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THE

Public Statutes at Large

OF THE

UNITED STATES OF AMERICA,

FROM THE

ORGANIZATION OF THE GOVERNMENT IN 1789, TO MARCH 3, 1845.

ARRANGED IN CHRONOLOGICAL ORDER.

WITH

REFERENCES TO THE MATTER OF EACH ACT AND TO THE SUBSEQUENT ACTS ON THE SAME SUBJECT,

AND

COPIOUS NOTES OF THE DECISIONS

OF THE

Courts of the United States

CONSTRUING THOSE ACTS, AND UPON THE SUBJECTS OF THE LAWS.

WITH AN

INDEX TO THE CONTENTS OF EACH VOLUME,

AND A

FULL GENERAL INDEX TO THE WHOLE WORK, IN THE CONCLUDING VOLUME.

TOGETHER WITH

The Declaration of Independence, the Articles of Confederation, and the Constitution of the United States;

AND ALSO,

TABLES, IN THE LAST VOLUME, CONTAINING LISTS OF THE ACTS RELATING TO THE JUDICIARY, IMPOSTS AND TONNAGE, THE PUBLIC LANDS, ETC.

EDITED BY

RICHARD PETERS, ESQ.,

COUNSELLOR AT LAW.

The rights and interest of the United States in the stereotype plates from which this work is printed, are hereby recognised, acknowledged, and declared by the publishers, according to the provisions of the joint resolution of Congress, passed March 3, 1845.

VOL. VIII.

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Charles C. Little & James Brown,
In the Clerk's office of the District Court of the District of Massachusetts.

LETTERS.

"*To the Hon.* J. Y. MASON, *Attorney-General of the United States.*

"SIR:

"THE undersigned, the Joint Committee of the last Congress upon the Library, having had an opportunity of examining the first volume of the new edition of the Laws and Treaties of the United States, published by Messrs. Little & Brown, under the Resolve of the last session, passed in pursuance of the Report of that Committee, have thought it might not be improper to express an opinion upon this specimen of the work. And we have great satisfaction in saying, that it most fully answers the expectations with which we recommended, and with which, as we think, Congress invited, the publication of this edition. It conforms substantially to the plan which the Resolve instructed, improving upon it where it differs at all; is executed with great mechanical neatness; and, if the whole shall be completed as it is here begun, the Government, the Profession, and the Country, will have the entire series of all our Public and Private Legislation, in force or obsolete, and of all our Diplomacy, in a natural, easy arrangement, for consultation and reference; with very perfect indices, with references in the margin, and notes to all the other Statutes, Resolves, or Treaties, relating to the matter of the text, and to all Judicial Decisions of all the Federal Courts applicable to the same matter; constituting an absolutely authoritative national work. We learn that every law and treaty has been carefully collated with the originals in the Department of State.

"It was deemed of much importance that the judgment of the Attorney-General should be pronounced upon the successive volumes of the edition, as they should appear, and before they should be accepted, and we think the Publishers may with great confidence hope for your approval of this first of the series.

"We have the honor to be,

"With great respect,

"Your obedient servants,

"RUFUS CHOATE,
"BENJ. TAPPAN,
"J. A. PEARCE,
} *Committee on the part of the Senate, 28th Congress.*

"EDMUND BURKE,
"W. B. MACLAY,
"GEORGE P. MARSH,
} *Committee on the part of the House of Representatives, 28th Congress.*"

"*To the Hon.* RUFUS CHOATE, *Hon.* BENJ. TAPPAN, *Hon.* J. A. PEARCE; EDMUND BURKE, W. B. MACLAY, GEORGE P. MARSH.

"ATTORNEY-GENERAL'S OFFICE, *April* 1st, 1846.

"GENTLEMEN:

"I HAVE had the honor to receive your communication, accompanying the first volume of the new edition of the Laws of the United States, published by Messrs. Little & Brown, of Boston. The Publishers have now delivered five volumes, containing all the general Laws; and it has given me great pleasure to have it in my power to certify the highly satisfactory character of this portion of the work. It is, in the highest degree, creditable to the Publishers.

"Although, by the terms of the Joint Resolution of Congress, my duty was limited to making a contract for one thousand copies, and to certifying that its conditions were complied with, I have been consulted, unreservedly, by the Publishers, in every stage of their work, and have found them at all times ready to adopt any suggestion to secure accuracy in the publication, regardless of personal trouble or of expense.

"So far as the original Rolls exist, they have been examined and carefully compared by competent persons with the sheets of this edition of the Laws; and if any trivial errors shall be found, in the publication, they can be readily corrected in the stereotyped plates, and thus a perfect edition of the Laws of the United States will be obtained.

"I am gratified to find that the order and arrangement prescribed by Congress, in this edition, will greatly facilitate reference, and, I doubt not, will be highly satisfactory to the Profession and to the Public.

"My own experience in a judicial office has impressed me with the great value of such a publication, and I am happy to have contributed, in any degree, in the preparation of so creditable a work.

"I have the honor to be,

"With the highest respect,

"Your obedient servant,

"J. Y. MASON."

TREATIES

BETWEEN THE

UNITED STATES OF AMERICA

AND

FOREIGN NATIONS,

FROM THE DECLARATION OF THE INDEPENDENCE OF THE UNITED STATES TO 1845;

WITH NOTES.

EDITED BY

RICHARD PETERS, ESQ.,

COUNSELLOR AT LAW.

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TREATIES.

TREATY-MAKING POWER.

By the Articles of Confederation of July 8, 1778, the following provisions were made relative to treaties by the United States:

Article 6, section 1. "No state, without the consent of the United States, in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any confirmed agreement, alliance or treaty with any king, prince or state; nor shall any person holding any office of profit or trust under the United States or any of them, accept of any present, emolument, office or title of any kind whatsoever, from any king, prince or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility." Vol. I. 5.

Sec. 2. "No two or more states shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue." Vol. I. 5.

Article 9, sec. 1. "The United States in Congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in cases mentioned in the sixth article; of sending and receiving ambassadors, entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding in all cases what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be decided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of Congress shall be appointed a judge of any of the said courts." Vol. I. 6.

Sec. 6. "The United States in Congress assembled shall never engage in a war nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine States assent to the same; nor shall a question on any other point except for adjourning from day to day, be determined unless by the votes of a majority of the United States in Congress assembled." Vol. I. 8.

The Constitution of the United States, article 2, section 2, provides — "He (the President of the United States) shall have power, by and with the advice and consent of the Senate, to make treaties, provided

two-thirds of the Senators present concur; he shall nominate, and by and with the advice and consent of the Senate, 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 may be established by law." Vol. I. 17.

Article 6. "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." Vol. I. 19.

CASES DECIDED IN THE COURTS OF THE UNITED STATES, AS TO THE OBLIGATION AND CONSTRUCTION OF TREATIES.

The obligation of a treaty, the supreme law of the land, must be admitted. The execution of the contract between the two nations is to be demanded from the executive of each nation; but where a treaty affects the rights of parties litigating in court, the treaty as much binds those rights, and is as much regarded by the Supreme Court as an act of Congress. United States *v.* The Schooner Peggy, 1 Cranch, 103; 1 Cond. Rep. 256.

The termination of a treaty, by war, does not divest rights of property already vested under it. Society for the Propagation of the Gospel *v.* The Town of New Haven, 8 Wheat. 464; 5 Cond. Rep. 489.

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. *Ibid.*

Where a treaty is the law of the land, and as such affects the rights of parties litigating in court, that treaty as much binds those rights, and is as much to be regarded by the court, as an act of Congress. To condemn a vessel, therefore, the restoration of which is directed by the law of the land, though restoration be an executive act, would be a direct infraction of that law, and, of consequence, improper. United States *v.* The Schooner Peggy, 1 Cranch, 103; 1 Cond. Rep. 256.

A treaty, under the sixth article, section 2, of the Constitution, being the supreme law of the land, the treaty of peace of 1783 operated as a repeal of all state laws previously enacted, inconsistent with its provisions. Ware *v.* Hylton, 3 Dall. 199; 1 Cond. Rep. 99.

Whenever a right grows out of, or is protected by, a treaty, it prevails against all laws, or decisions of the courts of the states, and whoever may have the right under the treaty, is protected. But, if the person's title is not affected by the treaty, if he claims nothing under the treaty, his title cannot be protected by it. *Ibid.*

The stipulation in a treaty, that "free ships shall make free goods," does not imply the converse proposition, that enemy's ships shall make enemy's goods. The Nereide, Bennet, Master, 9 Cranch, 388; 3 Cond. Rep. 439.

A treaty is, in its nature, a contract between two nations, not a legislative act. It does not generally effect of itself the object to be accomplished, especially so far as its operation is infra-territorial; but is carried into execution by the sovereign power of the respective parties to the instrument. Foster et al. *v.* Neilson, 2 Peters, 314; United States *v.* Arredondo, 6 Peters, 735.

In the United States, a different principle is established. Our Constitution declares a treaty to be the law of the land. It is, consequently,

to be regarded in courts of justice as equivalent to an act of the legislature, whenever it operates of itself, without the aid of any legislative provision. But, when the terms of the stipulation import a contract, when either of the parties engages to perform a particular act, the treaty addresses itself to the political, not the judicial department; and the legislature must execute the contract before it can become a rule for the court. *Ibid.*

By the stipulations of a treaty, are to be understood its language and apparent intention, manifested in the instrument, with a reference to the contracting parties, the subject matter, and the persons on whom it is to operate. United States *v.* Arredondo et al, 6 Peters, 710.

A treaty of cession is a deed of the ceded territory, and the sovereign is the grantee; the act is his, as far as it relates to the cession; the treaty is his act and deed, and all courts must so consider it: and deeds are construed in equity by the rules of law. *Ibid.* 738.

Where a treaty is executed in two languages, each the language of the respective contracting parties, both parts of the treaty are originals, and both are intended to convey the same meaning. *Ibid.*

Where a treaty has been ratified according to the provisions of the Constitution, it becomes the law of the land; and it is perfectly immaterial, whether or not the persons who signed it did or did not transcend their instructions. Hamilton *v.* Eaton, North Carolina Cases, 77.

A treaty does not necessarily annul prior statutes, if there is no interference with them. *Ibid.*

The stipulations in a treaty between the United States and a foreign power, are paramount to the provisions of the constitution of a particular state, or the confederacy. Lessee of Harry Gordon *v.* Kerr et al. 1 Wash. C. C. R. 322.

A treaty between the United States and one belligerent, does not affect a question of prize, as between two belligerents, where the prize (captured from the belligerent making the treaty) is brought by the other belligerent into the ports of the United States; nor is it important that the capturing vessel was commanded by an American citizen. The treaty can bind only the parties to it; and whatever operation it may have on the American citizen, individually, it cannot affect the general question of the validity of prizes made between belligerents. The Santissima Trinidad, 1 Brockenb. C. C. R. 478.

A judgment of a state court, where jurisdiction was acquired, not by the common law, but by a statute of a state, which, before the rendition of the judgment, had been virtually repealed by the adoption of a treaty, was voidable, and not void. Livingston *v.* Van Ingen, Paine's C. C. R. 55.

In 1780, the ancestor of the lessors of the plaintiff was indicted, he being a British subject, in the Supreme Court of New York, under the act entitled "An act for the forfeiture and sale of the property of persons who have adhered to the enemies of this state," &c.; and in October, 1783, a judgment of forfeiture against his estates was rendered. The treaty of 1783, against any subsequent confiscation, was signed in September, 1783. Held, that the proceedings were void. *Ibid.*

The stipulations of a treaty are paramount to the provisions of the constitution of a particular state of the United States. Gordon's lessee *v.* Kerr, 1 Wash. C. C. R. 322.

Whenever a right grows out of or is protected by a treaty, it is sanctioned against all the laws and judicial decisions of the states; and whoever may have this right is protected. But if the person's title is not affected by the treaty, if he claims nothing under the treaty, his title cannot be protected by the treaty. Owing *v.* Norwood's lessee, 5 Cranch, 344. 2 Cond. Rep. 275.

The adoption of a treaty, with the stipulations of which the provisions

of a state law are inconsistent, is equivalent to the repeal of such law Lessee of Fisher *v.* Harnden, 1 Paine, C. C. R. 55.

A treaty goes into operation from the date of the signature, if no other period is agreed upon between the parties. Lessee of Hylton *v.* Brown, 1 Wash. C. C. R. 343.

The Constitution of the United States confers absolutely on the government of the United States the power of making war and of making treaties. Consequently that government possesses the power of acquiring territory, either by conquest or by treaty. The American Insurance Company *v.* 356 bales of Cotton, 1 Peters, 542.

The usage of the world is, if a nation be not entirely subdued, to consider the holding of conquered territory as a mere military occupation, until its fate shall be determined at the treaty of peace. If it be ceded by treaty, the acquisition is confirmed, and the ceded territory becomes a part of the nation to which it is annexed, either on the terms stipulated in the treaty of cession, or on such as its new master shall impose. On such transfer of territory it has never been held, that the relations of the inhabitants with each other are changed. Their relations with their former sovereign are dissolved, and new relations are created between them and the government which has acquired their territory. The same act which transfers their country transfers the allegiance of those who remain in it, and the law which may be denominated political is necessarily changed, although that which regulates the intercourse and general conduct of individuals remains in force until altered by the newly created power of the state. *Ibid.*

TREATY OF ALLIANCE

Between the United States of America and His Most Christian Majesty. (*a*)

Feb. 6, 1778.

TREATY OF ALLIANCE.

Annulled by act of Congress of July 7, 1798, ch. 67, vol. 1, 578.

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 rendring them useful to the safety and tranquility of the two parties; particularly in case Great Britain, in resentment of that connection 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 hindring 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 councels 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:

ART. I.

If war break out with Great Britain, to be a common cause.

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.

(*a*) The treaties and conventions between the United States and France, have been:

1. Treaty of alliance between the United States of America and his Most Christian Majesty, concluded at Paris the 6th day of February, 1778. Annulled by act of Congress, passed July 7, 1798. Ch. 67, vol. 1, 578.

2. Treaty of amity and commerce between the United States of America and his Most Christian Majesty, concluded at Paris the 6th day of February, 1778; post, 12. Annulled by act of Congress, passed July 7, 1798. Ch. 67, vol. 1, 578.

3. Contract between his Most Christian Majesty and the United States of America, entered into at Paris by the Count de Vergennes and Mr. Franklin, the 16th July 1782, and ratified by Congress the 22d January 1783; post, 596.

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. Entered into at Paris the 14th day of November 1788, post, 106. Annulled by act of Congress passed July 7, 1798. Ch. 67, vol. 1, 578.

5. Convention between the French Republic and the United States, done at Paris the 30th of September 1800; the Senate of the United States concurring on the 3d day of February 1801, with the exception of the second article, and substituting another article, limiting the continuance of the treaty to twelve

TRAITÉ D'ALLIANCE

Entre les Etats Unis d'Amérique et Sa Majeste Tres Chretienne.

TRAITÉ D'ALLIANCE,

éventuelle et déffensive.

Le Roi très Chrétien et les Etats Unis de l'Amerique Septentrionale, favoir, New-Hampshire, la Baye de Massachuset, Rhode-Island, Connecticut, New-York, New-Jersey, Pensylvanie, Delaware, Maryland, Virginie, Caroline Septentrionale, Caroline Meridionale, et Georgia; 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 refferrer leurs liaisons, et de les rendre utiles à la sureté et à la tranquilité des deux parties, notament dans le cas où la Grande Bretagne, en haine de ces mêmes liaisons et de la bonne correspondance qui forment l'objet du dit traité, se porteroit à rompre la paix avec la France, soit en l'attaquant hostilement, soit en troublant son commerce, et sa navigation, d'une maniere contraire au droit des gens et à la paix subsistante entre les deux couronnes: Et sa 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 plenipotentiaires respectifs, chargés de concerter les clauses et conditions propres à remplir leurs intentions, ont, après la plus mure délibération conclu et arresté les points et articles qui s'ensuivent.

ARTICLE PREMIER.

Si la guerre éclate entre la France et la Grande Brétagne, pendant la durée de la guerre actuelle entre les Etats Unis et l'Angleterre, sa Majesté et les dits Etats Unis seront cause commune et s'entr'aideront mutuellement de leurs bons offices, de leurs conseils et de leurs forces, selon l'exigence des conjonctures, ainsy qu'il convient à de bons et fideles alliés.

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years; and afterwards by France, limiting the continuance of the treaty to eight years; and the United States on the 31st July 1801; which ratifications were concurred in by the Senate on the 19th of December 1801, as set forth in the proclamation of the President of the United States, under the date of 21st December 1801; post, 178.

6. Treaty between the United States of America and the French Republic; done at Paris, on the 30th April 1803; post, 200.

7. Convention between the United States of America and the French Republic; done at Paris, on the 30th April 1803; post, 206.

8. Convention between the United States of America and the French Republic; done at Paris, on the 30th April 1803; post, 208.

9. Convention of navigation and commerce between the United States of America, and His Majesty the King of France and Navarre; with a separate article. Signed at Washington, on the 24th day of June 1822; and ratified as stated in the proclamation of the President of the United States, dated the 12th day of February 1823; post, 278.

10. Convention with France, done at Paris, July 4, 1831. Ratified on both parts, and the respective ratifications exchanged at Washington, on the 2d day of February 1832; post, 430.

ART. II.

Object of the treaty, independence of the United States.

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

ART. III.

Both parties to make every effort to attain that end.

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.

ART. IV.

Concurrence in enterprise.

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

ART. V.

Conquests that shall belong to the U. States.

If the United States should think fit to attempt the reduction of the British power, 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.

ART. VI.

France relinquishes all claim to certain countries, if conquered.

The Most Christian King renounces for ever 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.

ART. VII.

Conquests that shall belong to France.

If his Most Christian Majesty shall think proper to attack any of the islands situated in the Gulph of Mexico, or near that Gulph, 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.

ART. VIII.

Neither party to conclude a treaty without the other's consent, &c.

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.

ART. IX.

No claim of compensation after the war.

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.

ARTICLE SECOND.

Le but essentiel et direct de la présente alliance deffensive, est de maintenir efficacement la liberte, la souveraineté, et l'indépendance absolue et illimitée des dits Etats Unis, tant en matiére politique que de commerce.

ARTICLE TROIS.

Les deux parties contractantes feront chacune de leur côté, et de la maniére 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.

ARTICLE QUATRE.

Les parties contractantes sont convenues que dans le cas où l'une d'entre elles formeroit quelqu' entreprise particuliére, pour laquelle elle désireroit 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 réglera, par une convention particuliére, la portée des secours à fournir, et le tems et la maniére de le faire agir, ainsy que les avantages destinés à en former la compensation.

ARTICLE CINQ.

Si les Etats Unis jugent à propos de tenter la reduction des isles Bermudes et des parties septentrionales de l'Amerique, qui sont encore au pouvoir de la Grande Bretagne, les dites isles et contrées, en cas de succès, entreront dans la confedération ou seront dépendantes des dits Etats Unis.

ARTICLE SIX.

Le Roi très Chrétien renonce à posseder jamais les Bermudes, ni aucune des parties du continent de l'Amérique septentrionalle, qui, avant le traité de Paris de mil sept cent soixante trois, ou en vertu de ce traité, ont êté reconnuës appartenir à la couronne de la Grande Bretagne, ou aux Etats Unis, qu'on appelloit ci-devant colonies Britanniques, ou qui sont maintenant, ou ont êté récemment sous la jurisdiction et sous le pouvoir de la couronne de la Grande Bretagne.

ARTICLE SEPT.

Si sa Majesté très Chrétienne juge à propos d'attaquer aucune des isles situées dans le golphe de Méxique ou près du dit golphe, qui sont actuellement au pouvoir de la Grande Bretagne, toutes les dites isles, en cas de succès, appartiendront à la couronne de France.

ARTICLE HUIT.

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

ARTICLE NEUF.

Les parties contractantes déclarent, qu'etant resolues 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 repetition, ni aucun dedommagement, à se demander réciproquement, quelque puisse etre l'evenement de la guerre.

ART. X.

To admit other powers to accede to the alliance.

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.

ART. XI.

Mutual guaranty.

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 5th and 6th articles above written, the whole as their possessions shall be fixed and assured to the said states, at the moment of the cessation of their present war with England.

ART. XII.

Guaranty when to commence.

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.

ART. XIII.

Ratification.

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 Strasbourgh, 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, Councellor 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.)

ARTICLE DIX.

Le Roi très Chretien et les Etats Unis sont convenus d'inviter de concert ou d'admettre les puissances, qui auront des griefs 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.

ARTICLE ONZE.

Les deux parties se garantissent mutuellement dès 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 Chretienne, garantit de son côté aux Etats Unis leur liberté, leur souveraineté et leur indépendance absolue et illimitée, tant en matiére de politique que de commerce, ainsy que leurs possessions et les accroissements ou conquêtes que leur confédération pourra se procurer pendant la guerre, d'aucun des domaines maintenant ou ci-devant possedés par la Grande Bretagne dans l'Amérique septentrionale, conformément aux articles cinq et six ci-dessus, et tout ainsy que leurs possessions seront fixées et assurées aux dits Etats, au moment de la cessation de leur guerre actuelle contre l'Angleterre.

ARTICLE DOUZE.

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 ditte garantie, ne commenceroient, que du moment susdit, où la cessation de la guerre actuelle entre les Etats Unis et l'Angleterre aura fixé leurs possessions.

ARTICLE TREIZE.

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

En foi dequoi les plenipotentiaires respectifs, savoir, de la part du Roi très Chretien le S.r Conrad, Alexandre Gerard, Sindic Royal de la Ville de Strasbourg et Sécrétaire du Conseil d'Etat de sa Majesté, et de la part des Etats Unis les S.rs Benjamin Franklin, Deputé au Congrès Général de la part de l'etat de Pensylvanie et President de la Convention du meme etat; Siles Deane cy-devant Député de l'etat de Connecticut, et Arthur Leé *Conseiller ès Loix*, ont signé les articles ci-dessus, tant en langue Françoise qu'en langue Angloise, déclarant néanmoins, que le present traité, a êté originairement redigé et arrêté en langue Françoise, et ils les ont munis du cachet de leurs armes.

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

C. A. GERARD, (L. S.)
B. FRANKLIN, (L. S.)
SILAS DEANE, (L. S.)
ARTHUR LEE, (L. S.)

TREATY OF AMITY AND COMMERCE

Between the United States of America and His Most Christian Majesty.

Feb. 6, 1778.

Annulled by act of Congress of July 7, 1798, ch. 67.

TREATY OF AMITY AND COMMERCE.

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 impowered Benjamin Franklin,

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Cases decided in the courts of the United States on the provisions of the treaty of amity and commerce with France, of 1778; and the consular convention with France, of November 14, 1783:

The treaty of amity and commerce of 1778 with France, article 11, enabling French subjects to purchase and hold lands in the United States, being abrogated in 1798; the act of Maryland of 1780, permitting the lands of a French subject who had become a citizen of that state, dying intestate, to descend on the next of kin, being a non-naturalized Frenchman, with a proviso vesting the lands in the state, if the French heirs should not within ten years become resident citizens of the state, or convey the lands to a citizen; and the convention of 1800, between France and the United States, enabling the people of one country, holding lands in the other, to dispose of the same by testament, and to inherit lands in the other, without being naturalized: *Held*, that the latter treaty dispensed with the performance of the condition in the act of Maryland, and that the constitutional rule applied equally to the case of those who took by descent under the act, as to those who acquired by purchase without its aid. Chirac *v.* Chirac, 2 Wheat. 259; 4 Cond. Rep. 111.

The further stipulation in the treaty, "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," does not affect the rights of a French subject who takes or holds by the convention, so as to deprive him of the power of selling to citizens of the country; and gives to a French subject who has acquired lands by descent or devise, (and, perhaps, in any other manner,) the right during life to sell or otherwise dispose of the same, if lying in a state where lands purchased by an alien, generally, would be immediately escheatable. *Ibid.*

Although the convention of 1800 has expired, immediately on a descent being cast on a French subject during its continuance, his rights become complete under it, and cannot be affected by its subsequent expiration. *Ibid.*

TRAITÉ D'AMITIÉ ET DE COMMERCE

Entre les Etats Unis d'Amérique et sa Majesté très Chretiênne.

TRAITÉ D'AMITIÉ ET DE COMMERCE.

Le Roi très Chretien et les treize Etats Unis de l'Amérique Septentrionale, savoir, New Hampshire, la Baye de Massachusset, 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 maniere équitable et permanente les règles qui devront être suivies relativement à la correspondance et au commerce que les deux parties désirent d'établir entre leurs Païs Etats et sujets respectifs, sa Majesté très Chretienne 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'embarras, 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 son 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 avantages. C'est dans cet esprit et pour remplir ces vües que sa d^e^ Majesté ayant nommé et constitué pour son plénipotentiaire le S. Conrad Alexandre Gerard, Sindic Roïal de la ville de Strasbourg, Secretaire du Conseil d'Etat de sa Majesté, et les Etats

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America was bound as an ally of France by the capitulation between France and Great Britain for the surrender of Dominica. Miller *v.* The Ship Resolution, 2 Dall. Rep. 15.

The Phœbe Ann, a British vessel, had been captured by a French privateer, and sent into Charleston. Restitution of the prize was claimed by the British consul, who filed a libel in the district court, suggesting that the privateer had been illegally fitted out, and had illegally augmented her force within the United States. It appeared in proof that the privateer had originally entered the port of Charleston, armed and commissioned for war; and that she had taken out her guns, masts and sails, which remained on shore until the general repairs of the vessel were completed, when they were again put on board, with the same force, or thereabouts; and on a subsequent cruise, the prize was taken.

Ellsworth, Chief Justice. Suggestions of policy and convenience cannot be considered in the judicial determination of a question of right: the treaty with France, whatever that is, must have its effect. By the nineteenth article, it is declared that French vessels, whether public and of war, or private and of merchants, may, on any urgent necessity, enter our ports, and be supplied with all things needful for repairs. In the present case, the privateer only underwent a repair; and the mere replacement of her force cannot be a material augmentation; even if an augmentation of force could be proven, which we do not decide a sufficient cause of restitution. Moodie *v.* The Sloop Phœbe Ann, 2 Dall. Rep. 319; 1 Cond. Rep. 139.

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 the United States, 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. Martin *v.* Hunter's lessee, 1 Wheat. 104; 3 Cond. Rep. 575.

By the treaty with France of 1778, articles 17 and 22, the subjects of France had a right to equip and arm their vessels in the ports of the United States, to bring in their prizes and depart with them, without interference by the courts of the United States. Bee's Admiralty Reports, 40, 43.

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, Councellor at Law; the said respective plenipotentiaries after exchanging their powers, and after mature deliberation, have concluded and agreed upon the following articles.

ARTICLE I.

Peace and friendship between the two nations.

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 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.

ARTICLE II.

Neither party to grant favors to other nations that shall not become common to the other party.

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

ARTICLE III.

Subjects of the King of France entitled to the same privileges in the United States as the most favored nations.

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 favoured 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.

ARTICLE IV.

Citizens of the U. S. entitled to the same privileges in the dominions of France, as the most favored nations.

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 favoured 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.

ARTICLE V.

Particular exemption.

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 merchandize 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 favoured shall be obliged to pay it. But it is understood 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.

