free to carry on commerce—Interpreters—Freight of American vessels by subjects of Tunis, &c—Captains not to be detained in ports—Citizens and subjects under the protection of the sovereign authority—The government of Tunis may freight American vessels. - 452
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14. Duty on Tunisian goods in *any* vessels, on American goods in *American* vessels; American merchandise under *foreign* flag, to pay six per cent, &c - ib
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16. Anchorage duty. - - - - ib
18. Consuls, &c. not answerable for debts of others, &c. unless bound in writing ib
19. Effects of persons dying intestate, &c. - - - ib
20. The consul judge of disputes between citizens, &c. - - 454
21. Killing, &c. a citizen or subject, punishable according to the laws of the country ib
22. Civil disputes to be tried in presence of the consul, &c. - ib
23. War not to take place until a demand and refusal of justice—In case of war, one one year allowed &c.—The terms of this treaty to be punctually observed ib

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PART III. NEW NATIONS OF SOUTH AMERICA.

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1. General Convention of *Peace, Amity, Navigation,* and *Commerce,* of October 3, 1824, negotiated at Bogota, by Richard Clough Anderson, on the part of the United States, and Pedro Gual, on the part of the Republic of Colombia. Ratified May 31, 1825, page 463

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2. Favors of commerce to be common to both parties - - ib
3. Citizens of the U. States at liberty to frequent all the coasts and countries of the Republic of Colombia, to reside and trade there - - 465
Citizens of the Republic of Colombia may frequent all the coasts and countries of the United States for the purpose of trade, &c - ib
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5. Citizens of neither of the parties shall be liable to any embargo ib
6. Whenever citizens of either party seek refuge in the dominions of the other, they are to be treated with humanity - - 467
7. All ships belonging to the citizens of either party, captured by pirates, and found within the dominions of either, to be delivered to the owners ib
8. Assistance and protection to be rendered in case of w ecks - ib
9. Citizens of each party shall have power to dispose of their goods and effects within the jurisdiction of the other, by sale, testament, or otherwise—Alien heirs allowed three years to dispose of their property - ib
10. Complete protection to persons and property - - 469
11. Liberty of conscience and rites of burial secured - - ib
12. Both parties at liberty to trade with those at enmity with either—Free ships make free goods—All persons on board, except those in the actual service of an enemy to be free—Flag covering the property to be applied to those powers, only, who acknowledge the principle, &c. - 471
13. Enemy's property to be protected by a neutral flag, shipped two months, &c. ib
14. Specification of contraband - - - ib
15. Goods not contraband—Definition of blockade - - 475
16. Contraband only liable to confiscation - - ib
17. In cases of blockade, vessels to be notified but not detained, &c.—Vessels entering before blockade may quit unmolested - - - ib
18. During a visit at sea, armed vessels to remain out of reach of cannon shot—Neutrals not to go on board the examining vessels - - 477
19. In case of war, sea letters, certificates of cargo, &c. to be furnished, expressing to whom the property belongs - - - ib
20. Visiting regulations to apply only to vessels without convoy - 479
21. Established courts only to try prize causes.—Motives of condemnation to be stated ib
21. The neutral party not to accept a commission to cruise against the other - ib
23. In case of war, 6 months allowed to those on the coast, and twelve months for those in the interior to remove effects, &c. - - ib
24. And no sequestration of money in bank or public funds - 481
25. Official intercourse in relation to public ministers, on a reciprocal footing - ib
26. Each party permitted to have consuls in each others' ports - ib
27. Commissions to be exhibited before exequatur is obtained - ib
28. Consuls exempt from public service—their archives inviolate - ib
29. Consuls may call in the public authorities to aid in securing deserters, who are not to be detained more than two months in prison - 483
30. Consular convention to be formed - - - ib
31. The following points agreed to—1. Treaty to remain in force twelve years—Peace perpetual.—2. Citizens responsible for infringing this article.—3d. War not to be declared until remonstrance is made, and satisfaction is refused.—4th. Other treaties not to be contravened by this. - 485

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1. Convention of *peace, amity, commerce,* and *navigation,* of the 5th of December, 1825, between the United States and the Federation of the Centre of America: negotiated at Washington, by Henry Clay, on the part of the United States, and Antonio Jose Cañas, on the part of the Federation of the Centre of America. Ratifications exchanged at Guatemala, on the 2d of August, 1826, page 487

