

## RENEWED TREATY WITH ALGIERS.

### *Treaty of Peace and Amity, concluded between the United States of America and the Dey and Regency of Algiers. (a)*

Dec. 22 and 23,  
1816.

Ratified Feb.  
11, 1822.

Ante, p. 224.

Peace and  
friendship.

Favors in na-  
vigation and  
commerce to be  
common to  
each, &c.

Abolition of  
tribute in any  
form.

See Articles 3  
and 4, of the  
Treaty of 30th  
June, 1815,  
ante, page 224.

Enemies' pro-  
perty to pass  
free in vessels  
of each party.

Citizens or  
subjects taken  
on board an  
enemy's vessel  
to be liberated.

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 30th of 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:

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 freely it is 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.

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.

ART. 3. [Relates to the mutual restitution of prisoners and subjects, and has been duly executed.]

ART. 4. [Relates to the delivery, into the hands of the Consul General, of a quantity of Bales of Cotton, &c. and has been duly executed.]

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 attempt shall be made to take or detain them.

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 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

(a) See notes of the treaties with Algiers, ante, page 133.

may be at war, be detained from its lawful owners after the exhibition of sufficient proofs of American citizenship and American property, by the Consul of the United States residing at Algiers.

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 passports, 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 to the Consul of the United States residing in Algiers, and on his producing sufficient proofs 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 each 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 by 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 U. S. to suffer Algerine cruisers to pass, &c.

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 a 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 passports.

What shall be sufficient passport.

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 disaster 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.

Provisions to be furnished to vessels at market price.

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 reshipped 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.

Assistance to be given to the crew, and protection to the property of vessels cast ashore.

ART. 11. If a vessel of either of the contracting parties shall be attacked by an enemy within cannon-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 be permitted to pursue her from the same port within twenty-four hours after her departure.

How vessels may be protected.

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, the privileges, immunities, and jurisdictions,

Commerce, &c. on the footing of the most favored nations.

to be enjoyed by such Consuls, are declared to be on the same footing, in every respect, with the most favored nations, respectively.

Consul of U.S. not responsible for debts of citizens, &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 country, unless he gives previously written obligations so to do.

Salutes to vessels of war of U. S.

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, 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 commander of the said ship 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 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.

Consuls may travel within the territories of each party, &c.

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 vessel they may think proper to visit; they shall likewise have the liberty to appoint their own drogoman and broker.

How disputes may be settled, &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.

Prisoners of war not to be made slaves; but to be exchanged, &c. within 12 months.

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.

Powers at war with U. S. not to be suffered to sell American captured vessels at Algiers.

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 refreshment 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.

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 United 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 of 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 U.S. to decide disputes between American citizens, &c.

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, &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 U.S. not to pay duties on what he imports for his house and family.

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 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.

Citizens of U. S. dying within the Regency of Algiers, their property to be under the direction of the consul, unless, &c.

#### 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 13th 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 twenty-fourth 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

## CONVENTION WITH GREAT BRITAIN. 1818.

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.

WM. SHALER. (L. S.)  
I. CHAUNCEY. (L. S.)

The signature of the Dey is stamped at }  
the beginning and end of the Treaty. }

## CONVENTION WITH GREAT BRITAIN. (a)

Oct. 20, 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 honourable Frederick John Robinson, Treasurer of his Majesty's Navy, and President of the Committee of Privy Council for Trade and Plantations; and Henry Goulburn, 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:*

Full powers exchanged.

## ARTICLE 1.

Definition of the extent of the common right of fishing, &c. on the coast of the British dominions in America.

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 Streights 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

Exception as to the Hudson Bay Company.

(a) See notes of the treaties and conventions between the United States and Great Britain, ante, page 54.