Unis aïant, de leur coté, munis de leurs pleins pouvoirs les S. Benjamin Franklin, Député au Congrès Général de la part de l'Etat de Pensylvanie, et Président de la Convention du d^e^ Etat, Silas Deane ci-devant Député de l'Etat de Connecticut, et Arthur Lée, *Conseiller ès Loix*, les d^e^ plénipotentiaires respectifs après l'échange de leurs pouvoirs et après mure déliberation ont conclu et arrêté les points et articles suivans.

ARTICLE I.

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 Chretienne et ceux des dits Etats, comme aussi entre les peuples, isles, villes et places situés sous la jurisdiction du Roi très Chretien et des dits Etats Unis, et entre leurs peuples et habitans de toutes les classes, sans aucune exception de personnes et de lieux; les conditions mentionnées au present traité seront perpetuelles et permanentes entre Le Roi très Chretien, ses héritiers et successeurs, et les dits Etats Unis.

ARTICLE II.

Le Roi très Chretien et les Etats Unis s'engagent mutuellement à n'accorder aucune faveur particulierè à d'autres nations, en fait de commerce et de navigation, qui ne devienne ausitót 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 conditionnelle.

ARTICLE III.

Les sujets du Roi très Chretien 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 tenües de païer; Et ils jouiront de tous les droits, libertés, priviléges, immunités et exemtions 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 d^e^ nations jouissent ou jouiront.

ARTICLE IV.

Les sujets, peuples et habitans des d^e^ Etats Unis et de chacun d'iceux ne païeront dans les ports, havres, rades, isles, villes et places de la domination de sa Majesté très Chretienne en Europe d'autres ni plus grands droits ou impots de quelque nature qu'ils puissent être et quelque nom qu'ils puissent avoir que les nations les plus favorisées sont, ou seront tenües de païer, et ils jouiront de tous les droits, libertés, priviléges, immunités et exemtions en fait de négoce, navigation et commerce soit en passant d'un port à un autre des dits Etats du Roi très Chretien en Europe, soit en y allant ou en revenant de quelque partie ou pour quelque partie du monde que ce soit, dont les nations susd^e^ jouissent ou jouiront.

ARTICLE V.

Dans l'exemtion ci-dessus 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 d^e^ navires des d^e^ Etats Unis acquiteront le droit dont il s'agit aussi long tems que les autres nations les plus 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 Chretienne.

ARTICLE VI.

France to protect vessels of citizens of the United States in her jurisdiction, to restore them when captured, and to convoy vessels in certain cases.

The Most Christian King shall endeavour 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 agent or attornies, 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.

ARTICLE VII.

United States to do the same.

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 endeavours 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.

ARTICLE VIII.

The King of France to aid the U. States to make treaties with the Barbary powers.

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.

ARTICLE IX.

Subjects of either party shall not fish in the dominions of the other.

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.

ARTICLE X.

The United States, their citizens and inhabitants shall never disturb the subjects of the Most Christian King in the enjoyment and exercise

ARTICLE VI.

Le Roi très Chretien fera usage de tous les moïens qui sont en son pouvoir, pour protéger et défendre tous les vaisseaux et effets apartenants, 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 ses 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'étenduë de sa jurisdiction: Et les vaisseaux de guerre de sa Majesté très Chretienne ou les convois quelconques faisant voile sous son autorité, prendront, en toute occasion, sous leur protection tous les vaisseaux apartenants aux sujets, peuples et habitans des dᵉ Etats Unis ou d'aucun d'iceux, les quels tiendront le meme cours, et feront la même route, et ils défendront les dits vaisseaux aussi longtems qu'ils tiendront le même cours et suivront la meme 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 Chretienne.

ARTICLE VII.

Pareillement les dits Etats Unis et leurs vaisseaux de guerre faisant voile sous leur autorité protégeront et défendront conformement au contenu de l'artᵉ précédent, tous les vaisseaux et effets apartenants aux sujets du Roi très Chretien, et feront tous leurs efforts pour recouvrer et faire restitüer les dits vaisseaux et effets qui auront été pris dans l'étendüe de la jurisdiction des dits Etats et de chacun d'iceux.

ARTICLE VIII.

Le Roi très Chretien emploïera ses bons offices et son entremise auprès des Roi ou Empereur de Maroc ou Fez, des Regences d'Alger, Tunis et Tripoli, ou auprès aucune d'entr elles ainsi qu' auprès de tout autre Prince, Etat, ou Puissance des côtes de Barbarie en Affrique et des sujets des dᵉ Roi, Empereur, Etats et Puissance et de chacun d'iceux à l'effet 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 dᵉ Princes et Etats Barbaresques ou de leurs sujets.

ARTICLE IX.

Les sujets, habitans, marchands, commandans des navires, maitres et gens de mer, des etats, provinces et domaines des deux parties, s'abstiendront et éviteront reciproquement de pêcher dans toutes les places possédées, ou qui seront possedées par l'autre partie. Les sujets de sa Majesté très Chretienne 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 dᵉ Etats Unis ne pêcheront pas dans les havres, bayes, criques, rades, côtes et places que sa Majesté très Chretienne posséde actuellement ou possédera à l'avenir, et si quelque navire ou batiment étoit surpris pêchant en violation du present traité, le dit navire ou batiment et sa cargaison seront confisqués après que la preuve en aura été faite düement. Bien entendu que l'exclusion stipuleé dans le present article n'aura lieu qu'autant, et si longtems que le Roi et les Etats Unis n'auront point accordé à cet egard d'exception à quelque nation que ce puisse être.

ARTICLE X.

Les Etats Unis, leurs citoïens et habitans ne troubleront jamais les sujets du Roi très Chretien dans la jouissance et exercice du droit de

Citizens of U. S. shall not disturb subjects of France in their right of fishing on banks of Newfoundland.

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.

(*a*) ARTICLE XI.

Citizens of U. S. exempted from *droit d'aubaine*, and may dispose of their estate.

The subjects and inhabitants of the said United States, or any one of them, shall not be reputed aubains 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 favour 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 prerogative 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.

Subjects of France have similar privileges.

The subjects of the Most Christian King shall enjoy on their part in all the dominions 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 emigra-

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(*a*) The two following Articles were originally agreed to, but afterwards rescinded; to wit:

ARTICLE XI.

It is agreed and concluded that there shall never be any duty imposed on the exportation of the melasses 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.

ARTICLE XII.

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 merchandize 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 melasses.

Act of France rescinding the foregoing articles:

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 inconveniences; and having therefore 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 affection, as also of 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 articles aforementioned, 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 United States rescinding the foregoing articles:

DÉCLARATION.

The Most Christian King having been pleased to regard the representations made to him by the General Congress of North America, relating 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 abovesaid General Congress hath declared on their part, and do declare, 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.

pêche sur les bancs de Terre neuve, non plus que dans la jouissance indéfinie et exclusive qui leur apartient sur la partie des côtes de cette isle, designée dans le traite d'Utrecht, ni dans les droits relatifs à toutes et chacune des isles qui appartiennent à sa Majesté très Chretienne; le tout conformement au véritable sens des traités d'Utrecht et de Paris.

(*a*) ARTICLE XI.

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 que 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 droit de détraction ou autre droit de ce genre; sauf néanmoins les droits locaux tant, et si longtems, qu'il n'en sera point etabli de pareils par les dits Etats Unis ou aucun d'iceux. Les sujets du Roi très Chretien jouiront de leur côté dans tous les domaines des dits Etats d'une entière et parfaite reciprocité relativement aux stipulations renfermées dans le present 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,

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(*a*) Les deux articles suivans avaient été originairement convenus, mais ils ont été depuis revoqués, savoir:

ARTICLE XI.

Il est convenu et arrêté 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 apartenir à sa Majesté très Chretienne.

ARTICLE XII.

En compensation de l'exemtion stipulée par l'article précédent, il est convenu et arrêté 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 Chretienne pourront tirer des pays ou possessions actuelles ou futures d'aucun des Treize Etats Unis pour l'usage des isles qui fournissent les melasses.

Acte de la France révoquant les articles précédens.

Le Congrès Général des Etats Unis de l'Amérique Septentrionale ayant representé au Roi que l'éxécution de l'article onze du traité d'Amitié et de Commerce, signé le six du mois de Fevrier dernier, pourroit entrainer des inconvenients après soi, et ayant desiré en conséquence que cet article demeurât supprimé; consentant en échange que l'article douze soit également regardé comme non avenu, sa Majesté, pour donner aux 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 Etats, a bien voulu avoir égard à leurs représentations; En consequence sa Majesté à déclaré et déclare par les présentes, qu'elle consent à la suppression des articles onze et douze susmentionnés, et que son intention est, qu'ils soient regardés comme n'ayant jamais êté compris dans le 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.

Acte des Etats Unis révoquant les articles précédens.

DÉCLARATION.

Le Roi très Chretien ayant bien voulu avoir égard aux representations que lui a faites le Congrès Général de l'Amerique Septentrionale, relativement à l'article 11 du traité de commerce, signé le 6 Février de la presente année; et S. M. ayant consenti en consequence que le dit article demeurât supprimé à condition que l'article 12 du même traité fût également regardé comme non avenu; le Congrès Général a déclaré son côté et déclare qu'il consent à la suppression des articles 11 et 12 susmentionnés, et son intention est, qu'ils soient regardés comme n'ayant jamais été compris dans le traite signé le six Février dernier.

B. Franklin,
Arthur Lee,
John Adams.

tions which shall remain in all their force and vigour, 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.

ARTICLE XII.

Ships suspected shall exhibit passports and certificates.

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 shewing that her goods are not of the number of those which have been prohibited as contraband.

ARTICLE XIII.

How to proceed in case of contraband goods.

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, untill 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 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.

ARTICLE XIV.

Goods found in an enemy's ship may be confiscated, unless put on board before declaration of war, or within two months after.

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 enemys 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 merchandizes 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, 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 truely be restored without delay to the proprietors demanding the same; but so as that if the said merchandizes 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

les quelles demeureront dans toute leur force et vigueur. Les Etats Unis de leur côté ou aucun d'entr' eux, seront libres de statüer sur cette matière telle loi qu'ils jugeront àpropos.

ARTICLE XII.

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 expressement que leur chargement n'est pas de la qualité de ceux qui sont prohibés comme contrebande.

ARTICLE XIII.

Si l'exhibition des dits certificats conduit à découvrir que le navire porte des marchandises prohibées et reputées contrebande, consignées pour un port ennemi, il ne sera pas permis de briser les écoutilles des dits navires, ni d'ouvrir aucune caisse, coffre, malle, ballots, tonneaux et autres caisses qui s'y trouveront, ou d'en déplacer et détourner la moindre partie des marchandises soit que le navire apartienne aux sujets du Roi très Chretien ou aux habitans des Etats Unis, jusqu' a ce que la cargaison ait été mise à terre en presence des officiers des cours d' amirauté, et que l'inventaire en ait ete fait; mais on ne permettra pas de vendre, échanger ou aliéner les navires ou leur cargaison en manierè quelconque, avant que le proces ait été fait et parfait legalement pour déclarer la contrebande, et que les cours d'amirauté auront prononcé leur confiscation par jugement, sans prejudice néanmoins des navires, ainsi que des marchandises qui en vertu du traité doivent être censées libres. Il ne sera pas permis de retenir ces marchandises sous pretexte qu'elles ont été entachées par les marchandises de contrebande et bien moins encore de les confisquer comme des prises légales. Dans le cas ou une partie seulement et non la totalité du chargement consisteroit en marchandises de contrebande, et que le commandant du vaisseau consente à les délivrer au corsaire qui les aura découvertes, àlors 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 voïage. Mais dans le cas où les marchandises de contrebande ne pourroient pas être toutes chargées sur le vaisseau capteur, àlors le capitaine du d^{e} vaisseau sera le maitre, malgré l'offre de remettre la contrebande, de conduire le patron dans le plus prochain port, conformement à ce qui est préscrit plus haut.

ARTICLE XIV.

On est convenu au contraire que tout ce qui se trouvera chargé par les sujets respectifs sur des navires apartenants 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 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 d^{e} déclaration, si au moment du chargement on a pu l'ignorer, de manière que les marchandises des sujets des deux parties, soit qu'elles se trouvent du nombre de celles de contrebande ou autrement, les quelles comme il vient d'être dit, auront été mises à bord d'un vaisseau apartenant à l'ennemi, avant la guerre ou même après la d^{e} déclaration, lorsqu'on l'ignoroit, ne seront en aucune manière, sujetes à confiscation, mais seront fidèlement et de bonne foi rendües sans delai à leurs propriétaires, qui les reclameront; bien entendu néanmoins qu'il ne soit pas permis de portee dans les ports ennemis les marchandises qui seront de contrebande. Les deux parties contractantes conviennent que le

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.

ARTICLE XV.

Ships of war and privateers to do no injury to either party; if they do, to be punished and make reparation to the party injured.

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.

ARTICLE XVI.

All ships and merchandize rescued out of the hands of pirates to be restored.

All ships and merchandizes 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.

ARTICLE XVII.

Prizes may be carried into the ports of either party.

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 and 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.

No shelter shall be given to the captors of prizes from either party.

ARTICLE XVIII.

In case of shipwreck, relief to be afforded.

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 and 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.

ARTICLE XIX.

When vessels by stress of weather, &c. are forced into ports, &c. they shall be protected and permitted to depart.

In case the subjects and inhabitants of either party, with their shipping, whether publick 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 harbour, 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

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.

ARTICLE XV.

Et afin de pourvoir plus efficacement à la sûreté des sujets 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 capitaines des vaisseaux de sa Majesté très Chretienne 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.

ARTICLE XVI.

Tous vaisseaux et marchandises de quelque nature que ce puisse être, lors qu'ils auront été enlevés des mains de quelques pirates en pleine mer, seront amenés dans quelque port de l'un des deux Etats, et seront remis à la garde des officiers du dit port àfin d'être rendus, en entier, a leur veritable propriétaire, aussitôt qu'il aura düement et sufisament fait conster de sa propriété.

ARTICLE XVII.

Les vaisseaux de guerre de sa Majesté très Chretienne 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 où d'aucuns autres, sans qu'aussi les dits vaisseaux ou les d^e^ prises, entrant dans les havres ou ports de sa Majesté très Chretienne ou des dits Etats Unis, puissent être arrêtés ou saisis, ni que les officiers des lieux puissent prendre connoissance de la validité des d^e^ 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 aparoir. 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 peril de la mer, on les fera sortir le plustôt qu'il sera possible.

ARTICLE XVIII.

Dans le cas où un vaisseau apartenant à l'un des deux Etats 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.

ARTICLE XIX.

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 nécessité 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 raffraichissemens, de vivres, et de toutes choses nécessaires pour leur subsistance, pour la reparation de leurs vaisseaux, et

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.

ARTICLE XX.

In case of war, six months shall be allowed to citizens of each party residing in the other's dominion to sell and remove their effects.

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, shall be allowed to the merchants in the cities and towns where they live for selling and transporting their goods and merchandizes; 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.

ARTICLE XXI.

Citizens of neither party shall take commissions or letters of marque from any prince or state with whom the other is at war, to act as privateers.

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.

ARTICLE XXII.

Foreign privateers not allowed to be fitted out, or to sell their prizes in the ports of either party.

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, merchandizes, 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.

ARTICLE XXIII.

Liberty for either party to trade with a nation at war with the other.

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 merchandizes 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 merchandizes 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 a freedom to

pour continüer leur voïage; le tout moïennant 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.

ARTICLE XX.

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 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 préscrit ci-dessus, par l'une des deux parties, leurs peuples ou sujets, il leur sera donné à cet égard pleine et entière satisfaction.

ARTICLE XXI.

Aucun sujet du Roi très Chretien 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 propriété 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 Chretienne, ou quelques uns d'entre eux ou leur propriété, de quelque prince ou etat que ce soit avec qui sa d.e 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.

ARTICLE XXII.

Il ne sera permis à aucun corsaire étranger non apartenant à quelque sujet de sa Majesté très Chretienne 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 nécessaires pour se rendre dans le port le plus voisin du prince ou de l'etat dont il tient sa commission.

ARTICLE XXIII.

Il sera permis à tous et un chacun des sujets du Roi très Chretien et aux citoïens, peuple et habitans des susdits Etats Unis, de naviguer avec leurs batimens avec toute liberté et sûreté, sans qu'il puisse être fait d'exception à cet égard, à raison des propriétaires des marchandises chargées sur les dits batimens 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 Chretienne ou des Etats Unis. Il sera permis également aux sujets et habitans sus mentionnés de naviguer avec leurs vaisseaux et marchandises et de frequenter avec la même liberté et sûreté, les places, ports, et havres 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 present traité que les

Free ships make free goods, excepting contraband articles.

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 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.

ARTICLE XXIV.

What goods shall be deemed contraband.

This liberty of navigation and commerce shall extend to all kinds of merchandizes, 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 fuzes, and other things belonging to them, cannon ball, gunpowder, match, pikes, swords, lances, spears, halberds, mortars, petards, granades, saltpetre, 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 merchandizes 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 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 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 merchandizes 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.

ARTICLE XXV.

Ships and vessels to be furnished with sea letters or passports and certificates.

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 truley 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

batimens libres assûreront également la liberté des marchandises, et qu'on jugera libres toutes les choses qui se trouveront àbord 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 àbord du batiment libre, quand même elles seroient ennemies de l'une des deux parties contractantes, et elles ne pourront être enlevées des dits navires, à moins qu'elles ne soient militaires et actuellement au service de l'ennemi.

ARTICLE XXIV.

Cette liberté de navigation et de commerce doit s'étendre sur toutes sortes de marchandises, à l'exception seulement de celles qui sont designées sous le nom de contrebande: Sous ce nom de contrebande ou de marchandises prohibeés, doivent être compris les armes, canons, bombes avec leurs fusées et autres choses y relatives, boulets, poudre à tirer, méches, piques, epées, lances, dards, hallebardes, mortiers, petards, grenades, salpêtre, 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 equipages, 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 matieres quelconques; toutes sortes de vétemens avec les étoffes dont on a coutume de les faire, l'or et l'argent monnoïé 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 légumes; le tabac et toutes les sortes d'épiceries, la viande salée et fumée, poisson sallé, fromage et beurre, bierre, huiles, vins, sucres, et toute espece 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 choses propres à la construction et réparation des vaisseaux, et autres matieres 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 ci-dessus, doivent être comprises parmi les marchandises libres, de même que toutes les autres marchandises et effets qui ne sont pas compris et particulierèment nommés dans l'énumeration 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.

ARTICLE XXV.

Afin d'écarter et de prévenir 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 batimens apartenans aux sujets ou peuple de l'autre allié, devront être pourvus de lettres de mer ou passeports, les quels exprimeront le nom, la propriété et le port du navire, ainsi que le nom et la demeure du maitre ou commandant du dit vaisseau, àfin 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

as above-mentioned, 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 advisable to express in the said certificates, the person to whom the goods on board belong, he may freely do so.

ARTICLE XXVI.

Vessels coming on the coast or entering the ports of either party, how to be treated.

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.

ARTICLE XXVII.

How vessels are to be treated when met by ships of war or privateers.

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 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 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.

ARTICLE XXVIII.

No search after goods are put on board ships or vessels, unless in case of fraud.

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.

ARTICLE XXIX.

Consuls, &c. to be allowed in the ports of each party.

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.

ARTICLE XXX.

Free ports.

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 merchandize 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

susmentionnés, dans le cas où ils seroient chargés, devront être pourvus non seulement de passeports, mais aussi de certificats, contenant le détail de la cargaison, le lieu d'où le vaisseau est parti, et la déclaration des marchandises de contrebande qui pourroient se trouver àbord; 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.

ARTICLE XXVI.

Dans le cas ou les vaisseaux des sujets et habitans de l'une des deux parties contractantes aprocheroient des côtes de l'autre, sans cependant avoir le dessein d'entrer dans le port, ou après être entré, sans avoir le dessein de décharger la cargaison, ou rompre leur charge, on se conduira à leur égard suivant les réglemens généraux préscrits ou à prescrire relativement à l'objet dont il est question.

ARTICLE XXVII.

Lorsqu'un batiment 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, àfin d'éviter tout désordre, se tiendra hors de la portée du canon, et pourra envoïer sa chaloupe àbord du batiment marchand, et y faire entrer deux ou trois hommes, aux quels le maitre ou commandant du batiment montrera son passeport, le quel devra être conforme à la formule annexeé au present traité, et constatera la propriété du batiment: et après que le dit batiment aura exhibé un pareil passeport, il lui sera libre de continüer 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 quiter la course qu'il s'étoit proposée

ARTICLE XXVIII.

Il est convenu que lorsque les marchandises auront été chargées sur les vaisseaux ou batimens 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 Chrêtienne ou des Etats Unis, ni leurs marchandises, ne pourront être arrêtés ni molestés pour cette cause, par aucune espèce d'embargo; et les seuls sujets de l'etat, auxquels les d^{e} marchandises auront été prohibées, et qui se seront emancipés à vendre et aliéner de pareilles marchandises, seront düement punis pour cette contravention.

ARTICLE XXIX.

Les deux parties contractantes se sont accordées mutuellement la faculté de tenir dans leurs ports respectifs, des consuls, vice-consuls, agents et commissaires, dont les fonctions seront reglées par une convention particulière.

ARTICLE XXX.

Pour d'autant plus favoriser et faciliter le commerce que les sujets des Etats Unis feront avec la France, le Roi très Chretien leur accordera en Europe un ou plusieurs ports Francs dans lesquels ils pourront amener et débiter toutes les denreés et marchandises provenant des treize Etats Unis; sa Majesté conservera d'un autre côté, aux sujets des dits Etats, les ports Francs qui ont été, et sont ouverts dans les isles

of America: of all which free ports the said subjects of the United States shall enjoy the use, agreable to the regulations which relate to them.

ARTICLE XXXI.

Ratification.

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 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.)

Françoises de l'Amerique. De tous les quels ports Francs les dits sujets des Etats Unis jouiront conformement aux règlemens qui en déterminent l'usage.

ARTICLE XXXI.

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

In foi de quoi les Plenipotentiaires respectifs ont signé les articles cidessus, tant en langue Françoise qu'en langue Angloise, déclarant néanmoins que le present traité a eté originairement redigé et arrêté 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 dix-huit.

C. A. GERARD, (L. S.)
B. FRANKLIN, (L. S.)
SILAS DEANE, (L. S.)
ARTHUR LEE, (L. S.)

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, Connecticutt, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia. (*a*)

Oct. 8, 1782.

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, Connecticutt, New-York, New-Jersey, Pensylvania, 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 burthensome 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.

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 witt:

ARTICLE I.

Peace and friendship between the two nations.

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.

ARTICLE II.

The subjects of the said States General of the United Netherlands,

(*a*) This treaty was ratified on the 22d January, 1783.

TRACTAAT

Van Vriendschap en Commercie, tusschen 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, Connecticutt, New-York, New-Jerseÿ, Pensylvania, Delaware, Maryland, Virginien, Noord-Carolina, Zuÿd-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, Connecticutt, New-York, New-Jerseÿ, Pensylvanien, Delaware, Maryland, Virginien, Noord-Carolina, Zuÿd-Carolina, en Georgien, geneegen zynde op een bestendige en billyke 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 Staten, 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 volmaekste egaliteit en reciprociteit, en met vermyding van alle die lastige præferentien, dewelke doorgaans de bronäders zyn van twist, verwarring en misnoegen; door aan iedere party de vryheid te laten, om weegins 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 weederzyds nut, en de juiste regels van vrye handel over en weer; reserveerende by dat alles 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 Staten Generaal der Vereenigde Nederlanden, tot hunne Plenipotentiarissen, uit het midden hunner vergadering benoemd, de Heeren Derselver gedeputeerden tot de buitenlandsche Saaken; En de gemelde Vereenigde Staten van America van hunne zyde, met volmagt voorsien den Heer John Adams, laatst commissaris van de Vereenigde Staten van America, aan het Hof van Versailles geweezen afgevaardigde op het Congres weegens de staten van Massachusetts-Baay, en opper-regter van den gemelden staat, dewelke zyn overeengekomen, en geaccordeert:

ARTL I.

Daar zal een vaste onverbreekelyke en universeele vreede, en opregte vrienschap zyn, tusschen Haar Hoog Mogende de Heeren Staten Generaal der Vereenigde Nederlanden, en de Vereenigde Staten van America, en de onderdanen en ingezeetenen van de voornoemde parthyen, en tusschen de landen, eilanden, steeden en plaatsen, geleegen, onder de jurisdictie van de gemelde Vereenigde Nederlanden, en de gemelde Vereenigde Staten van America, en derselver onderdanen en ingezeetenen van allerley Staat, sonder onder scheid van persoonen en plaatsen.

ARTL II.

De onderdanen van de gemelde Staten Generaal der Vereenigde Ne-

Subjects of United Netherlands shall have the same privileges in the United States, as the most favoured nation.

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 favoured, are or shall be obliged to pay; and they shall enjoy all the rights, liberties, priviledges, 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.

ARTICLE III.

Citizens of U. S. shall have the same privileges in United Netherlands as the most favoured nations.

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 favoured, are or shall be obliged to pay: And they shall enjoy all the rights, liberties, priviledges, 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 peacable enjoyment of their rights, in the countries, islands and seas, in the East and West-Indies, without any hindrance or molestation.

ARTICLE IV.

Liberty of conscience, &c. secured to the citizens of each party in the other's dominions.

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 burrying 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 burried, 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 in cases of deaths, in which they shall be interested.

ARTICLE V.

Both parties to protect vessels of the other in their dominions, to restore them when captured, and to convoy in certain cases.

Their High Mightinesses, the States General of the United Netherlands, and the United States of America, shall endeavour, by all the means in their power, to defend and protect all vessells 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 attornies, all such vessells and effects, which shall be taken under their jurisdiction: And their vessells of war and convoys, in cases when they may have a common enemy, shall take under their protection all the vessells belonging

derlanden, zullen in de havens, rheeden, landen, eilanden, steeden of plaatsen van de Vereenigde Staten 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 Staaten na eene andere, of gaande van eenige van deeze havens na eenige vreemde haven van de wereld, of van eenige vreemde haven van de wereld, na eenige van deeze havens, welke de gemelde natien reeds genieten of zullen genieten.

ARTL III.

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 betalen. 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 sullen genieten. En zullen de Vereenigde Staten van America, beneevens haare onderdanen en ingezeetenen, aan die van Haar Hoog Mogende laten 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.

ARTL IV.

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 zake van den Godtsdienst worden gemolesteert, mits hem omtrent publique de monstratie onderwerpende aan de wetten van het land. Daar en boven zal vryheid worden gegeeven aan de onderdanen en ingezeetenen van iedere parthye, die in des anderen's territoir overlyden, om begraven te worden in de gewoone begraafplaatsen of gevoeglyke en decente plaatsen, daar toe te bepaalen, zoo als de geleegendheid zal vereisschen, nogte zullen de doode lighaamen van die geene, die begraven zyn eenigzints werden gemolesteert. En zullen de beide contracteerende de 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.

ARTL V.

Haar Hoog Mogende, de Staten Generaal der Vereenigde Nederlanden en de Vereenigde Staten van America, zullen 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 eigenaers, húnne agenten of gevolmagtigden, alle zodanige scheepen, en effecten die, onder haare jurisdictie, zullen genomen worden: en haare convoyeerende oorlog scheepen zullen, voor

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 blocked, and which shall hold the same course or follow the same rout; and they shall defend such vessells as long as they shall hold the same course or follow the same rout, against all attacks, force and violence of the common enemy, in the same manner as they ought to protect and defend the vessells belonging to their own respective subjects.