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3. Mutual benefits in trade and residence to be enjoyed - - ib
4. Each party may carry its own produce to the country of the other—Equalization of duties established, and to be the basis of all trade. - - ib
5. Importations and exportations to be on a reciprocal footing—No partial prohibitions to be established - - - - 491
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8. Whenever the citizens of either party take refuge in the dominions, &c. of the other, they are to be treated as friends - - - ib
9. All ships, &c. belonging to the citizens of either party, captured by pirates, and found within the dominions of either to be restored to the owners - ib
10. Assistance and protection to be rendered in case of wrecks, &c. within the dominions of each other—damaged vessels may unload without paying duty - ib
11. Citizens of each party to have power to dispose of their goods and effects within the jurisdiction of the other, by sale, testament, or otherwise—Alien heirs allowed three years to dispose of their property - - ib
12. Complete protection, in persons and property, in the territories of both nations; the tribunals of justice equally open to both parties, upon the same terms - 495
13. Liberty of conscience and rites of burial secured - - ib
14. Both parties at liberty to trade with those at enmity with either—Free ships to make free goods—All persons on board, except those in the actual service of an enemy, to be free—Flag covering the property, to be applied to those powers only who acknowledge the principle - - 497
15. Enemy's property, to be protected by a neutral flag, must be shipped two months before the declaration of war - - - 497
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18. Contraband articles, found in a vessel bound to an enemy's port, may be detained ib
19. In cases of blockade, vessels to be notified, but not detained, &c.—Vessels entering before blockade, may quit the place blockaded unmolested - 501
20. During a visit at sea, armed vessels to remain out of reach of cannot shot—Neutrals not to go on board the examining vessel to exhibit their papers - ib
21. In case of war, sea letters, certificates of cargo, &c. to be furnished, expressing the name, property, and bulk of the ship, the name and place of habitation of the commander of the vessel, &c.—Vessels must also be provided with certificates, containing the particulars of the cargo, and the name of the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same - - - ib
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24. The neutral party not to accept a commission to cruise against the other - ib
25. In case of war, six months to be allowed to those on the coast, and twelve for those in the interior, to arrange their business and remove their effects - ib
26. No sequestration of money in bank or public funds - - 505
27. Official intercourse in relation to public ministers on a reciprocal footing ib
28. Each party permitted to have consuls in each others' ports - - ib
29. Consuls and Vice-Consuls, in order to enjoy the privileges and immunities which belong to their public character, must exhibit their commission to the government to which they are accredited; and, having obtained their exequatur, shall be held and considered as such by all authorities, magistrates, &c. ib
30. Persons attached to the service of Consuls exempt from public service, &c. - 507
31. Power of Consuls respecting deserters - - - ih
32. Agree, as soon as circumstances will permit, to form a Consular Convention - ib
33. The following points agreed upon:—1st. The present treaty shall remain in force twelve years—2dly. Citizens of either party held personally responsible for the infraction of this article—3dly. War not to be declared for violation of this treaty, until the party aggrieved shall have demanded justice of the aggressor, and satisfaction shall have been refused or unreasonably delayed—4thly. Nothing in this treaty to operate contrary to former and existing treaties with other sovereigns or states - - ib

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14. *Claims under the St. Petersburg Convention*—An act to provide for the adjustment of claims of persons entitled to indemnification under the first article of the Treaty of Ghent, and for the distribution, among such claimants, of the sum paid, and to be paid, by the Government of Great Britan, under a Convention between the United States and Britannic Majesty, concluded at London on the thirteenth of November, 1826. [Approved 2d March, 1827.] - 558 to 560
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16. *French Convention of Navigation and Commerce*—An act for carrying into effect the Convention of Navigation and Commerce between the United States and France, concluded at Washington, on the 24th June, 1822. [Ap. Mar. 3, 1823.] 561
17. *Apprehension and delivery of French deserters*—An act to provide for the apprehension and delivery of deserters from French ships in the ports of the U. States. [Ap. May 4, 1826] 562

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NATIONAL LAW—Rights of Belligerents, Neutrals, Aliens, &c.

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