ARTICLE VI.

Citizens of either party may dispose of estate by will or otherwise.

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; 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 fullfill 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 concerning the same.

ARTICLE VII.

Subjects of each party may employ such advocates, &c. as they think proper.

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

ARTICLE VIII.

Vessels, &c. not to be detained.

Merchants, masters and owners of ships, mariners, men of all kinds, ships and vessells, and all merchandizes 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, publick or private use of any one, by arrests, violence, or any colour thereof; much less shall it be permitted 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.

zoo verre zy eenen gemeenen vyand mogen hebben, onder haare protectie neemen alle scheepen toebehoorende aan elkanders onderdanen en ingezeetenen, dewelke geene contrabande goederen, volgens de beschryving, hier na daar van te doen, zullen hebben ingelaaden naar plaatsen, 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 deselve 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 weedersyds eigen onderdanen.

ARTL VI.

De onderdanen der contracteerende parthyen, zullen over en weeder in weedersydsche landen en staten van hunne goederen by testamenten donatien, of andersints mogen disponeeren; en hunne erfgenamen, zynde onderdanen van een der parthyen in de landen vande andere, of wel elders woonagtig, zullen dezelve nalatenschapen ontfangen, selfs *ab 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 prætext van eenige regten, of voorregten van eenige provincie, stad of particulier perzoon: ensoo de erfgenamen, aan welke de erffenissen mogten vervallen zyn, minder jarig waren, zullen de voogden of curateurs by den domiciliairen regter der genoemde minderjarigen aangestelt, kunnen regeeren, bestieren, administreeren, verkoopen en veralieneeren de goederen, welke de gemelde minderjarigen by erffenissen zullen zyn te beurt gevallen; en generalyk met opsigttot de voorschreeve successien en goederen, waarneemen alle regten en functien, die aan voogden en curateurs na dispositie der wetten competeeren, behoudens nogtans 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 sal hebben genomineert.

ARTL VII.

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.

ARTL VIII.

Kooplieden, schippers, eygenaers, bootsgezellen, lieden van alderhande soort, scheepen en vaartuigen, en alle koopmanschappen en goederen in 't generaal, en effecten van een derbondgenooten, 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 gelykender veel-minder 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.

ARTICLE IX.

Privileges of citizens in transacting business.

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, subjected 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 vessells, 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.

ARTICLE X.

Merchant ships, if required, shall exhibit sea-letters, &c. if no contraband goods shall pass.

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 vessells convoyed by vessells of war, but credence shall be given to the word of the officer, who shall conduct the convoy.

ARTICLE XI.

Mode of proceeding when contraband goods are discovered.

If by exhibiting the sea-letters, and other documents, 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 lawfull to break up the hatches of such ship, nor to open any chest, coffer, packs, casks, or other vessells found therein, or to remove the smallest parcell of her goods, whether the said vessell 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 inventary thereof made; but there shall be no allowance to sell, exchange, or alienate the same, untill after that due and lawfull process shall have been had against such prohibited goods of contraband, and the court of admiralty, by a sentence pronounced, shall have confiscated the same, saving always as well the ship itselff, 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 lawfull prize: but on the contrary, when by the visitation at land, it shall be found that there are no contraband goods in the vessell, and it shall not appear by the papers that he who has taken and carried in the vessell 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 vessells, 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 vessells shall assure the liberty of the effects with which they shall be loaded, and that this liberty shall extend itselff equally to the persons who shall be found in a free vessell, who may not be taken out of her, unless they are military men actually in the service of an enemy.

ARTL IX.

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 húnne eige saaken, zelfs te verrigten; zullende deselve 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 in-gelykheid met de meest gefavoriseerde natie geconsidereert en gehandelt worden.

ARTL X.

De koopvaardy scheepen van een ieder der parthyen, komende soo wel van een vyandelyke, als eige of neutrale haven, zullen vry mogen 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.

ARTL XI.

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 contrabande 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 vaat-werk, 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 veralieneeren, dan, na dat behoorlyke en wettige procedures regens 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, daarin 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 uit 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 belaaden 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

ARTICLE XII.

Goods found in an enemy's ship liable to be confiscated, unless put on board before declaration of war or within six months after.

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 merchandizes as were put on board such vessell 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 publick: Provided nevertheless, that if the said merchandizes are contraband, it shall by no means be lawfull to transport them afterwards to any port belonging to enemies.

ARTICLE XIII.

Vessels of war or privateers to do no injury to either party; if they do, to be punished and make reparation.

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 vessells of war or privateers of the other party, it shall be forbidden to all commanders of vessells of war and other armed vessells 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 obliga tion of their persons and goods.

ARTICLE XIV.

Captains of privateers, &c. to give sufficient caution, to be responsible for their malversations.

For further determining of what has been said, all captains of privateers, or fitters-out of vessells 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 cruizes 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.

ARTICLE XV.

Goods rescued from pirates to be restored.

All vessells and merchandizes of whatsoever nature, which shall be rescued out of the hands of any pirates or robbers, navigating the high seas without requisite comissions, 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.

zal uitstrekken over de persoonen, die haar zullen bevinden in een vry schip, dewelke daar uit niet geligt zullen mogen worden, ten zy het waren oorlogsluiden in effectiven dienst van den vyand.

ARTL XII.

In tegendeel is overeengekomen, dat al het geen bevonden zal worden gelaaden 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 toequam, uitgesondert zodanige goederen en koopmanschappen, als aan boord van zodanig schip gedaan waren voor de oorlogs-declaratie, of binnen ses maanden na deselve, welke goederen in geenendeele confiscatie zullen onderheevig zyn, maar wel en getrouwelyk sonder uitstel 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 gedaen, eerst konde geschieden, dog zoo, dat, indien de gemelde koopmanschappen, contrabande zyn, het geenzints, geoorloft zal zyn deselve naderhand te vervoeren na eenige havens, de vyanden toebehoorende.

ARTL XIII.

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 voorschreeve Staten Generaal der Vereenigde Nederlanden, en van de gemelde Vereenigde Staten van America, mits gaders 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 verpligt worden satisfactie te geeven voor alle schade, en den interest daar van, door vergoeding onder pœne en verbintenis van hunne personen en goederen.

ARTL XIV.

Tot meerder verklaring van het geen voorschreeve is, zullen alle kaper capiteinen of rheeders van scheepen op particuliere bestelling en commissie ten oorlog-uitgerust, 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-ze in haare courssen, of op haare reizen zouden mogen-begaan, en voor de contraventien van haare capiteinen en officieren, teegen 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 voorschreve commissien.

ARTL XV.

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

ARTICLE XVI.

In case of shipwreck, relief shall be afforded and goods restored.

If any ships or vessells, 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 vessells, effects and merchandizes, or the part of them which shall have been saved, or the proceeds of them, if, being perishable, they shall have been sold, being claimed within a year and a day by the masters or owners, or their agents or attornies, 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 returne, each one to his own country.

ARTICLE XVII.

When vessels by stress of weather, &c. shall be forced into ports, &c. they shall be protected and permitted to depart.

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 harbour, to retract 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 victualls, and all things needfull for the sustenance of their persons, or reparation of their ships; and they shall no ways be detained or hindred from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

ARTICLE XVIII.

In case of war, nine months allowed to citizens residing in the other's dominion to sell and transport their effects.

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 transport them where they please, which it shall be lawfull 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 vessells 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 for the voyage. And no prize made at sea, shall be adjudged lawfull, at least, if the declaration of war was not or could not be known, in the last port, which the vessell 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 compleat satisfaction shall be given them.

ARTL XVI.

Indien eenige scheepen of vaartuigen toebehooreende aan een van beyde de parthyen, hunne onderdanen of ingezeetenen, op de kusten of dominien van den anderen zullen komen te stranden, vergaan, of eenige andere zee-schade te lyden, zal alle vriendelyke assistentie en hulp worden gegeeven aan de persoonen schipbreuk geleeden hebbende, of die zig in gevaar daar van zullen bevinden; en de scheepen, goederen en koopmanschappen, en het geen daarvan ge-borgen 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 betaelende 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, en retour van een ieder na syn eigen land.

ARTL XVII.

Ingevalle de onderdanen of ingezeetenen van een der beide parthyen, met húnne 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 dringende nood, gedwongen zullen worden, terbekoming van een schuilplaats en haaven, 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 benoodigt tot onderhoud van haare persoonen of reparatie van húnne 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.

ARTL XVIII.

Tot des te beeter voortzetting der weedersydsche commercie, is over eengekomen, dat indien een oorlog mogt komen te ontstaan, tusschen 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 maanden, na dato van de rupture of proclamatie van oorlog, om haar te mogen retireeren met haare effecten, endezelve te vervoeren, waar het haar believen zal, het welk haar geoorloft zal zyn te mogen doen; als meede te mogen verkoopen of transporteeren haare goederen en meubilien in alle vryheid; sonder dat men haar daarin eenig belet zal-doen; ook zonder geduurende den tyd van de voorschreeve neegen maanden te mogen procedeeren tot eenig arrest van haare effecten, veel min van haare persoonen, maar zullen inteegendeel voor haare scheepen, en 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 pryzen op zee genomen voor wettig genomen gehouden mogen worden, ten minsten indien de oorlogs-declaratie, niet bekent was geweest of had kunnen zyn in de haven, die het geenoome schip het laast heeft verlaten, maar zal vóor al, het geen aan de onderdanen en ingezetenenen van weederzyden binnen de voorschreeve termynen, ontnomen mogt zyn en de beleedigingen, die hun aangedaan zouden mogen zyn, volkomen satisfacte gegeeven worden.

ARTICLE XIX.

Citizens of neither party shall take commissions or letters of marque from a prince or state with whom the other is at war.

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 said 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.

ARTICLE XX.

Vessels coming on the coast or entering the ports of either party, how to be treated.

If the vessells 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 cargoe, they shall not be obliged to pay, neither for the vessells nor the cargoes, any duties of entry in or out, or to render any account of their cargoes, at least if there is not just cause to presume that they carry to an enemy merchandizes of contraband.

ARTICLE XXI.

Consuls, &c. to be allowed in the ports of each nation.

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 chuses, to make such appointments.

ARTICLE XXII.

This treaty not to derogate from treaty with France.

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 sixth 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.

ARTICLE XXIII.

United Netherlands to aid the U. S. in forming treaties with the Barbary powers.

If at any time the United States of America shall judge necessary to commence negotiations with the King or Emperor of Marocco 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 Mightenesses promise that upon the requisition which the United States of America shall make of it, they will second such negotiations in the most favourable manner, by means of their consuls, residing near the said King, Emperor and Regencies.

ARTL XIX.

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 teegens de gemelde Vereenigde Staten van America of eenige der zelve, of tegens de onderdanen of ingezeetenen der gemelde Vereenigde Staten, of eenige der zelve, of teegens den eigendom der ingezeetenen van eenige der zelve, van eenige prins of staat, met wien de voorschreeve Vereenigde Staten van America in oorlog mogten zyn; nochte zal eenige onderdaen of ingezeeten van demelde Vereenigde staten van America, of eenige derselve, eenige commissie off 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 teegens 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 deselve als een zeerover worden gestraft.

ARTL XX.

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 zynde 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 laadingen 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 koopmanschappen van contrabande.

ARTL XXI.

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

ARTL XXII.

Dit tractaat zal in geenerhande opsigten verstaan worden te derogeeren aan de 9, 10, 19 en 24 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, 17 en 22 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 Catholicque Majesteit aan t'selve zoude accedeeren, en van het beneficie der gemelde vier articulen joisseeren.

ARTL XXIII.

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 voorschreeve koning of keizer en regeeringen, resideerende consuls op de favorabelste wyze te zullen secondeeren.

CONTRABAND.

ARTICLE XXIV.

What goods shall be deemed contraband.

The liberty of navigation and commerce shall extend to all sorts of merchandizes, excepting only those which are distinguished under the name of contraband, or merchandizes prohibited: and under this denomination of contraband and merchandizes prohibited, shall be comprehended only warlike stores and arms, as mortars, artillery, with their artifices and appurtenances, fusils, pistols, bombs, grenades, gun-powder, saltpetre, sulphur, match, bullets and balls, pikes, sabres, lances, halberts, casques, cuirasses, and other sorts of arms; as also soldiers, horses, saddles, and furniture for horses; all other effects and merchandizes, 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 and merchandizes, which are not expressly before named, 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.

ARTICLE XXV.

Regulations respecting passports.

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 vessells 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 burthen of the vessell, as also the name and the place of abode of the master, or commander of the said vessell, to the end, that thereby it may appear, that the vessell 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 vessell shall return, she should have such her passport renewed, or at least, they ought not to be of more antient date than two years, before the vessell has been returned to her own country.

It has been also agreed, that such vessells, being loaded, ought to be provided not only with the said passports or sea-letters, but also with a general pasport, or with particular passports or manifests, or other publick documents, which are ordinarily given to vessells outward bound in the ports from whence the vessells have set sail in the last place, containing a specification of the cargo, of the place from whence the vessell 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 vessell 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 vessells, 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

CONTRABANDE.

ARTL XXIV.

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, zwavel, lonten, koogels, pieken, zwaarden, lancien, helbaarden, casquetten, 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 eenige voor te wende interpretatie van dezelve, hoe ook genaamt onder verboodene of contrabande goederen, begreepen kunnen of mogen worden: zoo dat alle dezelve goederen, waaren en koopmanschappen, hier boven niet uitdrukkelyk genoemt, sonder eenig onderscheid zullen mogen worden getransporteert en vervoert in alle vryheid, door de onderdanen en ingezeetenen van beide bondgenooten, van en na plaatsen, aan den vyand toebehoorende, zodanige steeden of plaatsen alleen uitgesondert, 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.

ARTL XXV.

Ten einde alle dissentie en twist mag werden vermyd en voorgekomen, is over een gekomen, 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 zee-brieven 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 of vaartuig, ten einde daar by mag blyken, dat het schip reëel en in waarheid aan de onderdanen of ingezeetenen van eene der parthyen toebehoord, welk pasport zal worden opgemaakt en uitgegeeven, volgens het formulier, agter dit tractaat gevoegt. Deselve zullen ieder reize, dat het schip thuys is geweest op nieuw verleent moeten zyn, of ten minsten niet ouder mogen zyn, als twee jaar, voorde tyd, dat het schip laast is thuys geweest.

Het is insgelyks vastgestelt, dat zodanige scheepen of vaartuigen gelaaden zynde, moeten weezen voorsien, niet alleen met pasporten of zeebrieven bovengemeld; maar ook met een generaal pasport of particuliere pasporten, of manifesten, of andere publicque documenten, die in de havenen, van waar de scheepen laast gekomen zyn, gewoonlyk gegeeven worden aan de uitgaende scheepen, inhoudende een specificatie van de lading de plaats van waar het schip gezeild 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 gewoonde form gegeeven, op dat geweeten kan worden, of eenige verboode of contrabande goederen, aan boord van de scheepen zyn, en of zy daar meede na's vyands landen gedestineert zyn, of niet. En by aldien iemand goetdunkt of raadzaem vind, om in de gemelde bescheiden uit te drukken de persoonen, aan wien de aan boord zinde goederen toekomen, vermag hy

it; and the omission of such expression cannot and ought not to cause a confiscation.

ARTICLE XXVI.

How ships and vessels are to be treated, when met by ships of war or privateers.

If the vessells of the said subjects or inhabitants of either of the parties, sailing along the coasts or on the high seas, are met by a vessell of war, or privateer, or other armed vessell of the other party, the said vessells of war, privateers, or armed vessells, 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 vessell, according to the form annexed to this treaty: And the vessell, after having exhibited such a passport, sea-letter and other documents, shall be free to continue her voyage, so that it shall not be lawfull to molest her, or search her in any manner, nor to give her chase nor to force her to alter her course.

ARTICLE XXVII.

Lawful for merchants and commanders of vessels to take into their service seamen and others belonging to either nation.

It shall be lawfull for merchants, captains and commanders of vessells, 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 vessells, 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 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 priviledge of engaging and receiving seamen or others, natives or inhabitants of any country of the domination 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 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.

ARTICLE XXVIII.

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.

ARTICLE XXIX.

Ratification.

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,

zulks vryelyk te doen, sonder egter daar toe gehouden te syn, of dat gebrek van die uitdrukking geleegenheid tot confiscatie kan of mag geeven.

ARTL XXVI.

Indien de scheepen of vaartuigen van de gemelde onderdanen of ingezeetenen van een van beide de parthyen, zeilende langs de kusten off 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 het koopvaardy schip, welke zy op die wys zullen 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 vertooning van dusdanig pasport, zee-brief en verdere bescheiden vry en liber zyn, om deszelfs reis te vervolgen, zoo dat niet geoorloft zal zyn het zelve op eenigerhande wyze te molesteeren of doorzoeken, nog jagt op haar te maken, of het selve te forceeren, haare voorgenomen cours te verlaten.

ARTL XXVII.

Het zal geoorloft zyn aan kooplieden, capiteins, en bevelhebbers van scheepen, het zy publicque en ten oorlog, of particuliere en ter koopvardy vaarende, toebehoorende aan de gemelde Vereenigde Staten van America, of eenige van dezelve, of aan de onderdanen en ingezeetenen van eenige derzelve, 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 Staten, 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, behoorrende tot de voorschreeven 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 van eenige der domeinen van de gemelde Staten Generaal, met dien verstande, dat men nog aan de eene nog aan de andere zyde zig zal mogen bedienen van zodanige zyner landsgenooten, die zig reeds in dienst van de andere contracteerende parthye, het zy ten oorlog het zy op koopvaardy scheepen, heeft geengageert, 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, oppœne dat dezelve andersints op den voet van weglopers zullen worden behandelt, en gestraft.

ARTL XXVIII.

De toeleg voor refractie zal in alle reedelykheid en billykheid worden gereguleert by de magistraten der respective steeden, alwaar men oordeelt, dat eenige bezwaaren desweegens plaets hebben.

ARTL XXIX.

Het tegenwoordig tractaat zal werden geratificeert en geapprobeert by Hoogstgemelde Staten Generaal der Vereenigde Nederlanden, en Hoog gemelde Vereenigde Staten van America, en zullen de acten van

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 of which, 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 eight of October, one thousand seven hundred eighty-two.

(L. S.) JOHN ADAMS.

CONVENTION

Between the Lords the States General of the United Netherlands, and the United States of America, concerning Vessells re-captured.

Oct. 8, 1782.

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 vessells of war, and commissioned by the two contracting powers, upon their common enemies, and to vessells of the subjects of either party, captured by the enemy, and re-captured by vessells of war commissioned by either party, have agreed upon the following articles.

ARTICLE I.

When vessels of either nation shall be re-captured, how they shall be restored.

The vessells of either of the two nations re-captured by the privateers of the other, shall be restored to the first proprietor, if such vessells have not been four and twenty hours in the power of the enemy, provided the owner of the vessell re-captured, pay therefor one third of the value of the vessell, as also of that of the cargo, the cannons and apparel, which third shall be valued by agreement, between the parties interested; or, if they cannot agree thereon among themselves they shall address themselves to the officers of the admiralty, of the place where the privateer who has re-taken the vessell shall have conducted her.

ARTICLE II.

When they shall belong to the re-captor.

If the vessell re-captured has been more than twenty-four hours in the power of the enemy, she shall belong entirely to the privateer who has re-taken her.

ratificatien van de eene en de anderezyde in goede en de behoorlyke forme werde overgeleeverd binnen den tyd van zes maanden, ofte eerder zo het zelve kan geschieden, te reekenen van den dag van de onderteekening.

Ten oirkonde deezes, hebben wy Gedeputeerden, en Plenipotentiarissen van de Heeren Staten Generaal der Vereenigde Neederlanden, en Minister Plenipotentiaris der Vereenigde Staten van America, uitkragte van onze respective authorisatie en plein pouvoir, deeze onderteekent, en met onze gewoone cachetten bekragtigt.

In den Hage den agtsten October, een duysent seeven 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 VAN KUFFELER.
(L. S.) F. G. VAN DEDEM, *tot den Gelder.*
(L. S.) H. TJASSENS.

CONVENTIE

Tusschen de Heeren Staten Generaal der Vereenigde Nederlanden en Vereenigde Staten van America, rakend 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 commissie-vaarders van wedersys contracteerende parthyen, op derselver gemeene vyanden genomen, en omtrent de scheepen van elkanders onderdanen, door den vyand genomen, en by de oorlogscheepen en commissie-vaarders van weederzyden hernomen zyn met den anderen over eengekomen, omtrent de navolgende articulen.

ARTICLE I.

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 hernoome schip daar voor betaald worde een derde van de waarde van het schip mitsgaders van de laading, canons, en scheepstoerustingen, welk derde in der minne begroot zal worden door de geinteresseerde parthyen; of andersints, en zoo zy desweegens niet over een konden komen, zullen zy zich adresseeren aan de bedienden der admiraliteit van de plaats alwaar de kaper die het schip hernomen heeft, het zelve zal hebben opgebracht.

ARTICLE II.

Indien het hernomen schip langer dan vier en twintig uuren in's vyands magt geweest is, zal het in'tgeheel aan den kaper, die het zelve hernomen heeft, toebehooren.

ARTICLE III.

When re-captured by vessels of war, they shall be restored.

In case a vessell shall have been re-captured by a vessell 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 re-captured in the interval of twenty-four hours, and the tenth part if she has been re-captured after the twenty-four hours; which sums shall be distributed in form of gratifications to the crews of the vessells which shall have re-taken her. The valuation of the said thirtieth parts and tenth parts, shall be regulated according to the tenour of the first article of the present convention.

ARTICLE IV.

Restitution to be made in reasonable time.

The restitution of prizes, whether they may have been re-taken by vessells of war or by privateers, in the mean time and untill requisite and sufficient proofs can be given of the property of vessells re-captured, shall be admitted in a reasonable time, under sufficient sureties for the observation of the aforesaid articles.

ARTICLE V.

Vessels of war and privateers to be admitted with their prizes into the ports of both nations.

The vessells of war and privateers, of one and of 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 sold 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 vessells 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 vessells, shall be judged according to the laws and regulations determined by the United States of America.

ARTICLE VI.

Each nation may make regulations.

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 vessells and privateers ought to hold in relation to the vessells 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 eight of October, one thousand seven hundred eighty-two.

(L. S.) JOHN ADAMS.

ARTICLE III.

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 wedergegeeven worden, mits betalende een dertigste gedeelte van de waarde van het schip en deszelfs laading, canons, en scheepstoerustingen, by aldien het binnen de vier en twintig uuren hernomen is, en het tiende gedeelte zoo het naa 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 jegenswoordige conventie.

ARTICLE IV.

De restitutie der pryzen het zy door oorlogscheepen of kapers hernomen, zal ondertusschen en tot dat behoorlyk en voldoende bewys van den eigendom der hernomen scheepen gegeeven kan werden, onder suffisante cautie wegens het nakomen der bovenstaande articulen, binnen een reedelyken tyt geadmitteert werden.

ARTICLE V.

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 opgebragt, soo verhet bestaanbaar is met het 22ste articul van het tractaat van commercie; met dien ver stande, dat de wettigheid der prysen door Nederlandsche scheepen gemaakt zal beslist worden, naar luid der wetten en reglementen, te deezer zake in de Vereenigde Nederlanden, vast gesteld, gelyk ook die der pryzen door Americaansche scheepen gemaakt, zal beoordeelt worden volgens de wetten en reglementem by de Vereenigde Staten van America bepaald.

ARTICLE VI.

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 deezes, hebben Wy Gedeputeerden en Plenipotentiarissen van de Heeren Staten Generaal der Vereenigde Nederlanden, en Minister Plenipotentiaris der Vereenigde Staten van America, uyt kragt van onze respective authorisatie en plein pouvoir, deeze onderteekent en met onze gewoone cachetten bekragtigt.

Gedaan in's Hage, den agtsten October, een duysent seeven 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. J. VAN HEECKEREN.
(L. S.) JOAN VAN KUFFELER.
(L. S.) F. G. VAN DEDEM, *tot den Gelder.*
(L. S.) H. TJASSENS.

PROVISIONAL ARTICLES

Between the United States of America, and his Britannic Majesty. (a)

ARTICLES

Nov. 30, 1782. *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, Benjamin Franklin, John Jay, and Henry Laurens, four of the Commissioners of the said States, for treating of Peace with the Commissioner 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 untill 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.*

WHEREAS reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friend-

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(a) The Treaties and Conventions between the United States and Great Britain have been:

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, Benjamin Franklin, John Jay, and Henry Laurens, four of the Commissioners of the said States, for treating of peace with the Commissioner 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 peace shall be agreed upon between Great Britain and France; and His Britannic Majesty shall be ready to conclude such Treaty accordingly. Done at Paris, November 30, 1782.

Armistice, declaring a cessation of hostilities between the United States and Great Britain. Versailles, January 20, 1783; post, 58.

Definitive Treaty of Peace between the United States of America and his Britannic Majesty. Done at Paris, September 3, 1783; post, 80.

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 the Senate. November 19, 1794; post, 116.

Additional article. Done at Philadelphia, May 4, 1796; post, 130.

Second explanatory article. Done at London the 15th March, 1798; post, 131.

Convention between the United States and Great Britain. Done at London, January 8, 1802; post, 196.

Treaty of Peace and Amity between his Britannic Majesty and the United States. Negotiated at Ghent, December 24, 1814. Ratified, February 17, 1815; post, 218.

A convention to regulate commerce between the Territories of the United States and his Britannic Majesty. London, July 3, 1815; post, 228.

Arrangement limiting the number of American and British vessels of war to be maintained on the Lakes. Washington, April, 1817; post, 231.

Convention with Great Britain. October 20, 1818; post, 248.

Convention at St. Petersburg. Done at St. Petersburg, $\frac{30}{12}$ day of $\frac{\text{June,}}{\text{July,}}$ 1822; post, 282.

Convention awarding the amount of indemnification under the St. Petersburg Convention. November 13, 1826; post, 344.

Convention regulating the reference between the United States and Great Britain on the settlement of the boundary line described in the fifth article of the Treaty of Ghent. September 29, 1827; post, 362.

Convention continuing the provision of the third article of the convention of the twentieth of October, 1818. August 6, 1827; post, 360.

Renewal of the commercial convention of third July, 1815. August 6, 1827; post, 361.

Treaty between the United States of America and Great Britain. Washington, August 9, 1842; post, 554.

ship 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.

ARTICLE I.

United States acknowledged to be free, sovereign and independent.

His Britannic Majesty acknowledges the said United States, viz. New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pensylvania, 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 gouvernment, 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.

ARTICLE II.

Boundaries established.

From the north-west 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 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, untill it strikes the river Iroquois or Cataraquy; thence along the middle of said river into lake Ontario, through the middle of said lake untill 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 untill 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 Phelippeaux, 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 north-western point thereof, and from thence on a due west course to the river Missisippi; thence by a line to be drawn along the middle of the said river Missisippi untill 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 Catahouchi; thence along the middle thereof to its junction with the Flint river; thence strait 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. Laurence; 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.

ARTICLE III.

Right of fishery secured.

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 gulph 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, harbours 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.

ARTICLE IV.

Debts to be paid.

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.

ARTICLE V.

Congress to recommend to the states restitution of confiscated estates.

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 endeavours 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 universaly 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 and 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.

ARTICLE VI.

No further confiscations or prosecutions.

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.

ARTICLE VII.

Hostilities to cease, and British armies to be withdrawn.

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 harbour 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.

ARTICLE VIII.

Navigation of the Mississippi to be free to both nations.

The navigation of the river Missisippi, from its source to the ocean, shall for ever remain free and open to the subjects of Great-Britain, and the citizens of the United States.

ARTICLE IX.

Conquests before arrival of these articles in America to be restored.

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.

Done at Paris, the thirtieth day of November, 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, (S. S.)

Witness, CALEB WHITEFOORD, *Secretary to the British Commission.*

W. T. FRANKLIN, *Secretary to the American Commission.*

SEPARATE ARTICLE.

It is hereby understood and agreed, that in case Great Britain, at the conclusion of the present war, shall recover, or be put in possession of West Florida, the line of north boundary between the said province and the United States shall be a line drawn from the mouth of the river Yassous, where it unites with the Mississippi, due east, to the river Apalachicola.

Done at Paris, the thirtieth day of November, 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.)

Attest, CALEB WHITEFOORD, *Secretary to the British Commission.*

W. T. FRANKLIN, *Secretary to the American Commission.*

A true copy, examined and compared with the original by
B. FRANKLIN.

Passy, December 4, 1782.

ARMISTICE

Declaring a cessation of hostilities between the United States and Great-Britain.

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:

Jan. 20, 1783.

Ante, 54.

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 signed 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.

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.

Versailles, 20*th January*, 1783.

(Signed) (L. S.) ALLEYNE FITZ HERBERT.

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 above declaration, 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.

In faith whereof, we, the Ministers Plenipotentiary of the United

ARMISTICE

Declarant une suspension d'armes entre les Etats Unis et la Grande Bretagne.

Nous soussignés Ministres Plenipotentiaires des États-Unis de l'Amerique Septentrionale, aïant reçu de la part de M. Fitzherbert, Ministre Plenipotentiaire 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 Majesté le Roi de la Grande Bretagne et sa Majesté le Roi Très Chretien 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 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 Plenipotentiaire de sa Majesté Britannique, declare au nom, et par ordre exprès du Roi son maitre, que les dits États-Unis de l'Amerique Septentrionale, leurs sujets, et leurs possessions, seront compris dans la suspension d'armes susmentionnée, et qu'ils jouiront en consequence du benefice de la cessation des hostilités aux mêmes époques, et de la même maniere que les trois couronnes susdites, leurs sujets et leurs possessions respectives; le tout à condition, que de la part et au nom des dits États-Unis de l'Amerique 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.

En foi de quoi, nous Ministre Plenipotentiaire de sa Majesté Britannique, avons signé la présente déclaration et y avons fait apposer le cachet de nos armes.

A Versailles le 20, *Jan.* 1783.

(L. s.) (Signé) ALLEYNE FITZ HERBERT.

Avons au nom des dits États-Unis de l'Amerique 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 termes et aux époques convenus entre sa dite Majesté le Roi de la Grande Bretagne, sa Majesté le Roi de France et sa Majesté le Roi d'Espagne, ainsi, et de la même maniere qu'il a été convenu entre ces trois couronnes, et pour produire le même effet.

En foi de quoi nous Ministres Plenipotentiaires des États-Unis de

States North-America, have signed the present declaration, and have affixed thereto the seal of our arms.

Versailles, 20th of January, one thousand seven hundred and eighty-three.

(Signed) JOHN ADAMS, (L. S.)
B. FRANKLIN, (L. S.)

Copy of the first and twenty-second of the Preliminary Articles, between France and Great-Britain, signed at Versailles the twentieth January, 1783.

ART. 1. As soon as the preliminaries shall be signed and ratified, sincere friendship shall 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 dispatched to carry the news to the possessions of the said powers.

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 world, without any exception, nor other more particular distinction of times and places.

TREATY OF AMITY AND COMMERCE,

Concluded between his Majesty the King of Sweden and the United States of North-America. (*a*)

April 3, 1783.

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 New-Castle, 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 burthensome preferences, which are usually sources of debate, embarrass-

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(*a*) The Treaties with Sweden have been:
The Treaty of April 3, 1783.
The Treaty of September 4, 1816; post, 232.
The Treaty of July 4, 1827; post, 346.

l'Amerique Septentrionale avons signé la présente déclaration et y avons apposé les cachets de nos armes.

À Versailles le vingt Janvier, mil sept cent quatre-vingt trois.

JOHN ADAMS, (L. S.)
B. FRANKLIN, (L. S.)

Copie du premier et du vingt deuxieme des articles preliminaires entre la France et la Grande Bretagne, signés à Versailles le 20 *Janvier,* 1783.

ART. 1. Aussitôt que les preliminaires seront signés et ratifiés, l'amitié sincere sera retablie entre sa Majesté Très Chretienne et sa Majesté Britannique, leurs Royaumes, Etats 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 dites puissances.

ART. 22. Pour prevenir tous les sujets de plaintes et de contestation qui pourroient naitre à 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 ratification des présens 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 Isles Canaries inclusivement, soit dans l'ocean, soit dans la Mediterrannée; de deux mois depuis les dites Isles Canaries, jusqu'à la ligne Equinoxiale ou l'Equateur; et enfin de cinq mois dans tous les autres endroits du monde, sans aucune exception ni autre distinction plus particuliere de tems et de lieux.

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 États Unis de l'Amerique Septentrionale, sçavoir, New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pensylvanie, les comtés de New-Castle, de Kent et de Sussex sur la Delaware, Maryland, Virginie, Caroline Septentrionale, Caroline Meridionale, et Georgie, desirant d'établir d'une maniere stable et permanente les regles qui doivent être suivies relativement à la correspondance et au commerce que les deux parties ont jugé necessaire de fixer entre leurs pays, états et sujets respectifs, sa Majesté et les États Unis ont cru ne pouvoir mieux remplir ce but qu'en posant pour base de leurs arrangemens, l'utilité et l'avantage reciproques des deux nations, en évitant toutes les prèferences onereuses qui sont ordinairement une source de discussions, d'embarras et de mecontentements; et

ment 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.

With this view, his Majesty the King of Sweden has nominated and appointed for his plenipotentiary Count Gustavus Philip de Creutz, his ambassador 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:

ARTICLE I.

Peace and friendship between the two nations.

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 and permanent between the King, his heirs and successors, and the said United States.

ARTICLE II.

Neither party to grant favours to other nations that shall not become common to the other party.

The King and the United States engage mutually, not to grant hereafter any particular favour to other nations in respect to commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favour freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ARTICLE III.

Subjects of Sweden entitled to the same privileges in U. S. as the most favoured nations.

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 any of them, any other nor greater duties or imposts of what nature soever they may be, than those which the most favoured 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.

ARTICLE IV.

Citizens of the U. S. entitled to the same privileges in Sweden as the most favoured nations.

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 favoured 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.

ARTICLE V.

Liberty of conscience, &c. secured.

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

en laissant à chaque partie la liberté de faire au sujet du commerce et de la navigation, les reglemens intérieurs qui seront à sa convenance.

Dans cette vue sa Majesté le Roi de Suede a nommé et constitué pour son plenipotentiaire le Comte Gustave Philippe de Creutz, son ambassadeur extraordinaire près sa Majesté très Chretienne et Chevalier commandeur de ses ordres; et les Etats Unis ont de leur côté pourvû de leurs pleinpouvoirs le Sieur Benjamin Franklin, leur ministre plenipotentiaire près sa Majesté très Chretienne; les quels, plenipotentiaires après avoir échangé leurs pleinpouvoirs et en conséquence d'une mure deliberation ont arrêté, conclu, et signé les articles suivants.

ARTICLE I.

Il y aura une paix ferme, inviolable et universelle et une amitié vraie et sincere entre le Roi de Suede, ses heritiers et successeurs, et entre les États Unis de l'Amerique, 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 États Unis, sans exception aucune de personnes et de lieux; les conditions stipulées dans le present traité devant être perpetuelles et permanentes entre le Roi, ses heritiers et successeurs et les dits États Unis.

ARTICLE II.

Le Roi et les États 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-cy jouira de cette faveur gratuitement si la concession est gratuite; ou en accordant la même compensation si la concession est conditionelle.

ARTICLE III.

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, privileges, immunités et exemptions en fait de negoce, 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.

ARTICLE IV.

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, immunites, et exemptions en fait de negoce, 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.

ARTICLE V.

Il sera accordé une pleine, parfaite et entiere liberté de conscience aux habitants et sujets de chaque partie, et personne ne sera molesté à l'égard de son culte, moyennant qu'il se soumette, quant à la demonstration publique, aux loix du pays. De plus on permettra aux habitans et sujets de chaque partie, qui decedent dans le territoire de l'autre partie,

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.

ARTICLE VI.

Citizens may dispose of estate, may inherit and may remove their effects.

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 favour of such 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 vigour. 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.

ARTICLE VII.

Liberty for either party to trade with a nation at war with the other.

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 merchandizes 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 merchandizes, that free ships shall make merchandizes [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 make free goods; except contraband articles.

ARTICLE VIII.

This liberty extends to all kinds of merchandize, except contraband.

This liberty of navigation and commerce shall extend to all kinds of merchandizes, except those only which are expressed in the following article, and are distinguished by the name of contraband goods.

ARTICLE IX.

What goods shall be deemed contraband.

Under the name of contraband or prohibited goods, shall be comprehended arms, great guns, cannon balls, arquebuses, musquets, mortars, bombs, petards, granadoes, saucisses, pitch balls, carriages for ordnance,

d'être enterrés dans les endroits convenables et décents qui seront assignés à cet éffet, et les deux puissances contractantes pourvoiront chacune dans sa jurisdiction, à ce que les sujets et habitans respectifs puissent obtenir les certificats de mort en cas qu'il soit requis de les livrer.

ARTICLE VI.

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 personnes que bon leur semblera, et leurs heritiers 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 heritages, 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 detraction, de la part du gouvernement des deux états respectifs. Mais il est convenu en même tems, que le contenu de cet article ne derogera en aucune maniere 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 États Unis de leur côté, ou aucun d'entre eux, seront libres de statuer sur cette matiere telle loi qu'ils jugeront à propos.

ARTICLE VII.

Il sera permis à tous et un chacun des sujets et habitans du Royaume de Suede, ainsi qu' à ceux des États 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 Etats de naviguer et de négocier avec leurs vaisseaux et marchandises, et de frequenter avec la même liberté et sureté, les places, ports et havres des puissances ennemies des deux parties contractantes, ou de l'une d'elles, sans être aucunement inquietés ni troublés, et de faire le commerce non seulement directement dès 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 differents princes. Et comme il est reçu par le present 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 àbord des navires appartenants aux sujets d'une ou de l'autre des parties contractantes, quand même le chargement, ou partie d'icelui appartiendroit aux ennemis de l'un des deux; bien entendu néanmoins que les marchandises de contrebande seront toujours exceptées; les quelles étant interceptées, il sera procedé 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 maniere 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.

ARTICLE VIII.

Cette liberté de navigation et de commerce s'étendra à toutes fortes de marchandises, à la reserve seulement de celles qui sont exprimées dans l'article suivant et designées sous le nom de marchandises de contrebande.

ARTICLE IX.

On comprendra sous ce nom de marchandises de contrebande ou defendues, les armes, canons, boulets, arquebuses, mousquets, mortiers, bombes, petards, grenades, saucisses, cercles poissés, affuts, fourchettes,

musquet rests, bandoleers, cannon powder, matches, saltpetre, 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.

ARTICLE X.

What goods shall not be deemed contraband.

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, oyl, wines, sugar, all sorts of salt and provisions which serve for the nourishment and sustenance of man, all kinds of coton, 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.

ARTICLE XI.

In case of war, ships and vessels to be furnished with sea-letters, and certificates.

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 sea-letters 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 a year. It is also agreed, that the said vessels when loaded shall be provided not only with sea-letters, 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 merchandizes, 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.

ARTICLE XII.

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

bandoulieres, poudre à canon, meches, salpetre, souffre, balles, piques, sabres, epées, morions, casques, cuirasses, halbardes, javelines, pistolets et leurs fourreaux, baudriers, bayonettes, chevaux avec leurs harnois, et tous autres semblables genres d'armes et d'instruments de guerre servant à l'usage des troupes.

ARTICLE X.

On ne mettra point au nombre des marchandises defendues celles qui suivent, sçavoir, toutes sortes de draps, et tous autres ouvrages de manufactures de laine, de lin, de soye, de cotton et de toute autre matiere, tout genre d'habillement avec les choses qui servent ordinairement à les faire; Or, argent monnoyé ou nom monnoyé, etaim, fer, plomb, cuivre, laiton, charbon à fourneau, bled, orge, et toute autre sorte de grains et de legumes, la nicotiane, vulgairement appellée tabac, toutes sortes d'aromates, chairs 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 seche, cordages, cables, voiles, toiles, propres à faire des voiles, ancres et parties d'ancres quelles qu'elles puissent être, mats de navire, planches, madriers, poutres et toute sorte d'arbres, et toutes autres choses necessaires pour construire ou pour radouber les vaisseaux. On ne regardera pas non 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 preparées ou travaillées pour tout autre usage. Toutes ces choses seront censées marchandises libres, de même que toutes celles qui ne sont point comprises et specialement designees dans l'article precedent, de sorte qu'elles ne pourront sous aucune interpretation pretendue d'icelles, être comprises sous les éffets prohibés, ou de contrebande; au contraire elles pourront être librement transportées par les sujets du Roi et des États Unis, même dans les lieux ennemis, excepté seulement dans les places assiegées, bloquées ou investies; et pour telles, seront tenues uniquement les places entourées de près par quelqu'une des puissances belligerantes.

ARTICLE XI.

Afin d'écarter et de prevenir 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 batimens appertenants aux sujets ou habitans de l'autre devront être munis de lettres de mer ou passeports, exprimant le nom, la proprieté et le port du navire, ainsi que le nom et la demeure du maitre ou commandant du dit vaisseau afin qu'il apparoisse par là, que le dit vaisseau appartient réellement et veritablement aux sujets de l'une ou de l'autre partie. Ces passeports qui seront dressés et expediés 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 pourvus non seulement de lettres de mer, mais aussi de certificats contenant les details 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 defendues ou de contrebande specifiees dans l'article 9 du present traité, lesquels certificats seront également expediés par les officiers du lieu d'où le vaisseau sortira.

ARTICLE XII.

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

Vessels if required shall exhibit their sea-letters, and certificates.
If no contraband goods, may pass.

the high sea as in port, their passports and certificates above mentioned. And not having contraband merchandize 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.

ARTICLE XIII.

Mode of proceeding in case contraband goods are discovered.

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 merchandizes, 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 lawful to sell, exchange or alienate the cargo or any part thereof, until legal process shall have been had against the prohibited merchandizes, and sentence shall have passed declaring them liable to confiscation, saving nevertheless as well the ships themselves, as the other merchandizes 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 merchandize, and much less confiscated as lawful prize. And in case the contraband merchandize 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 merchandizes 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 merchandizes 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.

ARTICLE XIV.

Goods found in an enemy's ship liable to be confiscated unless put on board before declaration of war, or within six months after.

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 merchandizes 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 merchandizes 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 merchandizes be contraband, it shall not be in any wise lawful to carry them afterwards to a port belonging to the enemy.

ARTICLE XV.

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 Majesty and of the United States, and all their

pleine mer que dans les ports, leurs passeports et certificats cy dessus mentionnés. Et n'ayant pas chargé des marchandises de contrebande pour un port ennemi, ils pourront librement et sans empechement 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.

ARTICLE XIII.

Si en produisant les dits certificats il fut decouvert que le navire porte quelques uns 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 deplacer, ni d'en detourner la moindre partie des marchandises, jusqu' à ce que la cargaison ait été mise à terre en presence des officiers preposés à cet effet, et que l'inventaire en ait été fait. Encore ne sera t'il pas permis de vendre, échanger ou aliener la cargaison ou quelque partie d'icelle, avant qu'on aura procedé legalement 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 aurons été trouvées et qui en vertu du present traité doivent être censées libres; lesquelles ne peuvent être retenues sous pretexte qu'elles ont été chargées avec des marchandises defendues, et encore moins être confisquées comme une prise legitime. 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 decouvertes; en ce cas, celui cy, apres avoir reçu les marchandises, de bonne prise, sera tenu de laisser aller aussitôt le bâtiment, et ne l'empechera en aucune maniere de poursuivre sa route vers le lieu de sa destination. Tout navire pris et amené dans un des ports des parties contractantes, sous pretexte 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.

ARTICLE XIV.

On est également convenu que tout ce qui se trouvera 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 declarés de contrebande, comme si ces effets appartenoient à l'ennemi même; à l'exception néanmoins des éffets et marchandises qui auront été chargées sur des vaisseaux ennemis avant la declaration de guerre, et même six mois après la declaration, après lequel terme, l'on ne sera pas censé d'avoir pu l'ignorer; les quelles marchandises ne seront en aucune maniere sujettes à confiscation, mais seront rendues en nature fidelement aux proprietaires qui les reclameront ou feront reclamer avant la confiscation et vente; comme aussi leur provenu, si la reclamation 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.

ARTICLE XV.

Et afin de pourvoir plus efficacement à la sureté 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 defense à tous les capitaines et commandants de vaisseaux de

Vessels of war and privateers shall do no injury to either party; if they do, to be punished and make reparation.

subjects, shall be forbid 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.

ARTICLE XVI.

Every person fitting out a privateer, shall, before he receives commission, give bond to answer all damages.

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.

ARTICLE XVII.

Re-captured vessels in certain cases to be restored.

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 merchandizes 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 merchandizes 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.

Vessels not to be detained.

ARTICLE XVIII.

Regulations in case both nations should be at war with a common enemy.

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.

1st. If the ships of one of the two nations, re-taken 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.

2d. 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 of 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.

sa Majesté Suédoise et des Etats Unis, et tous leurs sujets, de faire aucun dommage ou insulte à ceux de l'autre partie; et au cas qu'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 intérêt; et de les bonifier sous peine et obligation de leurs personnes et biens.

ARTICLE XVI.

Pour cette cause chaque particulier, voulant armer en course sera obligé, avant que de recevoir les patentes ou ses commissions speciales, de donner par devant un juge competent, 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 present traité et contre les edits faits de part et d'autre en vertu du même traité par le Roi de Suede et par les États Unis, même sous peine de revocation et cassation des dites patentes et commissions spéciales.

ARTICLE XVII.

Une des parties contractantes etant 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 à la garde des officiers du dit port, afin d'être rendus en entier à leur veritable proprietaire, aussitôt qu'il aura produit des preuves suffisantes de la proprieté. Les marchands, patrons et proprietaires des navires, matelots, gens de toute sorte, vaisseaux et batimens et en general 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 maniere 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 arrets 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 procedé par voye de droit selon les formes de justice.

ARTICLE XVIII.

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 batimens 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 24 heures, ils seront restitués au premier proprietaire, moyennant le payement du tiers de la valeur du batiment et de celle de la cargaison. Si au contraire le vaisseau repris a été plus de 24 heures au pouvoir de l'ennemi, il appartiendra en entier à celui qui l'aura repris.

2. Dans le cas que dans l'intervalle de 24 heures un navire est repris par un vaisseau 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 dixieme, s'il a été repris après les 24 heures, les quelles sommes seront distribuées en guise de gratification aux equipages des vaisseaux qui l'auront repris.

3d. The prizes made in manner above mentioned, 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.

4th. 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.

5th. 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.

ARTICLE XIX.

Ships of war, and privateers, may bring prizes into ports of either party.

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 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 shew.

ARTICLE XX.

In case of shipwreck, relief shall be afforded, and goods restored.

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 merchandizes 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.

ARTICLE XXI.

When vessels shall be forced by stress of weather, &c. into ports, &c. they shall be protected, and permitted to depart.

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 allway 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.

ARTICLE XXII.

In order to favour commerce on both sides as much as possible, it is agreed, that in case a war should break out between the said two nations,

3. Les prises faites de la maniere susdite seront restituées aux proprietaires, après les preuves faites de la proprieté, 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 dechargées ni vendues qu'après que la legitimité de la prise faite par des batimens Suedois aura été decidée selon les loix et réglemens établis en Suede; tout comme celle des prises faites par des batimens Americains, sera jugée selon les loix et réglemens determinés par les États Unis de l'Amerique.

5. Au surplus il sera libre au Roi de Suede, ainsi qu'aux États Unis de l'Amerique de faire tels reglemens qu'ils jugeront necessaires relativement à la conduite que devront tenir leurs vaisseaux et armateurs respectifs, à l'égard des batimens qu'ils auront pris et conduits dans les ports des deux puissances.

ARTICLE XIX.

Les vaisseaux de guerre de sa Majesté Suedoise et ceux des États 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 arretées ou saisies, ni que les officiers des lieux puissent prendre conoissance de la validité de 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 montre.

ARTICLE XX.

Au cas que quelque vaisseau appartenant à l'un des deux etats, 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 réstitués, en payant les fraix du sauvement, conformement aux loix et coutumes des deux nations.

ARTICLE XXI.

Lorsque les sujets et habitants 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 voyage, le tout moyennant un prix raisonable, et ils ne seront retenus en aucune maniere, 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 empéchement.

ARTICLE XXII.

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

In case of war, nine months shall be allowed to citizens to sell and transport their effects.

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 and entire satisfaction shall be made to them on that account. The above-mentioned passports shall also serve as a safe conduct against all insults or prizes which privateers may attempt against their persons and effects.

ARTICLE XXIII.

Citizens of neither party shall take commissions, or letters of marque from any prince, or state, with whom the other is at war.

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 cruize 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.

ARTICLE XXIV.

Ships and vessels coming on the coast, or entering the ports of either party, how to be treated.

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.

ARTICLE XXV.

How ships are to be treated when met by ships of war, or privateers.

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 chace or force her to quit her intended course.

ARTICLE XXVI.

Consuls, &c. to be allowed in the ports of each nation.

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.

susdites, ce qu'à Dieu ne plaise, il sera accordé un tems de neuf mois apres la declaration 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 éffets, et encore moins les personnes pendant les dits neuf mois; mais qu'au contraire on leur donnera, pour leurs vaisseaux et éffets qu'ils voudront prendre avec eux, des passeports valables pour le tems qui sera necessaire pour leur retour; mais s'il leur est enlevé quelque chose, ou s'il leur a été fait quelqu' injure, durant le terme prescrit cy dessus, par l'une des parties, leurs peuples et sujets, il leur sera donné à cet égard pleine et entiere 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.

ARTICLE XXIII.

Aucun sujet du Roi de Suede ne prendra de commission ou lettre de marque pour armer quelque vaisseau, afin d'agir comme corsaire contre les États Unis de l'Amerique ou quelques uns d'entre eux, ou contre les sujets, peuples, ou habitans d'iceux, ou contre la proprieté 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 citoyen, sujet ou habitant des dits États Unis, et de quelqu'un d'entre 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 quelqu'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.

ARTICLE XXIV.

Les vaisseaux des sujets ou habitans d'une des deux parties, abordant à quelque côte de la dependance 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 reglemens qui subsistent relativement à cet objet.

ARTICLE XXV.

Lorsqu'un vaisseau appartenant aux sujets 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 àbord 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 proprieté du navire; et après que le dit batiment aura exhibé le passeport, il lui sera libre de continuer son voyage; et il ne sera pas permis de le molester ni de chercher en aucune maniere à lui donner la chasse ou à le forcer de quitter la course qu'il s'etoit proposé.

ARTICLE XXVI.

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 reglées par une convention particuliére.

ARTICLE XXVII.

Ratification.

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.

GUSTAV PHILIP *Comte de Creutz.* (L. S.)
B. FRANKLIN. (L. S.)

Separate Article.

Time of duration.

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 day of April, in the year of our Lord one thousand seven hundred and eighty-three.

GUSTAV PHILIP *Comte de Creutz.* (L. S.)
B. FRANKLIN. (L. S.)

Separate Articles.

ARTICLE I.

King of Sweden to protect vessels and effects of citizens of U. S.

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 endeavours to recover and restore to the right owners, all such vessels and effects which shall be taken from them within his jurisdiction.

ARTICLE II.

U. S. to protect vessels, and effects of subjects of Sweden.

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 right owners, all such vessels and effects which shall be taken from them within their jurisdiction.

ARTICLE III.

In case of war at sea, ships of war to protect and assist vessels of each nation.

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

ARTICLE XXVII.

Le present traité sera ratifié de part et d'autre et les ratifications seront échangées dans l'espace de huit mois, ou plustôt, si faire se peut, à compter du jour de la signature.

En foi de quoi les Plenipotentiaires 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.

GUSTAV PHILIP *Comte de Creutz.* (L. S.)
BENJAMIN FRANKLIN. (L. S.)

Article Separé.

Le Roi de Suede et les États Unis de l'Amerique Septentrionale sont convenus que le present 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 à Paris le trois Avril, l' an de Grâce mil sept cent quatre vingt trois.

GUSTAV PHILIP *Comte de Creutz.* (L. S.)
BENJAMIN FRANKLIN. (L. S.)

Articles Separés.

ARTICLE I.

Sa Majesté Suedoise fera usage de tous les moyens qui sont dans son pouvoir pour proteger et défendre les vaisseaux et effets, appartenans aux citoyens ou habitans des Etats Unis de l'Amerique Septentrionale et à chacun d'iceux, qui seront dans les ports, havres ou rades ou dans les mers près des pais, isles, contrées, villes et places de sa dite Majesté, et sera tous ses efforts pour récouvrer et faire restituer aux proprietaires legitimes tous les vaisseaux et effets qui leur seront pris dans l'etendue de sa jurisdiction.

ARTICLE II.

De même les Etats Unis de l'Amérique Septentrionale protegeront et defendront 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, contrees, villes et places des dits Etats, et feront tous leurs efforts pour recouvrer et faire restituer aux proprietaires légitimes, tous les vaisseaux et effets qui leur seront pris dans l'etendue de leur jurisdiction.

ARTICLE III.

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

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 principle of the neutrality.

ARTICLE IV.

Regulations to transact business by citizens of one party in the dominions of the other.

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 labourers 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 merchandizes 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.

ARTICLE V.

No vessels to be searched unless in case of fraud. Regulations in such case.

It is agreed that when merchandizes 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 merchandizes 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 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 merchandizes, 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 merchandizes are declared contraband, or the exportation of which is forbidden; those only who shall have sold or intended to sell or alienate such merchandize, being liable to punishment for such contravention.

Done at Paris, the third day of April, in the Year of our Lord one thousand seven hundred and eighty-three.

GUSTAV PHILIP *Comte de Creutz.* (L. S.)
BENJAMIN FRANKLIN. (L. S.)

foi et sincerement leur prêter les secours dont ils pourront avoir besoin, et en tel cas les vaisseaux de guerre et fregates de l'une des puissances serviront de soutien et d'appui aux vaisseaux marchands de l'autre: bien entendu cependant, que les reclamans n'auroient fait aucun commerce illicite ni contraires aux principes de la neutralité.

ARTICLE IV.

Il est convenu et arrêté que tous les marchands, capitaines des navires marchands ou autres sujets de sa Majesté Suedoise, auront l'entiere liberté dans toutes les places de la domination ou jurisdiction des Etats Unis de l'Amerique, de conduire eux-mêmes 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 interprete 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'autorite publique; mais ils seront entierement libres de charger ou de decharger eux mêmes leurs vaisseaux et d'employer pour charger ou decharger 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 espece 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'Amerique auront et jouiront reciproquement des mêmes privileges et libertés dans toutes les places de la jurisdiction du dit royaume.

ARTICLE V.

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 frauduleux de la part du proprietaire du navire ou de celui qui en a le commandement. Dans ce cas seul, il en sera responsable et soumis aux loix du païs 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 arrêtés ou molestés pour cause de contrebande, qu'ils auront voulu prendre à leur bord, ni aucune espece d'embargo mis sur leurs navires; les sujets ou citoyens de l'etat ou ses marchandises sont declarées de contrebande, ou dont la sortie est defendue, et qui néanmoins auront vendu ou voulu vendre et aliener 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 quartre vingt trois.

GUSTAV PHILIP *Comte de Creutz.* (L. S.)
BENJAMIN FRANKLIN. (L. S.)

DEFINITIVE TREATY OF PEACE

Between the United States of America and his Britannic Majesty. (*a*)

Sept. 3, 1783.

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 Lunebourg, 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

(*a*) The decisions of the Courts of the United States in cases arising under the Definitive Treaty of Peace with Great Britain of September 3, 1783, have been:

The fifth article of the treaty of peace of 1783, between the United States and Great Britain, concluding with this clause: "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;" applies to those cases where an actual confiscation has taken place; and stipulates, that in such cases, the interest of all persons having a lien upon such lands shall be preserved. That clause of the treaty preserved the lien of a mortgagee of confiscated lands, which, at the time of the treaty, remained unsold. *Higginson* v. *Mein*, 4 Cranch, 415; 2 Cond. Rep. 155.

The treaties with Great Britain, of 1783 and 1794, only provide for titles existing at the time those treaties were made, and not for titles subsequently acquired. Actual possession of property is not necessary to give the party the benefit of the treaty. *Blight's Lessee* v. *Rochester*, 7 Wheat. 535; 5 Cond. Rep. 335.

Where J. D., an alien and British subject, came into the United States subsequent to the treaty of 1783, and, before the treaty of 1794 was signed, died seised of lands, it was held that the title of his heirs to the land was not protected by the treaty of 1794. *Ibid.*

Thomas Scott, a native of South Carolina, died in 1782, intestate, seised of land on James Island, having two daughters, Ann and Sarah, both born in South Carolina before the declaration of independence. Sarah married D. P. a citizen of South Carolina, and died in 1802, entitled to one half of the estate. The British took possession of James Island and Charleston in February and May, 1780; and in 1781 Ann Scott married Joseph Shanks, a British officer; and at the evacuation of Charleston in 1782, she went to England with her husband, where she remained until her death in 1801. She left five children, born in England. They claimed the other moiety of the real estate of Thomas Scott, in right of their mother, under the ninth article of the treaty of peace between this country and Great Britain of the 19th of November, 1794. *Held*, that they were entitled to recover and hold the same. *Shanks et al.* v. *Dupont et al.* 3 Peters, 242.

All British born subjects, whose allegiance Great Britain has never renounced, ought, upon general principles of interpretation, to be held within the intent, as they certainly are within the words, of the treaty of 1794. *Ibid.* 250.

The treaty of 1783, acted upon the state of things as it existed at that period. It took the actual state of things as its basis. All those, whether natives or otherwise, who then adhered to the American states, were virtually absolved from all allegiance to the British crown; all those who then adhered to the British crown were deemed and held subjects of that crown. The treaty of peace was a treaty operating between states and the inhabitants thereof. *Ibid.* 274.

The several states which compose this Union, so far at least as regarded their municipal regulations, became entitled, from the time when they declared themselves independent, to all the rights and powers of sovereign states; and did not derive them from concessions of the British king. The treaty of peace contains a recognition of the independence of these states, not a grant of it. The laws of the several state governments, passed after the declaration of independence, were the laws of sovereign states, and as such were obligatory upon the people of each state. *M'Ilvaine* v. *Coxe's Lessee*, 4 Cranch, 209; 2 Cond. Rep. 86.

The property of British corporations, in this country, is protected by the sixth 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 ninth 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. *The Society for Propagating the Gospel, &c.* v. *New Haven*, 8 Wheat. 464; 5 Cond. Rep. 489. See also, post, p. 116, n.

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 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.

ARTICLE I.

United States acknowledged to be independent.

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.

ARTICLE II.

Boundaries established.

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 north-west 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 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 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 Phelipeaux, 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 north-western point thereof, and from thence on a due west course to the river Missisippi; thence by a line to be drawn along the middle of the said river Missisippi 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 strait 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.

ARTICLE III.

Right of fishery secured.

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 gulph 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, harbours 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.

ARTICLE IV.

Debts to be paid.

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.

ARTICLE V.

Congress to recommend to the states restitution of confiscated estates.

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 endeavours 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 con-

sistent, 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.

ARTICLE VI.

No further confiscations or prosecutions.

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.

ARTICLE VII.

Hostilities to cease, and British armies to be withdrawn.

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 from henceforth 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 post, place and harbour 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.

ARTICLE VIII.

Navigation of the Mississippi to be free to both nations.

The navigation of the river Missisippi, from its source to the ocean, shall for ever remain free and open to the subjects of Great-Britain, and the citizens of the United States.

ARTICLE IX.

Conquests before arrival of these articles in America to be restored.

In case it should so happen that any place or territory belonging to Great-Britain or to the United States, should have been conquered by the arms of either from the other, before the arrival of the said provisional articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation.

ARTICLE X.

Ratification.

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.

Done at Paris, this third day of September, in the year of our Lord one thousand seven hundred and eighty-three.

D. HARTLEY, (L. S.)
JOHN ADAMS, (L. S.)
B. FRANKLIN, (L. S.)
JOHN JAY, (L. S.)

A TREATY OF AMITY AND COMMERCE,

Between his Majesty the King of Prussia and the United States of America. (*a*)

July, August, and September, 1785.

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 that the said end cannot be better obtained than by taking the most perfect equality and reciprocity for the basis of their agreement.

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 Justice of the same, and now Minister Plenipotentiary of the 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 Christian Majesty, which respective Plenipotentiaries, after having exchanged their full powers, and on mature deliberation, have concluded, settled and signed the following articles.

ARTICLE I.

Peace and friendship between the two nations.

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.

ARTICLE II.

Subjects of Prussia entitled to same privileges in U. S. as the most favoured nation.

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 merchandize; and shall pay within the said United States no other or greater duties, charges or fees whatsoever, than the most favoured 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 favoured 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 favoured nations.

ARTICLE III.

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,

(*a*) The treaties between the United States and Prussia have been:
A Treaty of Amity and Commerce between his Majesty the King of Prussia and the United States of America, July, August, and September, 1785.

TRAITÉ D'AMITIÉ ET DE COMMERCE,

Entre sa Majesté le Roi de Prusse et les États Unis de l'Amérique.

Sa Majesté le Roi de Prusse, &c. &c. et les Etats Unis de l'Amerique, désirant de fixer d'une maniére permanente et équitable les regles qui doivent être observées relativement à la correspondance et au commerce á 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 engagemens la plus parfaite égalité et reciprocité.

Dans cette vue sa Majesté le Roi de Prusse a nommé et constitué pour son Plenipotentiaire le Baron Frédéric Guillaume de Thulemeier, son Conseiller Privé d'Ambassade et Envoyé Extraordinaire auprés de L. H. P. les États Généraux des Provinces Unies; et les Etats Unis ont de leur côté pourvu de leurs pleinpouvoirs le Sieur John Adams ci-devant l'un de leurs Ministres Plenipotentiaires pour traiter de la paix, Délegué au Congrés de la part de l'etat de Massachusetts et Chef de Justice du dit état, actuellement Ministre Plenipotentiaire des États Unis près sa Majesté le Roi de la Grand Brétagne, le Docteur Benjamin Franklin en dernier lieu leur Ministre Plenipotentiaire à la cour de S. M. T. C. et aussi l'un de leurs Ministres Plenipotentiaires pour traiter de la paix; et le Sieur Thomas Jefferson, ci-devant délegué au Congrès de la part de l'etat de Virginie et gouverneur du dit etat, actuellement Ministre Plénipotentiaire à la cour de S. M. T. C., lesquels Plénipotentiaires respectifs, après avoir échangé leurs pleinpouvoirs, et en consequence d'une mure déliberation, ont conclu, arrêté et signé les articles suivans.

ARTICLE I.

Il y aura une paix ferme, inviolable et universelle et une amitié sincère, entre sa Majesté le Roi de Prusse, ses heritiers, successeurs et sujets, d'une part, et les Etats Unis d'Amérique et leurs citoyens, d'autre part, sans excéption de personnes ou de lieux.

ARTICLE II.

Les sujets de sa Majesté le Roi de Prusse pourront fréquenter toutes les côtes et tous les pays des États 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 États Unis, que ceux que les nations les plus favorisées sont, ou seront obligées de payer; et ils jouiront de tous les droits, privileges et éxemptions dans la navigation et le commerce dont jouit, ou jouira la nation la plus favoriseé; se soumettant néanmoins aux loix et usages y établis, et auxquels sont soumis les citoyens des Etats Unis et les citoyens et sujets des nations les plus favorisées.

ARTICLE III.

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,

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Treaty of Amity and Commerce between his Majesty the King of Prussia and the United States of America. July 11, 1799; post, 162.

Treaty of Commerce and Navigation between the United States of America and his Majesty the King of Prussia. May 1, 1828; post, 378.

Citizens of U. S. entitled to same privileges in Prussia, as the most favoured nations.

and reside and trade there in all sorts of produce, manufactures and merchandize, and shall pay in the dominions of his said Majesty no other or greater duties, charges or fees whatsoever than the most favoured 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 favoured 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 favoured nations.

ARTICLE IV.

Regulation of commercial intercourse.

More especially each party shall have a right to carry their own produce, manufactures and merchandize, 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 that other freely to purchase them; and thence to take the produce, manufactures and merchandize 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 favoured 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 merchandize 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 merchandize 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 merchandize prohibited by the other; but if one of the contracting parties permits any other nation to import or export the same merchandize, the citizens or subjects of the other shall immediately enjoy the same liberty.

ARTICLE V.

Vessels not to be forced to unload merchandize, &c.

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 merchandize into any other vessels, nor to receive them into their own, nor to wait for their being loaded longer than they please.

ARTICLE VI.

Goods to be examined before loaded, and not after, unless in case of fraud.

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.

ARTICLE VII.

Each party shall endeavour, 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 jurisdic-

y resider et trafiquer en toutes sortes de productions, manufactures et marchandises, et ne payeront d'autres ni plus forts impots, charges ou droits dans les domaines de sa dite Majesté, que ceux que la nation la plus favorisées 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 loix 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.

ARTICLE IV.

En particulier, chacune des deux nations aura le droit d'importer ses propres productions, manufactures et marchandises à bord de ses propres bâtiments 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 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 impots, 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 reservant 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 réglemens reciproques. Se reservant de plus le droit de prohiber dans leurs pays respectifs l'importation ou l'exportation de toute marchandise quelconque, dès que la raison d'etat 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.

ARTICLE V.

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.

ARTICLE VI.

Pour eviter 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 chargés sur le navire, et qu'ensuite 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.

ARTICLE VII.

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 trou-

Each party to protect the vessels and effects of the other, in their dominions.

tion, 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.

ARTICLE VIII.

Vessels coming on the coast, or entering the ports of either nation, how to be treated.

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.

ARTICLE IX.

In case of shipwrecks relief shall be afforded, and goods restored.

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 antient and barbarous right to wrecks of the sea shall be entirely abolished, with respect to the subjects or citizens of the two contracting parties.

ARTICLE X.

The citizens or subjects of each party may dispose of their personal estate by will or otherwise.

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 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.

Regulations concerning the same.

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 citizens 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 proceds without molestation, and exempt from all rights of detraction 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.

vant 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'étendue de sa dite jurisdiction.

ARTICLE VIII.

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 desirant 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 impots, 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.

ARTICLE IX.

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 habitants auroient été assujettis en pareil cas. Et si la réparation du vaisseau exigeoit que la cargaison fût dechargée 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 entiérement aboli à l'égard des sujets ou citoyens des deux parties contractantes.

ARTICLE X.

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 personels, 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 intestat*, 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 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'heritage. S'il s'éleve des contestations entre différens pretendans ayant droit à la succession, elles seront decidées 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 a passer, selon les loix du pays, à un citoyen ou sujet de l'autre partie, si celui-ci, par sa qualité d'étranger est inhabile de les posseder, 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 Etats respectifs. Mais cet article ne derogera en aucune maniere à la force des lois qui ont déja été publiées ou qui le seront dans la suite, par sa Majesté le Roi de Prusse, pour prevenir l'emigration de ses sujets.

ARTICLE XI.

Liberty of conscience secured.

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.

ARTICLE XII.

Liberty for either party to trade with a nation at war with the other.

Free ships make free goods.

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.

ARTICLE XIII.

No goods shall be deemed contraband, so as to justify confiscation; but vessels may be detained.

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 merchandize 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.

ARTICLE XIV.

Vessels to be furnished with sea-letters or passports.

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 sea-letters, or passports, which shall express the name, the property and burthen 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

ARTICLE XI.

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 que 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 decent et convenable, et ils seront protegés contre toute violence et trouble.

ARTICLE XII.

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 belligérantes, 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 qui sera à bord d'un navire appartenant à la partie neutre, quand même ces éffets appartiendroient à l'ennemi de l'autre. La même liberté s'étendra aux personnes qui se trouveront à bord d'un vaisseau libre, quand mêmes elles seroient ennemis de l'autre partie, excepté que ce fussent des gens de guerre, actuellement au service de l'ennemi.

ARTICLE XIII.

Dans le cas où l'une des parties contractantes se trouveroit en guerre avec une autre puissance, il a été convenu 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 espéce, 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 proprieté des individus. Néanmoins il sera permis d'arrêter ces sortes de vaisseaux et effets, et de les retenir 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 en payant aux propriétaires la pleine valeur, à determiner 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 maitre du navire consentoit à delivrer les marchandises suspectes, il aura la liberté de le faire, et le navire ne sera plus amené dans le port, ni détenu plus long-temps, mais aura toute liberté de poursuivre sa route.

ARTICLE XIV.

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 maitre. 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

be exhibited whensoever required, as well in the open sea as in port. But if the said 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.

ARTICLE XV.

How vessels are to be treated when met by ships of war or privateers.

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 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.

ARTICLE XVI.

Vessels not to be detained.

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.

ARTICLE XVII.

When re-captured, vessels shall be restored.

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 into 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.

ARTICLE XVIII.

Vessels driven by stress of weather, &c. into ports, shall be protected.

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 harbours 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.

ARTICLE XIX.

Vessels of war may carry prizes into the ports of each nation.

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

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.

ARTICLE XV.

Pour prévenir entiérement tout désordre et toute violence en pareil cas, il a été stipulé que lorsque des navires, de la partie neutre, navigeans sans convoi, rencontreront quelque vaisseau de guerre public ou particulier de l'autre partie, 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 maniére que ce soit l'equipage, 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.

ARTICLE XVI.

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 detention, 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 procedera uniquement par ordre et autorité de la justice et suivant les voyes ordinaires en pareil cas usitées.

ARTICLE XVII.

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 proprietaire legitime, dès qu'il aura duement constaté son droit de propriété.

ARTICLE XVIII.

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 rafraichissemens, de provisions et de toutes choses nécessaires pour leur subsistance, santé et commodité, et pour la reparation de leurs vaisseaux.

ARTICLE XIX.

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 aucune 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

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 tempest 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.

ARTICLE XX.

Citizens of either party shall not take commissions or letters of marque from a state at war with the other.

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.

ARTICLE XXI.

Regulations to be observed in case of war.

If the two contracting parties should be engaged in war against a common enemy, the following points shall be observed between them.

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. 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. 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 states to which the captor belongs, but by the judicatures of the place into which the 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.

ARTICLE XXII.

Convoys in certain cases.

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.

ARTICLE XXIII.

If war should arise between the two contracting parties, the merchants of either country, then residing in the other, shall be allowed to remain

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 tout vaisseau qui aura fait des prises sur les sujets de S. M. T. C. le Roi de France, ne sauroit obtenir un droit d'asile dans les ports ou havres des États 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, conformement à la teneur des traités subsistants entre S. M. T. C. et les Etats Unis.

ARTICLE XX.

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 derniere, sous peine d' être puni comme pirate. Et ni l'un ni l'autre des deux Etats 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'état qui est en guerre.

ARTICLE XXI.

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 été au pouvoir de l'ennemi au de la de 24 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 24 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 trentieme du navire et de la cargaison, si le batiment n'a pas été plus de 24 heures au pouvoir de l'ennemi, et le dixieme de cette valeur, s'il y a été plus long-temps, lesquelles sommes seront distribuées en guise de gratification à 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 à celui qui a repris le navire. 4. Les vaisseaux de guerre publics et particuliers des deux parties contractantes seront admis réciproquement avec leur 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 décidée suivant les loix et réglemens de l'état dont le préneur 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 bâtiments qu'ils auront pris et amenés dans les ports des deux puissances.

ARTICLE XXII.

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 long-temps qu'ils feront voile ensemble, contre toute force et violence et de la même manière qu'ils protegeroient et défendroient les navires de leur propre nation.

ARTICLE XXIII.

S'il survient une guerre entre les parties contractantes, les marchands de l'un des deux Etats qui resideront dans l'autre, auront la permission

In case of war, nine months to be allowed to citizens to settle their affairs.

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. And all merchant and trading vessels employed in exchanging the products of different places, and thereby rendering the necessaries, conveniences and comforts of human life more easy to be obtained, and more general, shall be allowed to pass free and unmolested; and neither of 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.

Principles of conducting war.

No commissions to be granted to private armed vessels.

ARTICLE XXIV.

Treatment of prisoners of war regulated.

And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crouding 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 roomly 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 ballances due on them, be witheld 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

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 habitent 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 leur 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 differens endroits, et par consequent destinés a faciliter et repandre les nécessités, 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 detruire ces sortes de vaisseaux marchands, ou à interrompre le commerce.

ARTICLE XXIV.

Afin d'adoucir le sort de prisoñiers de guerre, et ne les point exposer à être envoyés dans des climats éloignés et rigoureux, ou resserrés dans des habitations étroites 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 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 territoirs 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 au fers, ni garotés, 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'excercice, et qu'ils seront logés dans des barraques aussi spatieuses et aussi commodes que le sont celles des troupes de la puissance au pouvoir delaquelle se trouvent les prisoñiers. 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 prisoñiers une ration pareille à celle qui est accordée au soldat de sa propre armée. Le montant de ces depenses sera payé par l'autre puissance, d'après une liquidation de compte à arrêter reciproquement pour l'entretien des prisonniers a 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 à 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 les prisoñiers, aussi souvent qu'ils le desireront; ils pourront également recevoir et distribuer les douceurs que les parens ou amis des prisoniers 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

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.

ARTICLE XXV.

Consuls, &c. to be allowed in the ports of each nation.

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 chuse 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.

ARTICLE XXVI.

All favours granted to another nation by one party shall become common to the other.

If either party shall hereafter grant to any other nation, any particular favour 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.

ARTICLE XXVII.

Duration of the treaty.

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 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 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.

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.

F. G. DE THULEMEIER. (L. S.)
A la Haye le 10 *Septembre*, 1785.
JOHN ADAMS. (L. S.)
London, August 5, 1785.
B. FRANKLIN. (L. S.)
Passy, July 9, 1785.
TH. JEFFERSON. (L. S.)
Paris, July 28, 1785.

d'honneur, ou qu'un autre prisonier sortit des limites qui auront été fixées à son cantonnement, un tel officier ou un autre prisonnier sera frustre 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 traités, ni tel autre motif quelconque, ne seront cencés annuller ou suspendre cet article et le précédent; mais qu'au contraire le temps 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.

ARTICLE XXV.

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.

ARTICLE XXVI.

Lorsque l'une des deux parties contractantes accordera dans la suite quelque faveur particuliére 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.

ARTICLE XXVII.

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 regler 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 Plenipotentiaires sus nommés 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 ci-dessous.

F. G. DE THULEMEIER. (L. S.)
A la Haye le 10 *Septembre*, 1785.

JOHN ADAMS. (L. S.)
London, August 5, 1785.

B. FRANKLIN. (L. S.)
Passy, July 9, 1785.

TH. JEFFERSON. (L. S.)
Paris, July 28, 1785.

TREATY OF PEACE AND FRIENDSHIP

Between the United States of America, and His Imperial Majesty the Emperor of Morocco. (*a*)

January, 1787.

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 negociate 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 negociations 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, together with the attestations thereto annexed, are in the following words, to wit:

ROYAL SEAL.

In the Name of ALMIGHTY GOD.

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.

ARTICLE I.

We declare that both parties have agreed that this treaty, consisting

(*a*) By "an act making an appropriation for the purpose therein mentioned," passed March 3, 1791, Laws U. S. vol. 1, 214, twenty thousand dollars are appropriated for effecting a negotiation of the treaty with Morocco, September 16, 1836, post, 484.

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.

Emperor's consent to the treaty.

ARTICLE II.

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 colours.

Neither party shall take commission from the enemy of the other.

ARTICLE III.

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.

Regulation in case of captures.

ARTICLE IV.

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.

Signal or pass to be given to vessels.

ARTICLE V.

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.

How vessels shall be examined in time of war.

ARTICLE VI.

If any Moor shall bring citizens of the United States, or their effects, to his Majesty, the citizens shall immediately 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.

Citizens of the U. S. captured, to be released.

ARTICLE VII.

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.

Vessels wanting supplies, to be furnished.

ARTICLE VIII.

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 re-load her cargo, without paying any duty whatever.

Provision in case of misfortune.

ARTICLE IX.

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

Regulation in case of shipwreck, and being forced into port.

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 tranquility until the commander shall think proper to proceed on his voyage.

ARTICLE X.

Vessels protected in certain cases.

If any vessel of either of the parties shall have an engagement with a vessel belonging to any of the Christian powers within gun shot 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.

ARTICLE XI.

Privileges of vessels in case of war.

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.

ARTICLE XII.

Ships of war belonging to U. S. not to be examined.

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.

ARTICLE XIII.

Ships of war to be saluted.

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.

ARTICLE XIV.

Commerce on the footing of the most favoured nation.

The commerce with the United States shall be on the same footing as is the commerce with Spain, or as that with the most favoured 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.

ARTICLE XV.

Privileges of merchants.

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 labour whatever, shall be paid at the customary rates, not more and not less.

ARTICLE XVI.

In case of war, prisoners not to be enslaved, but exchanged.

In case of a 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.

ARTICLE XVII.

Merchants may buy and sell all goods except those prohibited to other Christian nations.

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 merchandize but such as are prohibited to the other Christian nations.

ARTICLE XVIII.

Goods to be examined before sent on board, and not after, unless in case of fraud.

All goods shall be weighed and examined before they are sent on board, and to avoid all detention of vessels, no examination shall afterwards 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.

ARTICLE XIX.

Vessels not to be detained.

No vessel shall be detained in port on any pretence whatever, nor be obliged to take on board any articles without the consent of the commander, who shall be at full liberty to agree for the freight of any goods he takes on board.

ARTICLE XX.

How disputes shall be settled.

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.

ARTICLE XXI.

How crimes shall be punished.

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.

ARTICLE XXII.

How estates of deceased citizens shall be disposed of.

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.

ARTICLE XXIII.

Consuls and their privileges.

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.

ARTICLE XXIV.

Regulations in case of war.

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 indulgences, 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.

ARTICLE XXV

Duration of treaty.

This treaty shall continue in full force, with the help of God, for fifty years.

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 Nunez, interpreter at Morocco, of the treaty between the Emperor of Morocco and the United States of America.

THOMAS BARCLAY.

ADDITIONAL ARTICLE.

Grace to the only GOD.

Vessels of U. S. to be protected.

I, the under-written, the servant of God, Taher Ben Abdelkack Fennish, 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 compleat 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 Majesty's dominions, or within gun-shot 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 follow or engage her, as we now deem the citizens of America our good friends."

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,(a) in the year one thousand two hundred.

The servant of the King, my master, whom God preserve,

TAHER BEN ABDELKACK FENNISH.

I do certify that the above is a true copy of the translation made at Morocco, by Isaac Cordoza Nunez, interpreter, of a declaration made and signed by Sidi Hage Taher Fennish, in addition to the treaty between the Emperor of Morocco and the United States of America, which declaration the said Taher Fennish made by the express directions of his Majesty.

THOMAS BARCLAY.

(a) The Ramadan of the year of the Hegira 1200, commenced on the 28th June, in the year of our Lord 1786.

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.

JOHN ADAMS, (L. S.)
London, January 25th, 1787.

THOMAS JEFFERSON, (L. S.)
Paris, January 1st, 1787

CONVENTION

Between His Most Christian Majesty and the United States of America.

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. (*a*)

Nov. 14, 1788.

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:

ARTICLE I.

Consuls to present commissions, and to be entitled to an *exequatur*.

The consuls and vice-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.

ARTICLE II.

Privileges of consuls.

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. They shall be exempt from all personal service, from soldiers' billets, militia, watch, guard, guardianship, trustee-ship,

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(*a*) An act to declare the treaties heretofore concluded with France no longer obligatory on the United States. July 7, 1798; Laws U. S. vol. 1, 578.

CONVENTION

Entre le Roi très Chrétien, et les Etats Unis de l'Amérique.

CONVENTION

Entre le Roi très Chrétien, et les Etats Unis de l'Amérique, à l'effet de déterminer 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 mutuellement par l'art. XXIX, du traité d'amitié et de commerce conclu entr'eux, la liberté de tenir dans leurs Etats et ports respectifs, des consuls, et vice-consuls, agens et commissaires, et voulant en conséquence déterminer et fixer d'une manière réciproque et permanente, les fonctions et prérogatives des consuls, et vice-consuls qu'ils ont jugé 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 sécrétaire d'etat et de ses commandements et finances, aïant le département des affaires etrangères; et les Etats Unis ont nommé le Sieur Thomas Jefferson, citoyen des Etats Unis de l'Amérique, et leur ministre plénipotentiaire auprès du Roi, lesquels, après s'être communiqué leurs plein-pouvoirs respectifs sont convenus de ce qui suit.

ARTICLE I.

Les consuls et vice-consuls nommés par le Roi très Chrétien et les Etas Unis seront tenus de présenter leurs provisions selon la forme qui se trouvera établie respectivement par le Roi très Chrétien dans ses Etats, et par le Congrès dans les Etats Unis. On leur delivrera sans aucuns fraîx l'*exequatur* nécessaire à l'éxercice 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 joüir aussitôt et sans difficulté des prééminences, autorité et priviléges accordés réciproquement, sans qu'ils puissent éxiger des dits consuls et vice-consuls aucun droit sous aucun prétexte quelconque.

ARTICLE II.

Les consuls et vice-consuls et les personnes attacheés à leurs fonctions, savoir, leurs chanceliers et sécrétaires, jouiront d'une pleine et entière immunité pour leur chancellerie et les papiers qui y seront renfermés. Ils seront exemts de tout service personnel, logement des gens de guerre, milice, guet, garde, tutelle, curatelle, ainsi que de tous droits,

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.

ARTICLE III.

Consuls may appoint agents.

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: 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.

ARTICLE IV.

Consuls may establish a chancery.

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.

ARTICLE V.

Power and duty of consuls.

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 chuse to make there, even their testaments 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

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 païs 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 pour des effets quelconques.

ARTICLE III.

Les consuls et vice-consuls respectifs pourront établir des agens dans les différens 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 commercants, navigateurs et batiments respectifs, tous les services possibles, et à informer le consul le plus proche des besoins des dits commercants, navigateurs et batiments, sans que les dits agens puissent autrement participer aux immunités, droits et priviléges attribués aux consuls et vice-consuls, et sans pouvoir sous aucun prétexte que ce soit, éxiger aucun droit ou émolument quelconque des dits commercants.

ARTICLE IV.

Les consuls et vice-consuls respectifs pourront établir une chancellerie où seront déposés les délibérations, actes et procédures consulaires, ainsi que les testaments, obligations, contrats, et autres actes faits par les nationaux ou entr'eux, et les effets délaissés par mort, ou sauvés des naufrages. Ils pourront en conséquence commettre à l'exercice de la dite chancellerie des personnes capables, les recevoir, leur faire prêter serment, leur donner la garde du sceau 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.

ARTICLE V.

Les consuls et vice-consuls respectifs auront le droit exclusif de recevoir dans leur chancellerie, ou à bord des batiments, les déclarations et tous les autres actes que les capitaines, patrons, equipages, passagers, et négociants de leur nation voudront y passer, même leur testament et autres dispositions de derniére volonté, et les dispositions des dits actes duëment legalisés par les dits consuls ou vice-consuls, et munis du sceau 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'éxécuteur testamentaire, curateur ou héritiers légitimes, le droit de faire l'inventaire, la liquidation et de procéder à la vente des effets mobiliers de la succession des sujets ou citoyens de leur nation, qui viendront à mourir dans l'étenduë 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 effets et papiers des dites successions, sans qu'aucuns officiers militaires, de justice, ou 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 déliverance des successions et de leur produit aux héritiers légitimes, ou à leurs mandataires, qu'après avoir fait aquitter toutes les dettes que les défunts auront pû avoir contracteés dans le païs; à l'effet de quoi les créanciers auront droit de saisir les dits effets dans leurs

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.

ARTICLE VI.

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

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 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.

ARTICLE VII.

Power of consuls in cases of shipwreck.

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 merchandize saved. He may take an inventory of them, without the intermeddling 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 succour and favour 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 dispatch, 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 merchandize and effects saved shall be deposited in the nearest custom-house, or other place of safety, with the inventory

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 contracteés 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 domicilieé de rendre les sommes induëment percües, principal, intérêts et fraîx; les quelles cautions cependant demeuereront duëment déchargées après une année, en tems de paix, et deux, en tems de guerre, si la demande en décharge ne peut être formée avant ces délais contre les héritiers qui se présenteront. Et afin de ne pas faire injustement attendre aux hêritiers les effets du défunt, les consuls et vice-consuls feront annoncer sa mort dans quelqu' une des gazettes qui se publient dans l'éntenduë de leur consulat, et qu'ils retiendront les dits effets sous leurs mains pendant quatre mois pour répondre à toutes les demandes qui se présenteront: et ils seront tenus, après ce délai, de délivrer aux héritiers, l'excédent du montant des demandes qui auront été formées.

ARTICLE VI.

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 essuyées à la mer, et ces capitaines et patrons remettront dans la chancellerie des dits consuls et vice-consuls les actes qu'ils auront faits dans d'autres ports pour les accidens qui leur seront arrivés pendant leur voyage. Si un sujet du Roi très Chrétien et un habitant des Etats Unis, ou un etranger, sont intéressés dans la dite cargaison, l'avarie sera règlée 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 règler les dommages et avaries.

ARTICLE VII.

Dans le cas où, par tempête, ou autres accidents, des vaisseaux ou batiments Français échoüeront sur les côtes des Etats Unis, et des vaisseaux et batiments des Etats Unis échoüeront sur les côtes des Etats de sa Majesté très Chrétienne, le consul ou 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 batiment, son chargement et apartenances, que pour le magazinage et la sûreté des effets sauvés et marchandises. Il pourra en faire l'inventaire, sans qu' aucuns officiers militaires, des doüanes, de justice ou de police du païs, puissent s'y immiscer autrement que pour faciliter aux consuls et vice-consuls, capitaine et equipage du vaisseau naufragé, ou échoüé, tous les secours et faveurs qu'ils leur demanderont, soit pour la célérité, et la sûreté du sauvetage et des effets sauvés, soit pour éviter tous désordres. Pour prévenir même toute espèce de conflit et de discutsion dans les dits cas de naufrage, il a été convenu que lorsqu'il ne se trouvera pas de consul ou vice-consul pour faire travailler au sauvetage, 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 sera 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 frâix, ainsi que ceux du sauvetage. Les marchandises et effets 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 connu,

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 merchandize may be afterwards delivered, (after levying therefrom the costs) 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 merchandize, 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 merchandize, 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.

ARTICLE VIII.

Power of consuls respecting vessels of their own nation.

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.

ARTICLE IX.

Power of consuls in regard to deserters, and mode of proceeding.

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.

ARTICLE X.

Citizens amenable for crimes to the judges of the country.

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.

ARTICLE XI.

How to proceed when offenders withdraw on board their vessels.

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-

pour les dits effets et marchandises être ensuite délivrés après le prélevement des fraix, et sans forme de procès, aux propriétaires, qui, munis 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, et dans ce cas elles ne païeront aucune espèce de droits de sortie, soit pour les vendre dans le païs, 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 proportionné au dommage souffert, lequel sera constaté par le procès verbal dressé lors du naufrage ou de l'échoüement.

ARTICLE VIII.

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

ARTICLE IX.

Les consuls et vice-consuls pourront faire arrêter les capitaines, officiers, mariniers, matelots et toutes autres personnes faisant partie des equipages des batiments de leurs nations respectives, qui auroient déserté des dits batimens, pour les renvoyer et faire transporter hors du païs. Auquel effet 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 batiment ou rôle d'equipage, 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 détenus et gardés dans les prisons du païs, à leur réquisition, et à leurs fraîs 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.

ARTICLE X.

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

ARTICLE XI.

Lorsque les dits coupables feront partie de l'equipage de l'un des batiments 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 à-propos: mais cette prévenance ne pourra en aucun cas retarder l'éxécution de l'ordre dont il est question. Les personnes arrêtées ne pourront ensuite être mises en liberté, qu' après que le con-

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.

ARTICLE XII.

Disputes between citizens in a foreign country to be settled by consuls.

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.

ARTICLE XIII.

Tribunals to decide commercial affairs.

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 favour of the French merchants, for the prompt dispatch and decision of affairs of the same nature.

ARTICLE XIV.

Citizens exempted from personal service in place of settlement.

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.

ARTICLE XV.

If either party grant greater consular privileges to another nation they shall be common to both.

If any other nation acquires by virtue of any convention whatever, a treatment more favourable 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.

ARTICLE XVI.

Duration of this convention.

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.)
THOMAS JEFFERSON, (L. S.)

sul ou vice-consul en aura été prévenu, et elles lui seront remises s'il le requiert, pour être reconduites sur les batiments où elles auront été arrêtés, ou autres de leur nation, et être renvoyeés hors du pais.

ARTICLE XII.

Tous différends et procès entre les sujets du Roi très Chrétien dans les Etats Unis, ou entre les citoyens des Etats Unis dans les Etats du Roi très Chrétien, et notamment toutes les discustions relatives aux salaires et conditions des engagements des equipages des batiments respectifs, et tous différends de quelque nature qu'ils soient, qui pourroient s'élever entre les hommes des dits equipages, ou entre quelques uns d'eux et leurs capitaines, ou entre les capitaines de divers batiments 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 fraîs. 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.

ARTICLE XIII.

L'utilité générale du commerce aïant fait établir dans les etats du Roi très Chrétien, des tribunaux et des formes particulières pour accélérer la décision des affaires de commerce, les négocians des Etats Unis jouiront du bénéfice de ces etablissements, et le Congrès des Etats Unis pourvoira de la manière la plus conforme à ses lois, à l'établissement des avantages équivalents en faveur des négociants Français pour la prompte expédition et décision des affaires de la même nature.

ARTICLE XIV.

Les sujets du Roi très Chrétien et les citoyens des Etats Unis, qui justifieront authentiquement être du corps de la nation respective, jouiront en conséquence de l'exemption de tout service personnel dans le lieu de leur établissement.

ARTICLE XV.

Si quelqu' autre nation acquiert, en vertu d'une convention quelconque, un traitement plus favorable relativement aux pré-éminences, pouvoirs, autorité et priviléges consulaires, les consuls et vice-consuls du Roi très Chrétien ou des Etats Unis, réciproquement, 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.

ARTICLE XVI.

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 plutôt si faire 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.)
THOMAS JEFFERSON, (L. S.)

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. (a)

Nov. 19, 1794.

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 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, territories 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

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(a) For a list of the treaties and conventions between the United States and Great Britain, see ante, page 54.

Additional note of the decisions of the courts of the United States, in cases arising under the Definitive Treaty of Peace with Great Britain of September 4, 1783.

The treaty of peace between the United States and Great Britain, prevents the operation of the act of limitations of Virginia, upon British debts contracted before that treaty. *Hopkirk* v. *Bell*, 3 Cranch, 454; 1 Cond. Rep. 595.

The treaty of peace of 1783, between the United States and Great Britain, was a mere recognition of pre-existing rights as to territory, and no territory was thereby acquired by way of cession from Great Britain. *Harcourt et al.* v. *Gaillard*, 12 Wheat. 523; 6 Cond. Rep. 628.

The act of the legislature of Virginia, of 1799, entitled "An act concerning escheats and forfeitures from British subjects," and under which a debtor to a subject of Great Britain had, in conformity to the provisions of that law, during the war, paid into the loan office of the state a portion of the debt due by him, did not operate to protect the debtor from a suit for such debt, after the treaty of peace in 1783. The statute of Virginia, if it was valid, and the legislature could pass such a law, was annulled by the fourth article of the treaty; and under this article, suits for the recovery of debts so due, might be maintained, the provisions of the Virginia law to the contrary notwithstanding. *Ware, Adm'r of Jones, Plaintiff in Error* v. *Hylton et al.* 3 Dall. 199; 1 Cond. Rep. 99.

Debts due in the United States to British subjects, before the war of the revolution, though sequestered or paid into the state treasuries, revived by the treaty of peace of 1783, and the creditors are entitled to recover them from the original debtors. *State of Georgia* v. *Brailsford*, 3 Dall. 1; 1 Cond. Rep. 8.

G. C., born in the colony of New York, went to England in 1738, where he resided until his decease; and being seised of lands in New York, he, on the 30th of November, 1776, in England, devised the same to the defendant and E. C., as tenants in common, and died so seised on the 10th of December, 1776. The defendant and E. C. having entered, and becoming possessed, E. C., on the 3d December, 1791, bargained and sold to the defendant all his interest. The defendant and E. C. were both born in England, long before the revolution. On the 22d March, 1791, the legislature of New York passed an act to enable the defendant to purchase lands, and to hold all other lands which be might then be entitled to within the state, by purchase or descent, in fee simple; and to sell and dispose of the same, in the same manner as any natural born citizen might do. The treaty between the United States and Great Britain of 1794, contains the following provision: "Article 9th. 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 respects the said lands and the legal remedies incident thereto, be considered as aliens." The defendant, at the time of the action brought, still continued to be a British subject. *Held*, that he was entitled to hold the lands so devised to him by G. C., and transferred to him by E. C. *New York* v. *Clarke*, 3 Wheat. 1; 4 Cond. Rep. 188.

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.

ARTICLE I.

Peace established.

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.

ARTICLE II.

His Majesty to withdraw troops from U. States.

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 mean time at their discretion, extending their settlements to any part within the said boundary line, except within the precincts or jurisdiction of any of the said posts.

Privileges allowed to settlers and traders.

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.

ARTICLE III.

Commercial intercourse regulated between the two parties on the continent of America.

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 sea-ports, harbours, 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 Missisippi 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.

All goods and merchandize whose importation into his Majesty's said territories in America, shall not be entirely prohibited, 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 merchandize 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 merchandize 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 merchandize 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.

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 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 re-imbarked 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 neighbourhood, 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.

ARTICLE IV.

Survey of the Mississippi to be made.

Whereas it is uncertain whether the river Missisippi 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 above mentioned, the two parties will thereupon proceed by amicable negociation, 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.

ARTICLE V.

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 decide what river is the river St. Croix intended by the treaty of peace to be the boundary 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 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 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.

ARTICLE VI.

U. S. to make compensation to British creditors, for losses occasioned by legal impediments to the collection of debts contracted before the peace.

Whereas it is alledged by divers British merchants and others his Majesty's subjects, that debts, to a considerable amount, which were bona 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 the 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 had not existed; nor to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

For the purpose of ascertaining the amount of any such losses and

Commissioners to be appointed to ascertain the same.

damages, five commissioners shall be appointed, and authorized 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 of 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, 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 judgment, 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.

Their power and duty.

Three of the said commissioners shall constitute a board, and shall have power to do any act appertaining to the said commission, 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 authorized, 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.

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 countries, or in such other manner as the said commissioners shall see cause to require or allow.

U. S. to pay the sum awarded.

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.

ARTICLE VII.

British government to make compensation to American citizens for illegal captures of their vessels by British subjects.

Whereas complaints have been made by divers merchants and others, 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 colour 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.

Commissioners to be appointed to ascertain the same.

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 authorized 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 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 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 merchandize, 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.

U. S. to make compensation to British subjects for captures in their jurisdiction or by vessels armed in their ports.

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, Sept. 5, 1793, a copy of which is annexed to this treaty; the complaints of the parties shall be and hereby are referred to the commissioners to be appointed by virtue of this article, who are hereby authorized 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

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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.

ARTICLE VIII.

How expenses shall be paid, and vacancy of commissioners supplied.

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 expences attending the said commissions shall be defrayed jointly by the two parties, the same being previously ascertained and allowed 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.

ARTICLE IX.

Alienage not to affect certain titles to lands.

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.

ARTICLE X.

Sequestration of debts restrained.

Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor monies 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.

ARTICLE XI.

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:

ARTICLE XII.

West-India trade regulated.

His Majesty consents that it shall and may be lawful during the time herein-after 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 burthen of seventy tons, any goods or merchandizes, 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.

Suspended, see page 130.

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.

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.

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.

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 towards each other in these respects, shall be regulated by the articles herein-after inserted on those subjects.

ARTICLE XIII.

East-India trade regulated.

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 sea-ports 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 ves-

sels. 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 considered 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 harbour in the said territories, or if they should be permitted 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 harbour, 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.

ARTICLE XIV.

Liberty of commerce between the British European dominions and the U. States established.

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 ware-houses 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.

ARTICLE XV.

Regulations respecting duties on ships and merchandize.

It is agreed that no other or higher duties shall be paid by the ships or merchandize of the one party in the ports of the other, than such as are paid by the like vessels or merchandize 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.

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.

The two parties agree to treat for the more exact equalization of the duties on the respective navigation of their subjects and 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.

ARTICLE XVI.

Consuls may be appointed.

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.

ARTICLE XVII.

How to proceed when vessels are captured on suspicion of having enemy's property, or contraband goods.

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 an enemy should be found on board such vessel, that part only which belongs to the enemy shall be made prize, and the 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.

ARTICLE XVIII.

What articles shall be deemed contraband.

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, carcasses, saucisses, carriages for cannon, musket rests, bandoliers, gunpowder, match, saltpetre, ball, pikes, swords, head-pieces, cuirasses, halberts, lances, javelins, horse-furniture, holsters, 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.

And whereas the difficulty of agreeing on the precise cases in which

Stipulation respecting provisions becoming contraband.

alone provisions and other articles not generally contraband may be regarded as such, renders it expedient 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.

Regulations respecting vessels attempting to enter a blockaded port, or found therein.

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.

ARTICLE XIX.

Privateering regulated.

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.

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.

It is also agreed that 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.

ARTICLE XX.

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 protected; and goods taken by them to be restored.

And all their ships with the goods or merchandizes 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.

ARTICLE XXI.

Subjects or citizens of one party shall not accept commission from a foreign state at war with the other.

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 endeavour 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 punctually 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.

ARTICLE XXII.

No reprisal till demand of satisfaction and refusal.

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 demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

ARTICLE XXIII.

Ships of war of each to be received in the ports of the other.

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 permitted to sell any part of her cargo, unless so much only as may be necessary to defray her expences, 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 permitted to sell for the purpose aforesaid.

American vessels, in case of stress of weather, may enter British ports.

ARTICLE XXIV.

Foreign privateers not to arm in the ports of either nation, nor to sell their prizes.

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 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.

ARTICLE XXV.

Regulations respecting prizes and captures.

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 officers 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.

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 their 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 endeavours 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.

ARTICLE XXVI.

Privileges of the subjects and citizens of each party residing in the dominions of the other in case of a rupture.

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 favour 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 negociations 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.

ARTICLE XXVII.

Criminals to be delivered up to justice.

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 expence of such apprehension and delivery shall be borne and defrayed, by those who make the requisition and receive the fugitive.

ARTICLE XXVIII.

Limitation.

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 terminate 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.

Ratification.

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 endeavour 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. 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.)

ADDITIONAL ARTICLE.

Twelfth article suspended.

May 4, 1796.

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.

EXPLANATORY ARTICLE.

"Whereas by the third article of the treaty of amity, commerce and navigation, concluded at London, on the nineteenth day of November, one thousand seven hundred and ninety-four, between his Britannic Majesty and the United States of America, it was agreed that it should at all times be free to his Majesty's subjects and to the citizens of the United States, and also to the Indians dwelling on either side of the boundary line, assigned by the treaty of peace to the United States, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two contracting parties, on the continent of America, (the country within the limits of the Hudson's Bay company only excepted) and to navigate all the lakes, rivers and waters thereof, and freely to carry on trade and commerce with each other, subject to the provisions and limitations contained in the said article: And whereas by the eighth article of the treaty of peace and friendship 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 licence 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, entered into this 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.

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 navigation, and shall be permanently binding upon his Majesty and the United States.

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.)

Explanatory Article, to be added to the treaty of Amity, Commerce and Navigation, between the United States and his Britannic Majesty. March 15, 1798.

The commissioners under the 5th article released from particularizing the latitude and longitude of the source of the river intended by the St. Croix.

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 the nineteenth day 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 endeavour 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 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 the said treaty, in conformity to the above-mentioned 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 above-mentioned 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 compleat 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

A monument to be erected at the source of that river.

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.

This article to be a part of the treaty of November 19, 1794.

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 seven hundred and ninety-four, and shall be permanently binding upon his Majesty and the United States.

Signed, GRENVILLE, (L. S.)
RUFUS KING, (L. S.)

LETTER FROM THOMAS JEFFERSON TO GEORGE HAMMOND.

Philadelphia, September 5, 1793.

SIR,

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.

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.

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.

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.

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 analogous 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.

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.

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.

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. And that it will be important that you should substantiate the fact, that such prizes are in our ports or waters.

Your list of the privateers illicitly armed in our ports, is, I believe, correct.

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 collector 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.

A TREATY OF PEACE AND AMITY

Between the Dey of Algiers and the United States of America. (a)

A TREATY OF PEACE AND AMITY

Sept. 5, 1795.

Concluded this 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.*

ARTICLE I.

Peace established.

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.

ARTICLE II.

Commercial intercourse regulated.

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.

ARTICLE III.

Vessels of each nation to pass unmolested.

The vessels of both nations shall pass each other without any impediment or molestation; and all goods, monies or passengers, of whatsoever nation, that may be on board of the vessels belonging to either party, shall be considered as inviolable, and shall be allowed to pass unmolested.

ARTICLE IV.

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

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(a) The treaties between the United States and Algiers have been:
The Treaty of September 5, 1795.
The Treaty of June 30, 1815, post, 224.
Renewed Treaty with Algiers of 22d December, 1816, post, 244.

How passports of vessels and ships of war shall be examined, and to whom to be granted.

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 Regency, 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.

ARTICLE V.

No Algerine cruiser may take any person out of a vessel of the U. S.

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.

ARTICLE VI.

Vessels of U. S stranded to be relieved.

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.

ARTICLE VII.

Algerines not to sell vessels of war to the enemies of U. States.

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.

ARTICLE VIII.

When passport is not necessary.

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.

ARTICLE IX.

Other Barbary states not to be allowed to sell prizes in Algiers.

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 shall not be permitted to sell her, but shall depart the port on procuring the requisite supplies of provision.

ARTICLE X.

U. S. may send prizes into the ports of the Regency.

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.

ARTICLE XI.

How ships of war of U. S. shall be treated in the ports of the Regency.

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 refreshments, gratis. Should any of the slaves of this regency make their escape on board said vessels, they shall be imme-

diately returned: No excuse shall be made that they have hid themselves amongst the people and cannot be found, or any other equivocation.

ARTICLE XII.

How slaves shall be redeemed, and when captured persons shall be lawful prize.

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.

ARTICLE XIII.

How the estate of citizens of U. S. dying in the Regency shall be settled.

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.

ARTICLE XIV.

No citizen of U. S. to be compelled to purchase goods or pay debts of another.

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 North-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 Regency, 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.

ARTICLE XV.

How disputes shall be settled.

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.

ARTICLE XVI.

How crimes shall be punished.

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 North-America, in the above predicament, escape prison, the consul shall not become answerable for him.

ARTICLE XVII.

Privileges of the consul of the U. S.

The consul of the United States of North-America, shall have every personal security given him and his houshold: 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.

ARTICLE XVIII.

In case of war, citizens of U. S. may embark unmolested.

Should a war break out between the two nations, the consul of the United States of North-America, and all citizens of said states, shall have leave to embark themselves and property unmolested, on board of what vessel or vessels they shall think proper.

ARTICLE XIX.

Citizens of either nation captured by the other to be set at liberty.

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.

ARTICLE XX.

Vessels of war to be saluted.

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.

ARTICLE XXI.

Consul not to pay duty.

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.

ARTICLE XXII.

War not to be declared in case of breach of treaty.

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.

Sum to be paid to the Dey.

On the 21st of the Luna of Safer, 1210, corresponding with the 5th September, 1795, Joseph Donaldson, jun. 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.

Signed,

VIZIR HASSAN BASHAW,

JOSEPH DONALDSON, jun.

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 under-written 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 negociating 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 21st May, 1795, he did constitute and appoint Joseph Donaldson, junior, agent in the business aforesaid; and the said Joseph Donaldson, jun. did, on the 5th of September, 1795, agree with Hassan Bashaw, Dey of Algiers, to keep the articles of the preceding treaty sacred and inviolable:

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 Hand and Seal, at the City of Lisbon, this 28th of November, 1795.

DAVID HUMPHREYS. (L. S.)

TREATY OF FRIENDSHIP, LIMITS AND NAVIGATION,

Between the United States of America, and the King of Spain. (a)

Oct. 27, 1795.

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, Sanchez, 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 III. 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:

ARTICLE I.

Peace established.

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.

ARTICLE II.

To prevent all disputes on the subject of the boundaries which separate the territories of the two high contracting parties, it is hereby

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(a) The treaties with Spain have been:

A Treaty of Friendship, Limits, and Navigation between the United States and the King of Spain. October 27, 1795.

A Convention of Indemnification between the United States and Spain. August 11, 1802; post, 198.

Treaty of Amity, Settlement and Limits between the United States of America and his Catholic Majesty, negotiated February 22, 1819. Ratified by the President and Senate on the 19th February, 1821, and by the King of Spain on the 24th October, 1820, post, 252.

Decisions of the Courts of the United States in cases which have arisen under the treaty with Spain of October 27, 1795, 252.

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 seventeenth 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. But if, upon the original evidence, the cause appears extremely doubtful and suspicious, and farther proof is necessary, the grant or denial of it rests on the same general rules which govern the discretion of prize courts in other cases. *The Pizarro*, 2 Wheat. 227; 4 Cond. Rep. 103.

The term "subjects," in the fifteenth article of the treaty, when applied to persons owing allegiance

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, han resuelto fixar por medio de un convenio varios puntos, de cuyo arreglo resultará un beneficio general, y una utilidad reciproca â 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 Abalá, 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 Real y distinguida orden Española de Carlos III. Comendador de Valencia, del Ventoso, Rivera, y Acenchal en la de Santiago, Caballero Gran Cruz de la Religion de Sn. Juan, Consejero de Estado, primera Secretario de Estado y del Despacho, Secretario de la Reyna Nra 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, Laboratorio Chîmico, y Observatorio Astronomico; Gentilhombre de Camara con exercicio; Capitan General de los Reales Exercitos; Inspector y Sargento Mayor del Rl. Cuerpo de Guardias de Corps, y el Presidente de los Estados Unidos, con el consentimiento y aprobacion del Senado, à Dn Thomas Pinckney, ciudadano de los mismos Estados, y su Enviado Extraordinario cerca de S. M. Catholica, y ambos Plenipotenciarios han ajustado y firmado los articulos siguientes:

ART. I.

Habrá una Paz solida ê inviolable, y una amistad sincera entre S. M. Catolica sus succesores y subditos, y los Estados Unidos y sus Ciudadanos sin excepcion de personas, ô lugares.

ART. II.

Para evitar toda disputa en punto â los limites que separan los territorios de las dos altas partes contratantes, se han convenido, y declarado

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to Spain, must be construed in the same sense as the term "citizens," or "inhabitants," when applied to persons owing allegiance to the United States; and extends to all persons domiciled in the Spanish dominions. *Ibid.*

The Spanish character of the ship being ascertained, the proprietary interest of 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. *Ibid.*

The seventeenth 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. *The Amiable Isabella*, 6 Wheat. 1; 5 Cond. Rep. 1.

By the Spanish treaty of 1795, free ships make free goods; but the form of the passport, by which the freedom of the ship was to have been conclusively established, never having been duly annexed to the treaty, 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 on board, to whomsoever the latter may belong. *Ibid.*

The treaty with Spain of 1795, does not contain, express or implied, a stipulation that enemy's ships shall make enemy's goods. *The Nereide, Bennet, Master*, 9 Cranch, 388; 3 Cond. Rep. 439.

Southern boundary line established.

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 river Missisippi, 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 straight 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 above-mentioned 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.

ARTICLE III.

Commissioners to run the boundary line.

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 Missisippi, 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. 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.

ARTICLE IV.

Mississippi to be the western boundary, and the navigation thereof secured.

It is likewise agreed that the western boundary of the United States which separates them from the Spanish colony of Louissiana, is in the middle of the channel or bed of the river Missisippi, 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.

ARTICLE V.

How each nation shall conduct with Indians in their respective territories.

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.

And whereas several treaties of friendship exist between the two contracting parties and the said nations of Indians, it is hereby agreed that

en el presente articulo lo siguiente, â saber. Que el limite meridional de los Estados Unidos, que sepâra su territorio de el de las colonias Españolas de la Florida Occidental y de la Florida Oriental, se demarcará por una linea que empieze en el Rio Misisipi, en la parte mas septentrional del grado treinta y uno al norte del Equador, y q^e desde alli siga en derechura al Este, hasta el medio del Rio Apalachicola ô Catahouche, desde alli por la mitad de este Rio hasta su union con el Flint: de alli en derechura hasta el nacimiento del Rio S^ta Maria; y de alli baxando por el medio de este Rio hasta el oceano Atlantico. Yse han convenido las dos potencias en que si hubiese tropa, guarniciones, ô 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, ô antes si fuese posible, y que se les permitirá llevar consigo todos los bienes y efectos q^e posean.

ART. III.

Para la execucion del articulo antecedente se nombrarán por cada una de las dos altas partes contratantes un comisario y un geometra q^e 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 à la demarcacion de estos limites conforme à lo estipulado en el articulo anterior. Levantarán planos, y formarán Diarios de sus operaciones, que se reputarán como parte de este Tratado, y tendran la misina fuerza que si estubieran insertas en el. Y si por qualquier motivo se creyese necesario que los dichos Comisarios y Geometras fuesen acompañados 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 ê instrumentos, y en tomar qualesquiera otras disposiciones necesarias para la execucion de este articulo.

ART. IV.

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 ô madre del Rio Misisipi desde el limite septentrional de dichos Estados hasta el complemento de los treinta y un grados de latitud al Norte del Equador; y S. M. Catolica ha convenido igualmente en que la navegacion de dicho Rio en toda su extension desde su ovilla hasta el oceano, será libre solo à sus subditos y à los ciudadanos de los Estados Unidos, â menos que por algun tratado particular haga extensiva esta libertad à subditos de sotras potencias.

ART. V.

Las dos altas partes contratantes procurarán por todos los medios posibles mantener la paz, y buena armonia entre las diversus naciones de Indios que habitan los terrenos adyacentes â 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 à 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 à los que vivan en el territorio de los Estados Unidos ô à sus ciudadanos, ni los Estados que los suyos hostilizen à los subditos de S. M. Catolica ô à sus Indios de manera alguna.

Exîstiendo varios tratados de amistad entre las expresadas naciones y las dos potencias, se ha convenido en no hacer en lo venidero alianza

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 endeavour 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 expence which they have hitherto occasioned.

ARTICLE VI.

Each nation to protect the vessels of the other in their jurisdiction.

Each party shall endeavour, 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.

ARTICLE VII.

No embargo allowed.

In cases of seizure for debts or crimes, how to proceed.

And it 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 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.

ARTICLE VIII.

Vessels forced into port by stress of weather to be relieved.

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 harbour, 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 sustenance 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.

ARTICLE IX.

Property taken from pirates to be restored.

All ships and merchandize, 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.

ARTICLE X.

When any vessel of either party shall be wrecked, foundered, or

alguna ô 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 ciudadanos respectivos, guardandose en todo la reciprocidad mas completa, de suerte q^e sin los dispendios que han causado hasta ahora dichas naciones á las dos partes contratantes, consigan ambas todas las ventajas q^e debe producir la armonia con ellas.

ART. VI.

Cada una de las dos partes contratantes procurará por todos los medios posibles, protexer y defender todos los buques y qualesquiera otros efectos pertenecientes à los subditos y ciudadanos de la otra que se hallen en la extension de su jurisdicion por mar ô por tierra, y empleará todos sus esfuerzos para recobrar y hacer restituir à los proprietarios lexitimos los buques y efectos que se les hayan quitado en la extension de dicha jurisdiccion estén ô no en guerra con la potencia cuyos subditos hayan interceptado dichos efectos.

ART. VII.

Se ha convenido que los ciudadanos y subditos de una de las partes contratantes, sus buques, ô efectos no podran sujetarse à ningun embargo ô detencion de parte de la otra à causa de alguna expedicion militar, uso publico ô particular de qualquiera que sea. Y en los casos de aprehension detencion ô arresto, bien sea por deudas contrahidas û ofensas cometidas por algun ciudadano ô subdito de una de las partes contratantes en la jurisdiccion de la otra, se procederá unicamente por orden y autoridad de la justicia, y segun los tramites ordinarios seguidos en semejantes casos. Se permitira à los ciudadanos y subditos de ambas partes emplear los abogados, procuradores, notarios, agentes ô factores que juzguen mas à proposito en todos sus asuntos y en todos los pleytos q^e podrán tener en los tribunales de la otra parte, â los quales se permitirá igualmente el tener libre acceso en las causas, y estar presentes â todo exàmen y testimonios que podran ocurrir en los pleytos.

ART. VIII.

Quando los subditos y habitantes de la una de las dos partes contratantes con sus buques, bien sean publicos y de guerra, bien particulares ô mercantiles se viesen obligados por una tempestad, por escapar de piratas ô de enemigos, ô por qualquiera otra necesidad urgente à buscar refugio y abrigo en alguno de los rios, habias, radas, ô 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 los buques, y continuar su viage, todo mediante un precio equitativo; y no se les detendrá ô impedirá de modo alguno el salir de dichos puertos ô radas, antes bien podran retirarse y partir como y quando les pareciere sin ningun obstaculo ô impedimento.

ART. IX.

Todos los buques y mercaderias de qualquiera naturaleza que sean, que se hubiesen quitado à algunos piratas en alta mar y se traxesen á algun puerto de una de las dos potencias, se entregarán alli â los oficiales ô empleados en dicho puerto á fin de que los guarden y restituyan integramente à su verdadero proprietario luego que hiciese constar debida y plenamente que era su legitima propiedad.

ART. X.

En el caso de que un buque perteneciente à una de las dos partes

Vessels wrecked or foundered to be relieved.

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 would 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.

ARTICLE XI.

Settlement of the estates of deceased persons.

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, 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 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 questions 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 being an alien, 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 detraction on the part of the government of the respective states.

ARTICLE XII.

Vessels suspected shall exhibit passports and certificates.

The merchant-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 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.

ARTICLE XIII.

In case of war one year allowed to merchants to remove.

For the better promoting of commerce on both sides, it is agreed, that if a war shall 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 merchandizes: 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.

ARTICLE XIV.

No citizen of either nation shall take a commission from a foreign power to arm privateers against the other.

No subject of his Catholic Majesty 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 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.

contratantes naufragase, varase, ô sufriese alguna avería en las costas ô en los dominios de la otra, se socorrera â los subditos ô ciudadanos respectivos, así â sus personas como â sus buques y efectos, del mismo modo que se haria con los habitantes del pais donde suceda la desgracia, y pagaran solo las mismas cargas y derechos qᵉ se hubieran exîgido de dichos habitantes en semejante caso. Y si fuese necesario para componer el buque qᵉ se descargue el cargamento en todo ô en parte, no pagarán impuesto alguno, carga, ô derecho de lo que se vuelva â embarcar para ser exportado.

ART. XI.

Los ciudadanos ô subditos de una de las dos partes contratantes tendran en los estados de la otra la libertad de disponer de sus bienes personales bien sea por testamento, donacion, û otra manera, y si sus herederos fuesen subditos ô ciudadanos de la otra parte contratante, sucederán en sus bienes ya sea en virtud de testamento ô ab intestado, y podran tomar posesion, bien en persona, ô por medio de otros que hagan sus veces, y disponer como les pareciere sin pagar mas derechos que aquellos qᵉ. deben pagar en semejante caso los habitantes del pais donde se verificase la herencia. Y si estubiesen ausentes los herederos se cuidará de los bienes que les hubiesen tocado, del mismo modo que se hubiera hecho en semejante 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 â la herencia, serán determinadas 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 à pasar segun las leyes del pais à un subdito ô ciudadano de la otra parte, y este por su calidad de extrangero fuese inhabil para poseerlos, obtendra un termino conveniente para venderlos y recoger su producto sin obstaculo, exento de todo derecho de retencion de parte del gobierno de los Estados respectivos.

ART. XII.

A los buques mercantes de las dos partes qᵉ fuesen destinados à puertos pertenecientes â una potencia enemiga de una de las dos, cuyo viage y naturaleza del cargamento diese justas sospechas, se les obligará à presentar bien sea en alta mar, bien en los puertos y cabos, no solo sus pasaportes sino tambien los certificados que probarán expresamente que su cargamento no es de la especie de los que están prohibidos como de contrabando.

ART. XIII.

A fin de faborecer el comercio de ambas partes, se ha convenido que en el caso de romperse la guerra entre las dos naciones, se concedera el termino de un año despues de su declaracion, á los comerciantes en las villas y ciudades que habitan, para juntar y transportar sus mercaderias, y si se les quitase alguna parte de ellas, ô hiciese algun daño durante el tiempo prescrito arriba por una de las dos potencias sus pueblos ô subditos, se les dará en este punto entera satisfaccion por el gobierno.

ART. XIV.

Ningun subdito de S. M. Catolica tomará encargo ô patente para armar buque ô buques qᵉ obren como corsarios contra dichos Estados Unidos, ô contra los ciudadanos pueblos y habitantes de los mismos, ô contra su propiedad ô la de los habitantes de alguno de ellos de qualquier Principe que sea con quien estubieren en guerra los Estados Unidos.

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 commissions or letters of marque, he shall be punished as a pirate.

ARTICLE XV.

Liberty of trade to enemies' ports secured.

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 merchandizes 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 merchandizes 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.

Free ships make free goods, excepting contraband.

ARTICLE XVI.

What articles shall be deemed contraband.

This liberty of navigation and commerce shall extend to all kinds of merchandizes, 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, gunpowder, match, pikes, swords, lances, speards, halberds, mortars, petards, grenades, saltpetre, muskets, musket-ball, bucklers, helmets, breast-plates, coats of mail, and the like kind of arms, proper for arming soldiers, musket-rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandizes which follows, 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 aparel, together with all species whereof they are used to be made; gold and silver, as well coined as uncoined, tin, iron, latton, copper, brass, coals; as also wheat, barley, 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, wood of all kind, and all other things proper either for building or repairing ships, and all other goods whatever, which have

Ygualmente ningun ciudadano ô habitante de dichos Estados Unidos pedirá ô aceptará encargo ô patente para armar algun buque ô buques con el fin de perseguir los subditos de S. M. Catolica, ô apoderarse de su propiedad, de qualquier Principe ô Estado que sea con quien estuviere en guerra S. M. Catolica. Y si algun individuo de una ô de otra nacion tomase semejantes encargos ô patentes sera castigado como pirata.

ART. XV.

Se permitirá à todos y â cada uno de los subditos de S. M. Catolica, y â los ciudadanos pueblos y habitantes de dichos Estados, q^e^ puedan navegar con sus embarcaciones con toda libertad, y seguridad sin que haya la menor excepcion por este respecto, aunque los propietarios de las mercaderias cargadas en las referidas embarcaciones vengan del puerto que quieran, y las traygan destinadas â qualquiera plaza de una potencia actualmente enemiga ô q^e^ lo sea despues, asi de S. M. Catolica como de los Estados Unidos. Se permitirá igualmente à los subditos y habitantes mencionados navegar con sus buques y mercaderías, y freqüentar con igual libertad y seguridad las plazas y puertos de las potencias enemigas de las partes contratantes, ô de una de ellas sin oposicion û obstaculo, y de comerciar no solo desde los puertos del dicho enemigo à un puerto neutro directamente, si no tambien desde uno enemigo à otro tal, bien se encuentre bajo su jurisdicion, ô bajo la de muchos; y se estipula tambien por el presente tratado que los buques libres asegurarán igualmente la libertad de las mercaderías, y que se juzgaran libres todos los efectos que se hallasen â bordo de los buques que perteneciesen â los subditos de una de las partes contratantes, aun quando el cargam^to^ por entero ô parte de el fuese de los enemigos de una de las dos, bien entendido sin embargo q^e^ el contrabando se exceptua siempre. Se ha convenido asi mismo que la propia libertad gozarán los sugetos que pudiesen encontrarse à bordo del buque libre, aun quando fuesen enemigos de una de las dos partes contratantes; y por lo tanto no se podra hacer prisioneros ni separarlos de dichos buques â menos q^e^ no tengan la qualidad de militares, y esto hallandose en aquella sazon empleados en el servicio del enemigo.

ART. XVI.

Esta libertad de navegacion y de comercio debe extenderse â toda especie de mercaderias exceptuando solo las que se comprehenden bajo el nombre de contrabando, ô de mercaderias prohibidas, quales son las armas, cañones, bombas con sus mechas, y demas cosas pertenecientes â lo mismo, balas, polvora, mechas, picas, espadas, lanzas, dardos, alabardas, morteros, petardos, granadas, salitre, fusiles, balas, escudos, casquetes, corazas, cotas de malla, y otras armas de esta especie propias para armar â 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 ô cosas prohibidas, à saber: toda especie de paños y qualesquiera otras telas de lana, lino, seda, algodon û otras qualesquiera materias, toda especie de vestidos con las telas de que se acostumbran hacer, el oro y la plata labrada en moneda ô no, el estaño, y erro, laton, cobre, bronce, carbon, del mismo modo que la cevada, el trigo, la avena, y qualesquiera otro genero de legumbres. El tabaco y toda la especeria, carne salada y ahumada, pescado salado, queso y manteca, cerveza, 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,

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 merchandizes 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 receipts, and indemnify the proprietor for all losses which he may have sustained in consequence of such transaction.

ARTICLE XVII.

Regulations respecting passports and sea-letters.

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.

It is likewise agreed, that such ships being laden, are to be provided not only with passports as above mentioned, 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 certificates, 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 shall be adjudged to be legal prizes, unless they shall give legal satisfaction of their property by testimony entirely equivalent.

ARTICLE XVIII.

Vessels shall exhibit passports to ships of war.

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 a-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 passports, concerning the property of the ship,

y otras qualesquiera materias que no tienen la forma de un instrumento preparado para la guerra por tierra ô por mar, no seran reputadas de contrabando, y menos las que estan 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 efectos que no estan comprehendidos y nombrados 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 â las plazas enemigas, exceptuando sin embargo las q^{s} se hallasen en la actualidad sitiadas, bloqueadas, ô embestidas, y los casos en que algun buque de guerra ô esquadra que por efecto de avería, û otras causas se halle en necesidad de tomar los efectos que conduzca el buque ô buques de comercio, pues en tal caso podra detenerlos para aprovisionarse, y dar un recibo 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 â no detener los buques mas de lo que sea absolutamente necesario para aprovisionarse, pagar inmediatamente los recibos, y â indemnizar todos los daños q^{s} sufra el propietario â consequencia de semejante suceso.

ART. XVII.

A fin de evitar entre ambas partes toda especie de disputas y quejas, se ha convenido q^{e} en el caso de que una de las dos potencias se hallase empeñada en una guerra, los buques y bastimentos pertenecientes à los subditos ô pueblos de la otra, deberan llevar consigo patentes de mar ô pasaportes que expresen el nombre, la propiedad, y el porte del buque, como tambien el nombre y morada de su dueño y comandante de dicho buque, para que de este modo conste que pertenece real y verdaderam^{te} â los subditos de una de las dos partes contratantes; y que dichos pasaportes deberan expedirse segun el modelo adjunto al presente tratado. Todos los años deberán renovarse estos pasaportes en el caso de que el buque vuelva â su pais en el espacio de un año.

Ygualmente se ha convenido en que los buques mencionados arriba, si estuviesen cargados, deberán 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 q^{e} pudiesen hallarse â bordo, cuyos certificados deberán expedirse en la forma acostumbrada por los oficiales empleados en el lugar de donde el navio se hiciese â la vela, y si se juzgase util y prudente expresar en dichos pasaportes la persona propietaria de las mercaderias se podra hacer libremente, sin cuyos requisitos sera conducido à uno de los puertos de la potencia respectiva, y juzgado por el tribunal competente, con arreglo â lo arriba dicho, para que exâminadas bien las circunstancias de su falta, sea condenado por de buena presa si no satisfaciese legalmente con los testimonios equivalentes en un todo.

ART. XVIII.

Quando un buque perteneciente â los dichos subditos pueblos y habitantes de una de las dos partes fuese encontrado navegando à lo largo de la costa ô en plena mar por un buque de guerra de la otra ô por un corsario, dicho buque de guerra ô corsario, â fin de evitar todo desorden, se mantendrá fuera del tiro de cañon, y podra enviar su chalupa â bordo del buque mercante, hacer entrar en el dos ô tres hombres â los quales enseñará el patron ô comandante del buque sus pasaportes y demas documentos, que deberan ser conformes â lo pre-

made out according to the form inserted in this present treaty, and the ship when she shall have shewed such passports, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or give her chace in any manner, or force her to quit her intended course.

ARTICLE XIX.

Consuls.

Consuls shall be reciprocally established, with the privileges and powers which those of the most favoured nations enjoy, in the ports where their consuls reside or are permitted to be.

ARTICLE XX.

Courts of justice to be open to citizens of each nation.

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.

ARTICLE XXI.

Compensation to be made to citizens of U. S. for illegal captures of vessels by Spanish subjects.

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 commissioner, and the President of the United States, 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 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 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 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 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.

Commissioners to ascertain the same.

ARTICLE XXII.

The two high contracting parties, hopping that the good correspondence and friendship which happily reigns between them, will be further

venido en el presente tratrado, y probará la propiedad del buque, y despues de haber exhibido semejante pasaporte y documentos, se les dejará seguir libremente su viage, sin que les sea licito el molestarles ni procurar de modo alguno darle caza, ù obligarle à dejar el rumbo que seguía.

ART. XIX.

Se establecerán Consules reciprocamente con los privilegios y facultades que gozaren los de las naciones mas favorecidas en los puertos donde los tuvieren estas, ô les sea lícito el tenerlos.

ART. XX.

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 sera permitido el entablar sus pleytos para el recobro de sus propiedades, pago de sus deudas, y satisfaccion de los daños que hubieren recibido bien sean las personas contra las quales se quejasen subditos ô ciudadanos del pais en el que se hallen, ô bien sean qualesquiera otros sugetos que se hayan refugiado allí; y los pleytos y sentencias de dichos tribunales seran las mismas que hubieran sido en el caso de que las partes litigantes fuesen súbditos ô ciudadanos del mismo pais.

ART. XXI.

A fin de concluir todas las disensiones sobre las perdidas que los ciudadanos 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 determinarán finalm^te^ 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 pudiesen acordarse, cada uno nombrará una persona, y sus dos nombres puestos en suerte se sacarán en presencia de los dos comisarios, resultando por tercero aquel cuyo nombre hubiese salido el primero. Nombrados así estos tres comisarios, jurarán que exâminarán y decidírán 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 tendran sus sesiones en Philadelfia, y en caso de muerte enfermedad ô ausencia precisa se reemplazará su plaza de la misma manera que se eligió, y el nuevo comisario hará igual juramento y exercerá iguales funciones. En el termino de diez y ocho meses contados desde el dia en que se junten admitirán todas las quejas y reclamaciones autorizadas por este articulo. Asimismo tendran autoridad para exâminar baxo la sancion del juramento â todas las personas que ocurran ante ellos sobre puntos relativos à dichas quejas, y recibirán como evidente todo testimonio escrito que de tal manera sea autentico que ellos lo juzguen digno de pedirle ô admitirle. La decision de dichos comisarios, ô de dos de ellos sera final y concluyente, tanto por lo q^e^ toca à la justicia de la queja, como por lo que monte la suma que se deba satisfacer â los demandantes, y S. M. Catolica se obliga â hacer las pager en especie, sin rebaxa y en las épocas, lugares, y baxo las condiciones que se decidan por los comisarios.

ART. XXII.

Esperando las dos altas partes contratantes que la buena correspondencia y amistad que reyna actualmente entre si se estrechará mas y

encreased 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 favour which the advantages of both countries may require.

Spain permits citizens of U. S. to deposit goods at New Orleans.

And in consequence of the stipulations contained in the IV. article, his Catholic Majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandizes 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 Missisippi, an equivalent establishment.

ARTICLE XXIII.

The present treaty shall not be in force untill ratified by the contracting parties, and the 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 twenty day of October, one thousand seven hundred and ninety-five.

THOMAS PINCKNEY, (L. S.)
EL PRINCIPE DE LA PAZ, (L. S.)

mas con el presente tratado, y que contribuirá à aumentar su prosperidad y opulencia, concederán recíprocamente en lo sucesivo al comercio todas las ampliaciones ô fabores que exîgiese la utilidad de los dos paises.

Y desde luego à consequencia de lo estipulado en el artículo IV. permitira S. M. Catolica por espacio de tres años à 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 q? 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 noes perjudicial à los intereses de la España, ô si no conviniese su continuacion en aquel puerto, proporcionará en otra parte de las orillas del Rio Misisipi un igual establecimiento.

ART. XXIII.

El presente tratado no tendrá efecto hasta que las partes contratantes le hayan ratificado; y las ratificaciones se cambiarán en el término de seis meses, ô ántes si fuese posible contando desde este dia.

En fe de lo qual nosotros los infraescritos plenipotenciarios de S. M. Catolica y de los Estados Unidos de America, hemos firmado en virtud de nuestros plenos poderes este tratado de amistad, limites, y navegacion, y le hemos puesto nuestros sellos respectivos.

Hecho en San Lorenzo el Real, à veinte y siete de Octubre de mil setecientos noventa y cinco.

THOMAS PINCKNEY, (L. S.)
EL PRINCIPE DE LA PAZ, (L. S.)

TREATY OF PEACE AND FRIENDSHIP

Nov. 4, 1796.

Between the United States of America, and the Bey and Subjects of Tripoli, of Barbary. (*a*)

ARTICLE I.

Peace under the guarantee of the Dey of Algiers.

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.

ARTICLE II.

Enemy's goods to be free in ships belonging to the parties.

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.

ARTICLE III.

Persons and property in enemy's vessels to be free in case of capture.

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.

ARTICLE IV.

Passports to be given.

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.

ARTICLE V.

Condemnation and bill of sale of a prize-vessel to be available as passport for one year.

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.

ARTICLE VI.

Vessels putting into ports of the parties for provisions or repairs.

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 shall 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.

ARTICLE VII.

Shipwrecks.

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 succoured till they can be sent to their country.

(*a*) The treaties between the United States and Tripoli have been:
The treaty of November 4, 1796.
The treaty of June 4, 1805, post, 214.

ARTICLE VIII.

Neutrality of ports.

If a vessel of either party should be attacked by an enemy within gun shot 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.

ARTICLE IX.

Commerce, &c. to be on the footing of the most favoured nations.

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 favoured nations respectively.

ARTICLE X.

Acknowledgment of the receipt of the price of peace.

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 acknowledged 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 notice is likewise hereto annexed.——And no pretence of any periodical tribute or farther payment is ever to be made by either party.

ARTICLE XI.

Pretexts arising from religious opinions not to interrupt the state of harmony of the two nations.

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 emnity against the laws, religion or tranquillity 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.

ARTICLE XII.

Disputes between the parties to be decided by reference to the Dey of Algiers.

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, 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.

Signed and Sealed at Tripoli of Barbary, the 3d day of Jumad, in the year of the Higera, 1211, corresponding with the 4th day of November, 1796, by

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, *Cmdt. of the City.* (L. S.)
MAMET, *Secretary.* (L. S.)

Signed and sealed at Algiers, the 4th day of Argil, 1211, corresponding with the 3d day of January, 1797, by

HASSAN BASHAW, *Dey.* (L. S.)

And by the Agent Plenipotentiary of the United States of America,

JOEL BARLOW. (L. S.)

Certificates of the copy, by Joel Barlow.

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 said United States, in Lisbon.

In testimony whereof, I sign these presents with my hand, and affix thereto the seal of the Consulate of the United States, at Algiers, this 4th day of January, 1797.

JOEL BARLOW. (L. S.)

To all to whom these presents shall come or be made known:

Confirmation of the treaty by David Humphreys.

WHEREAS the under-written 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 negociating 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 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.

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.

DAVID HUMPHREYS. (L. S.)

TREATY OF PEACE AND FRIENDSHIP

Between the United States of America and the Kingdom of Tunis. (*a*)

August, 1797.
March 26, 1799.

God is infinite.

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 manner as to leave no doubt of their contents, and in such way as not to be contravened.

Peace and friendship.

Art. I. 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.

Restoration of subjects and goods found in an enemy's vessel.

Art. II. If a vessel of war of the two nations shall make prize of an enemy's 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.

Enemies goods on board a vessel of the parties to be free.

Art. III. Merchandise belonging to any nation which may be at war with one of the 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.

Passports to be given.

Art. IV. 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 he presented.

Art. V. 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

(*a*) The treaties between the United States and Tunis have been:
The treaty of August, 1797, and March 26, 1799.
Altered articles of the treaty of 1797–1799, February 24, 1824, post, 298.

Commander of a convoy to be believed upon his word in order to exempt it from search and quarantine.

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.

Nothing to be exacted for visits.

Art. VI. 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.

Fugitive slaves and prisoners.

Prize vessels purchased at Tunis, how to obtain temporary passports.

Art. VII. 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.

Hospitality to be granted to vessels entering the ports of the parties.

Art. VIII. 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 re-load 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 merchandise.

Assistance to be granted to wrecked vessels.

Art. IX. 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.

Neutrality of ports to be enforced.

Art. X. 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.

Salutes.

Art. XI. 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 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.

Privileges of merchants.

Art. XII. 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.

Tunisian subject freighting an American vessel, &c.

If any Tunisian subject shall freight an American vessel and load her with merchandise, 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 case; and after the decision, the determination shall be conformed to.

Embargoes.

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.

Protection of the subjects of the parties.

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.

Government of Tunis may freight American vessels.

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.

Enemy's subjects on board the vessels of the parties,—in what case they shall be made slaves.

Art. XIII. 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.

Duties to be reciprocally paid.

Art. XIV. 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.

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.

Liberty of commerce, contraband excepted.

Art. XV. 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 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 his vessel, nor to unlade the same against his will, until the freight shall be paid.

Privileges of masters of vessels.

Duty of anchorage.

Art. XVI. The merchant vessels of the United States which shall cast anchor in the road of the 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 anchorage if they arrive in ballast, and depart in the same manner.

Right of having a Consul, and his privileges.

Art. XVII. 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.

No responsibility for subjects contracting debts, &c.

Art. XVIII. 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.

Administration of the effects of a decedent.

Art. XIX. In case of a citizen or subject of either of the contracting parties dying within the possesions 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, taking an inventory of the whole, that they may eventually be delivered to those to whom they of right belong.

Consul's jurisdiction over his countrymen.

Art. XX. The consul shall be the judge in 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.

Punishment or personal assaults, committed by the subjects of one party upon those of the other.

Art. XXI. 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.

Trial of disputes on civil matters between them.

Art. XXII. If a dispute or law-suit 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.

In case of national differences, accommodation to be attempted before recourse is had to arms.

Art. XXIII. 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 therefor, except where such application shall have been rejected; and if war be 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 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 *(Seal.)*	IBRAHIM DEY'S Signature and *(Seal.)*	The Bey's Signature and *(Seal.)*

(SEAL.) 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 Eaton, 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.

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.

(Signed) WILLIAM EATON,
JAMES LEANDER CATHCART.

TREATY OF AMITY AND COMMERCE,

Between his Majesty the King of Prussia and the United States of America. (*a*)

July 11, 1799.

Ratifications exchanged at Berlin, June 22, 1800.

Proclamation by the President, Nov. 4, 1800.

His Majesty the King of Prussia, and the United States of America, desiring to maintain upon a stable and permanent footing, the connections 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 Finkenstein, 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:

ARTICLE I.

Peace and friendship established.

There shall be in future, as there has been hitherto, a firm, inviolable, and universal Peace, and a 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.

ARTICLE II.

Privileges of Prussian subjects trading to the U. S.

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 merchandize, and shall pay there no other or greater duties, charges or fees whatsoever, than the most favoured 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 favoured 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 favoured nations.

ARTICLE III.

Commercial privileges.

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 merchandize, and shall pay, in the dominions of his said Majesty, no other or greater duties, charges or fees whatsoever, than the most favoured nation is or shall be obliged to pay; and they shall enjoy all

(*a*) See note to page 84, ante.

TRAITÉ D'AMITIÉ ET DE COMMERCE,

Entre sa Majesté le Roi de Prusse, et les Etats Unis de l'Amérique.

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 jus'quici, entre leurs Etats respectifs, et de renouveller pour cet effet le Traité d'Amitié et de Commerce, qui a été conclû entre les deux puissances à la Haye le 10me Septembre 1785, pour le terme de dix années, sa Majesté Prussienne a nommé et constitué ses Plenipotentiaires, le Sieur Charles Guillaume, Comte de Finkenstein, son Ministre d'etat de guerre, et de cabinet, chévalier 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'etat, 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'etat, de guerre, et de cabinet, chevalier des ordres de l'aigle-noir, et de l'aigle rouge; et le Président des Etats Unis a muni de leur pleinpouvoir Jean-Quincy Adams, citoyen des Etats Unis, et leur ministre plenipotentiaire à la Cour de sa Majesté Prussienne; lesquels plénipotentiaires après avoir échangés leurs pleinpouvois trouvés en bonne et düe forme, ont conclû, arrêté et signé les Articles suivans :

ARTICLE I.

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 de l'Amérique, et leurs citoyens, d'autre part, sans exception de personnes ou de lieux.

ARTICLE II.

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 jouïront aussi dans la navigation, et le commerce, de tous les droits, privilèges, et exemptions dont 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 les plus favorisées.

ARTICLE III.

Pareillement les citoyens des Etats Unis de l'Amérique pourront frequenter toutes les côtes et tous les pays de sa Mageste le roi de Prusse, 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 domaines de sa dite Majesté, que ceux que la nation la plus favorisée est ou sera obligée de payer, et ils jouïront de tous les

the rights, privileges and exemptions, in navigation and commerce, which the most favoured nation does or shall enjoy; submitting themselves nevertheless to the established laws and usages, to which are submitted the subjects of his Majesty the King of Prussia, and the subjects and citizens of the most favoured nations.

ARTICLE IV.

Commercial privileges.

More especially, each party shall have a right to carry their own produce, manufactures and merchandize, 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 merchandize of the other, which all the said citizens or subjects shall in like manner be free to sell to 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 merchandize to the vessells of the country of which it is the growth or manufacture, to establish against such nation retaliating regulations; and also the right to prohibit in their respective countries the importation and exportation of all merchandize whatsoever, when reasons of state shall require it. In this case the subjects or citizens of either of the contracting parties shall not import or export the merchandize prohibited by the other. But if one of the contracting parties permits any other nation to import or export the same merchandize, the citizens or subjects of the other shall immediately enjoy the same liberty.

ARTICLE V.

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 vessel, nor to receive them into their own, nor to wait for their being loaded longer than they please.

ARTICLE VI.

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.

ARTICLE VII.

Protection of property within the jurisdiction of each party.

Each party shall endeavour 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

ARTICLE VIII.

The vessels of the subjects or citizens of either party, coming on any

droits, privilèges et exemptions dans la navigation et le commerce, dont jouit ou jouïra la nation la plus favorisée; se soumettant néanmoins aux loix 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.

ARTICLE IV.

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 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, 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 réciproques, se réservant de plus le droit de prohiber dans leurs pays respectifs l'importation ou l'exportation de toute marchandise quelconque, dès que la raison d'état l'éxige. 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 jouïront tout aussitôt d'une liberté pareille.

ARTICLE V.

Les marchands, commandans de vaisseaux, et autre sujets ou citoyens de chacune des deux nations, ne seront pas forcés dans les ports ou dans la jurisdiction de l'autre, de decharger aucunes sortes de marchandises dans d'autres vaisseaux, ni de les recevoir à bord de leurs propres navires, ni d'attendre leur chargement, plus longtems qu'il ne leur plaira.

ARTICLE VI.

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'ensuite 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 ordres, sera soumis aux lois du pays où il se trouve, sans que le reste de l'equipage soit molesté, ni les autres marchandises ou le vaisseau saisis ou detenus par cette raison.

ARTICLE VII.

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 appartenant 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'étendue de sa dite jurisdiction.

ARTICLE VIII.

Les vaisseaux des sujets ou citoyens d'une des deux parties contrac-

Vessels coming on the coast or entering a port without wishing to break bulk.

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.

ARTICLE IX.

Shipwrecks.

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 citizens or subjects 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 the 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.

ARTICLE X.

Alienation of personal estate.

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, untill the lawfull 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 detraction 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.

Real estate within the dominions of one party falling upon the subjects of the other.

ARTICLE XI.

Freedom of conscience, worship, &c.

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 molested 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

tantes, arrivant sur une côte appartenant 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, aurons 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, 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 surêté et la commodité des navigateurs; lesquels droits, charges et impôts seront les mêmes, et se payeront sur le même pied qu'ils sont acquités par les sujets ou citoyens de l'état où ils sont établis.

ARTICLE IX.

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 cas pareil. 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 importé. L'ancien et barbare droit de naufrage sera entièrement aboli à l'egard des sujets ou citoyens des deux parties contractantes.

ARTICLE X.

Les citoyens ou sujets de l'une des parties contractantes auront, dans les etats de l'autre, la liberté de disposer de leurs biens personnels, soit par testament, donation, ou autrement, et leurs héritiers, etant sujets ou citoyens de l'autre partie contractante, succèderont à leurs biens, soit en vertu d'un testament, ou ab intestat, et ils pourront en prendre possession, soit en personne, soit par d'autres agissant en leur place, et en disposer à leur volonté, en ne payant d'autres droits, que ceux auxquels les habitans du pays, où la succession est devenu vacante, sont assujettis en pareille occurrence. Et en cas d'absence des héretiers, on prendra provisoirement des biens qui leur sont échus les mêmes soins, qu'on auroit pris en pareille occasion des biens des natifs du païs, jusqu'à ce que le propriétaire légitime ait agréé 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 morte de quelque personne, possédant des biens-fonds sur le territoire de l'une des parties contractantes, ces biens-fonds venoient à passer, selon les loix du pays, à un citoyen ou sujet de l'autre partie; celui-ci, si, par sa qualité d'etranger, 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 part du gouvernement des etats respectifs. Mais cet article ne dérogera en aucune manière à la force des lois qui ont déja été publiées, ou qui le seront dans la suite par sa Majesté le Roi de Prusse pour prévenir l'émigration de ses sujets.

ARTICLE XI.

Il sera accordé la plus parfaite liberté de conscience et de culte aux citoyens et sujets de chaque partie contractante dans les etats de l'autre, et personne ne sera molesté à cet égard pour quelque cause que ce soit, si ce n'est pour insulte faite à la réligion 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

other decent and suitable places, and shall be protected from violation or disturbance.

ARTICLE XII.

Relative to the principle of free ships making free goods.

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 a 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 favourably as the course of the war then existing may permit, observing the principles and rules of the law of nations, generally acknowleged.

ARTICLE XIII.

Of contraband.

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 merchandize 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.

All cannons, mortars, fire arms, pistols, bombs, grenades, bullets, balls, muskets, flints, matches, powder, salt-petre, 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 comprized under the denomination of arms and military stores, of what description soever, shall be deemed objects of contraband.

ARTICLE XIV.

Documents to be carried by vessels in time of war.

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 sea letters and documents hereafter specified:

1. A passport, expressing the name, the property and the burthen of

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.

ARTICLE XII.

L'expérience ayant démontré, que le principe adopté dans l'Article douze du Traité de 1785, selon lequel *les vaisseaux libres rendent aussi les marchandises libres*, n'a pas été suffisamment respecté dans les deux dernières guerres, et nommément dans celle qui dure encore, les deux parties contractantes se réservent de s'entendre après le retour de la paix générale, soit séparément entr'elles, soit conjointement avec d'autres puissances co-intéressés pour concerter avec les grandes puissances maritimes de l'Europe, tels arrangemens 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 belligérante, se comporteront, à l'égard de bâtimens marchands de la puissance neutre, aussi favourablement que la raison de guerre, pour lors existante pourra le permettre, en observant les principes et les règles du droit des gens généralement reconnus.

ARTICLE XIII.

Dans le cas ou 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 aux 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 condemnation, 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 inconvéniens 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 délivrer les marchandises suspectes, il aura la liberté de le faire, et le navire ne sera plus amêné dans le port, ni détenu plus longtems, mais aura toute liberté de poursuivre sa route.

Seront censés objets de contrebande, les canons, mortiers, armes à feu, pistolets, bombes, grenades, boulets, bâles, fusils, pierres à feu, mêches, poudre, salpêtre, souffre, cuirasses, piques, épées, ceinturons, poches à cartouches, selles et brides, au délà de la quantité nécessaire pour l'usage du vaisseau, et au délà de celle que doit avoir chaque homme servant sur le vaisseau, ou passager, et en général tout ce qui est compris sous la dénomination d'armes et de munitions de guerre, de quelque espèce qu'elles puissent être.

ARTICLE XIV.

Pour assurer aux vaisseaux des deux parties contractantes, l'avantage 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-après.

1. D'un passeport exprimant le nom, le propriétaire et le port du

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.

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.

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.

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, authorised to judge of the case, may deem sufficient.

ARTICLE XV.

Manner of visiting vessels not under convoy.

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.

ARTICLE XVI.

Of embargoes.

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 favoured nations, but without having the right to claim the exemption in their favour 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.

Seizures, detentions and arrests to be made in due course of law only.

navire, ainsi que le nom et le domicile du maitre. Ces passeports, qui seront expédiés en bonne et due forme, devront être renouvellés toutes les fois que le vaisseau retournera dans son port, et seront exhibés à chaque réquisition, 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-partie, c'est à dire, du contrât passé pour le frêt de tout la navire, ou des connoissements, donnés pour la cargaison en général.

Et 3. Du rôle d'équipage, contenant l'indication nominale et détaillée des personnes, qui composent l'équipage du navire. Ces documents seront toujours expédiés dans la forme établie à l'endroit, d'où la navire aura mis à la voile.

Comme leur production ne doit être exigée, que dans le cas où l'une des parties contractantes seroit en guerre, et que leur exhibition ne doit avoir d'autre but, que de prouver la 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 eu connaissance de l'état de guerre où se trouve la partie belligérante. Pendant cet intervalle le naivre pourra, au défaut des documens ci-dessus spécifiés, prouver sa neutralité par tel autre témoignage, que les tribunaux, appellés à juger du cas, trouveront suffisans.

ARTICLE XV.

Pour prévenir entierèment 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 documents. 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 armés en course, avant qu'ils reçoivent leurs commissions.

ARTICLE XVI.

Dans les tems de guerre, et les cas de nécessité 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 réclamer l'exemption, qui avoit été stipulée en leur faveur dans l'article XVI de l'ancien traité de 1785. Mais d'un autre coté les propriétaires des vaisseaux, qui auront été retenus, soit pour quelque expédition militare, 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 occasionées 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.

ARTICLE XVII.

Salvage on re-capture, when one of the powers is neutral.

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 re-capture.

ARTICLE XVIII.

Right of asylum.

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 harbours 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.

ARTICLE XIX.

Bringing in of prizes.

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 shew. 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.

ARTICLE XX.

The subjects of one party shall not take letters of marque from the enemy of the other, &c.

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.

ARTICLE XXI.

Rules applicable to the prosecution of a common war.

If the two contracting parties should be engaged in a war against a common enemy, the following points shall be observed between them.

1. If a vessel 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.

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.

3. 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, untill

ARTICLE XVII.

S'il arrivoit que les batimens ou effets de la puissance neutre fussent pris par l'ennemie 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 stipulées ci-après dans l'article XXI, pour les cas de reprise.

ARTICLE XVIII.

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 quelqu' autre accident, à se réfugier avec leurs vaisseaux ou effets dans les havres, ou dans la juridiction de l'autre, ils seront reçus, protégés, et traités avec humanité et honnêteté. Il leur sera permis de se pourvoir à un prix raisonnable de rafraichissements, de provisions, et de toutes choses nécessaires, pour leur subsistance, santé et commodité, et pour la réparation de leurs vaisseaux.

ARTICLE XIX.

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 aucuns 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 Grande Bretagne, 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 rélâcher par des tempêtes ou quelque autre danger ou accident de mer, il sera obligé d'en repartir le plutôt possible.

ARTICLE XX.

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 etats 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 defensivement contre l'etat qui est en guerre.

ARTICLE XXI.

S'il arrivoit que les deux parties contractantes fussent en mêmes tems en guerre contre un ennemie 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 rétribution 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.

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 déchargées, ni

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.

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.

ARTICLE XXII.

The ships of war of one party shall protect the vessels of the other.

When 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.

ARTICLE XXIII.

Regulations for softening the effects of war between the two parties.

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, artisans, 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.

ARTICLE XXIV.

And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crouding them into close and noxious places, the two contracting 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 parts 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 roomly 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 shall 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

vendues, qu'après que la légitimé de la prise aura été décidée suivant les lois et réglemens de l'etat 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 reglemens, qu'elles jugeront nécessaires rélativement à la conduite que devront tenir respectivement leurs vaisseaux de guerre publics et particuliers à l'égard des batimens qu'ils auront pris et aménés dans les ports des deux puissances.

ARTICLE XXII.

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 défendront aussi longtems 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.

ARTICLE XXIII.

S'il survient une guerre entre les parties contractantes, les marchands de l'un des deux etats, qui résideront dans l'autre, auront la permission d'y rester encore neuf mois, pour récueillir 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 habitent 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 leurs personnes, ni leurs maisons, ou leurs bien incendiés, ou autrement detruits, ni leurs champs ravagés par les armées de l'ennemi, au pouvoir duquel ils pourroient tomber par les événemens de la guerre, mais si l'on se trouve dans la nécessité de prendre quelque chose de leurs propriétés pour l'usage de l'armée ennemie, la valeur en sera payée à une prix raisonnable.

ARTICLE XXIV.

Afin d'adoucir le sort des prisonniers de guerre et de ne les point exposer à être envoyés dans des climats éloignés et rigoreux, ou resserrés dans des habitations étroites 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 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 garotés, ni autrement privés de l'usage de leurs membres; que les officiers seront rélachés 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'exercise, et qu'ils seront logés dans des barraques aussi spatieuses et aussi commodes, que le sont celles des troupes de la puissance au pouvoir de laquelle se trouvent les prisonniers; que cette puissance fera pourvoir journellement les officiers d'autant de rations, composés 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

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 and nations.

ARTICLE XXV.

Consuls, &c. allowed to reside in the dominions of the two parties.

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 favoured nations. 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.

ARTICLE XXVI.

Favours granted to others to be extended to the parties.

If either party shall hereafter grant to any other nation, any particular favour 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.

ARTICLE XXVII.

Limitation of the treaty.

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 untill the conclusion of the treaty, which shall restore peace.

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.

JOHN QUINCY ADAMS. (L. S.)
CHARLES GUILLAUME *Comte de Finkenstein.* (L. S.)
PHILIPPE CHARLES *d'Alvensleben.* (L. S.)
CHRETIEN HENRI CURCE *Comte d'Haugwiz.* (L. S.)

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 düe, retenue, comme compensation, ou represailles, pour tel autre article, ou telle autre prétension réelle, ou supposée. Il sera permis à 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 les prisonniers, aussi souvent qu'ils le désireront, 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 declarés en outre, que ni le pretexte que la guerre rompt les traités, ni tel autre motif quelconque, ne sera censé annuller, ou suspendre cet article, et le precédént, 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.

ARTICLE XXV.

Les deux parties contractantes, se sont accordé mutuellement la faculté de tenir dans leurs ports respectifs des consuls, vice-consuls, agens, et commissaires de leurs choix, et ils y jouïront des mêmes privilèges et pouvoirs dont jouissent ceux des nations les plus favorisées. Mais dans le cas où tel ou autre de ses consuls veuille faire le commerce, il sera soumis aux mêmes lois et usages auxquels sont soumis les particuliers de sa nation à l'endroit où il réside.

ARTICLE XXVI.

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 jouïra de cette faveur gratuitement, si la concession est gratuite, ou en accordant la même compensation si la concession est conditionelle.

ARTICLE XXVII.

Sa Majesté le Roi de Prusse et les Etats 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 entr'eux, les articles ci-dessus stipulés pour règler leur conduite en tems de guerre conserveront toute leur force jusqu' à la conclusion du traité qui rétablira 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 sus nommés 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.

CHARLES GUILLAUME *Comte de Finkenstein.* (L. S.)
PHILIPPE CHARLES *d'Alvensleben.* (L. S.)
CHRETIEN HENRI CURCE *Comte de Haugwiz.* (L. S.)
JOHN QUINCY ADAMS. (L. S.

CONVENTION

Between the French Republic and the United States of America. (*a*)

Sep. 30, 1800.

Convention for terminating the differences between the U. States and 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, inviolable, and universal peace between the French Republic and U. S. of America.

ARTICLE I. 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.

Treaty of 6th Feb. 1778, and convention of 14th Nov. 1788, abrogated.

ART. II.(*b*) 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 negociate 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.

Captured public ships to be restored.

ART. III. 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.

ART. IV. 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

(*a*) For the treaties and conventions between the United States and France, see page 6.
Notes of the decisions of the Courts of the United States on the treaties of 1778 and 1783, ante 12.

(*b*) This article was expunged before the final ratification of the treaty, and the following article was added:

"It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of ratifications."

CONVENTION

Entre la République Française 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 différends qui sont survenus 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 Française, a nommé pour plénipotentiaires da la dite République, les Citoyens *Joseph Bonaparte*, ex-ambassadeur de la République Français à Rome et Conseiller d'Etat, *Charles Pierre Claret Fleurieu*, membre de l'Institut National et du Bureau des Longitudes de France, et Conseiller d'Etat, Président de la Section de la Marine, et *Pierre Louis Roederer*, membre de l'Institut National de France, et Conseiller d'Etat, President 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 Etats, a nommé pour leurs Plénipotentiaires, *Olivier Ellsworth*, Chef de la Justice des Etats-Unis; *William Richardson Davie*, ci-devant Gouverneur de l'Etat de la Caroline septentrionale, et *William Vans Murray*, Ministre résident des Etats-Unis à la Haye.

Lesquels, aprés avoir fait l'éxchange de leurs pleins-pouvoirs longuement et murement discuté les Intérêts respectifs, sont convenus des articles suivans.

Article I. 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. II. 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 qui'il suit.

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

Art. IV. Les propriétés capturées et non encore condamnées définitivement, ou qui pourront être capturées avant l'échange des ratifications, excepté les marchandises de contrabande destinées pour un port ennemi,

Captured property, if not definitively condemned, to be 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:

"*To all who shall see these presents,*

GREETING:

Form of the passport to merchant ships.

"It is hereby made known that leave and permission has been given to master and commander of the ship called of the town of burthen 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 shew 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 colours, 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."

See treaty of 1778, article 25, ante, 26.

Proof of captured vessels 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 certificates; 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.

Proof with respect to cargo.

This article to take effect from the signature of this convention.

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.

Debts due by individuals of either nation may be paid, &c.

ART. V. 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.

Commerce between the parties to be free.

ART. VI. 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 favoured; and, in general, the two parties shall enjoy in the ports of each other,

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 form suivante:

"*A tous ceux* qui les preséntes 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 mains 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 gardera et fera garder par son équipage, les ordonnances et règlemens 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 où il entrera avec son navire, il montrera la présente permission aux officiers à ce autorisés, 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 témoin 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, non 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 certificates 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 de l'endroit d'ou 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'apprès 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 à 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. V. 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 Etats; mais cette clause ne s'étendra point aux indemnités réclamées pour des captures ou pour des condamnations.

Art. VI. 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

in regard to commerce and navigation, the privileges of the most favoured nation.

Citizens of either country to be at liberty to devise their property, and to have the right to take, to give, or devise without naturalization.

ART. VII. 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 any duty whatever in both countries. It is agreed that this article shall in no manner derogate from the laws which either 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, six months to be allowed to remove property.

ART. VIII. 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.

No debts to be sequestered or confiscated in case of war.

ART. IX. Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor monies, 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 appointed.

Agents to act after being furnished with exequatur.

ART. X. 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 favoured nations.

ART. XI. The citizens of the French Republic shall pay in the ports, havens, roads, countries, islands, cities and towns of the United States, no other, or greater duties or imposts, of what nature soever

rapport au commerce et à la navigation, des privilèges de la nation la plus favorisée.

Art. VII. 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 Etats, 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 chex 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 être promulguées à la suite contre l'emigration, et aussi que dans le cas où les lois de l'un des deux Etats limiteraient pour les étrangers l'exercise des droits de la propriété sur les immeubles on pourrait vendre ces immeubles ou en disposer autrement en faveur d'habitans ou de citoyens du pays où ils seraient sitûes, et il sera libre à l'âutre nation d'etablir de semblables lois.

Art. VIII. 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 après la déclaration de guerre, pendant lequel tems il sauront la faculté de se retirer avec leurs effets et meubles qu'ils pourront emmener envoyer ou vendre, comme ils les voudront, sans le moindre empêchment. Leurs effets, et encore moins leurs personnes, ne pourront point, pendent 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 qui'ls 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 leur effets; et si, dans le terme ci-dessus 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 complete.

Art. IX. 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 particulières.

Art. X. Les deux parties contractantes pourront nommer, pour protéger le negoce, 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 où la résidence de ces agens pourra être fixée. Avant qu'aucun agent puisse exercer ses fonctions, il devra être accepté, dans les formes resçues, 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. XI. Les citoyens de la République Française ne payeront dans les ports, hâvres, rades, contrées, isles, cités et lieux des Etats-Unis, d'autres ni de plus grands droits, impots de quelque nature qu'ils puis-

Duties to be paid no more than the duties paid by the most favoured nation.

they may be, or by what name soever called, than those which the nation 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.

Citizens of France and of the U. S. to be at liberty to trade from enemies' to other ports of either country unless blockaded.

ART. XII. It shall be lawful for the citizens of either country to sail with their ships and merchandize (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 capture of vessels; and vessels to be permitted to go to other ports.

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.

Contraband.

ART. XIII. 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, halberts, 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.

Vessels laden with contraband goods, the residue of the cargo, not to be infected by the prohibited goods.

Free ships make free goods; not contraband, although belonging to an enemy.

Persons not military to be protected in free ships.

ART. XIV. 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 to be

sent être, 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, 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 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. XII. 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 navire set 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 sus mentionnés, dans les ports et places neutres, mais encore de toute place appartenant à un ennemi dans toute autre place appartenant 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 blocqués, 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 retener 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, a 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 au 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.

ART. XIII. Pour régler ce qu'on entendra par contrebande de guerre, seront compris sous cette dénomination la poudre, le salpêtre, les pétards, mêches, balles, boulets, bombes, grenades, carcasses, piques, hallebardes, épées, ceinturons, pistolets, foureaux, selles de cavalerie, harnais, canons, mortiers avec leurs affuts, et généralement toutes armes et munitions de guerre et untensiles, 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 contrabande 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 manière être viciés par les marchandises de contrebande, soit qu'ils appartiennent à un même ou à différens propriétaires.

ART. XIV. Il est stipulé par le presént traité que les bâtimens libres assureront également la liberté des marchandises, et qu'on jugera libres toutes les choses qui se trouveront 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 excepté. Il est également convenu que cette même liberté s'étendra aux personnes qui pourraient se trouver à bard du bâtiment libre, quand même elles

taken out of that free ship, unless they are soldiers and in actual service of the enemy.

Confiscation of goods laden on board of an enemy's vessel after war is declared.

ART. XV. 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 merchandizes 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 merchandizes 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 citizens, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

Passports to be exhibited, and also certificates of the quality of goods.

ART. XVI. 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 the ships of the neutral nation to be furnished with passports mentioned in the fourth article.

ART. XVII. 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.

If contraband goods found on board are delivered up, the ship may pursue her voyage.

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

seraient ennemies de l'une de deux parties contractantes, et elles ne pourront être enlevées des dits navires libres, à moins qu'elles ne soyent militaires et actuellement au service de l'ennemi.

ART. XV. 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 distinctions des marchandises prohibées ou non prohibées, ainsi et de même que si elles appartenaient à l'ennemi, à l'exception toutefois des effets et marchandises qui auront été mis à bord des dits navires avant la declaration de guerre, ou même après la dite declaration, 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 à 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 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 passé depuis la déclaration de guerre, leurs 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. XVI. Les navires marchands appartenant à des citoyens de l'une ou d'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 spécifiés dans l'article treize de la présente convention.

ART. XVII. 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 maniére 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 sus mentionnés mais aussi de certificats semblables à ceux mentionnés au même article, de manière que l'on puisse connaitre s'il y a à bord des marchandises de contrebande. Il ne sera exigé aucune autre pièce, non obstant tous usages et règlemens contraires; et s'il n'apparait pas par ces certificats qu'il y ait des marchandises de contrebande à 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 à 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 cidessus exigés, l'affaire sera examinée par les juges ou tribunaux com-

If there is no passport and other proof of the neutrality of the vessel, no condemnation.

per 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.

If master of the vessel dies, the ship and cargo shall be secure.

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 of either nation if examined at sea, boats to be sent, and ships of war or privateers to remain out of cannon shot.

ART. XVIII. 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.

Ships under convoy not to be examined.

ART. XIX. 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.

Receipts to be given for the papers of captured vessels.

ART. XX. 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 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.

Sale of captured vessels not to be made without lawful condemnation.

The master, commander or supercargo not to be removed.

ART. XXI. 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

pétens; et s'il conste par d'autres documens ou 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 liberte avec son chargement, 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 oté 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. XVIII. Si les bâtimens des citoyens de l'une ou l'autre nation sont rencontrés le long des cotes, 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 à 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 sus mentionnés relatifs à la cargaison. Il est expressément convenu que le neutre ne pourra être contraint d'aller à bord du vaisseau visitant pour y faire l'exhibition demandée des papiers ou pour toute autre information quelconque.

ART. XIX. Il est expressément convenu par les parties contractantes, que les stipulations ci-dessus, relatives à la conduite qui sera tenue à la mer par les croiseurs de la partie belligérante, envers les bâtimens de la partie neutre, ne s'appliqueront qu'aux bâtimens naviguant sans convoi; et dans le cas où les dits bâtimens seraient convoyés, l'intention des parties étant d'observer tous les égards dus à la protection du pavillon aboré 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 contrabande 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 bâtimens qui porteraient des marchandises prohibées à une destination ennemie.

ART. XX. Dans le cas où les bâtimens 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 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 effet; ils ne pourront, en aucune manière être vendus, échangés ou aliénés, à 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. XXI. Pour que le bâtiment et la cargaison soyent surveillés avec soin, et pour empêcher les dégâts, il est arrêté que le patron, capitaine ou subrecargue du navire *capturé*, ne pourront être éloignés du bord, soit pendant que le navire sera en mer, aprés 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,

Treatment of crew and passengers.

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.

Prizes to be condemned by established prize courts.

ART. XXII. 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.

Damages by men of war or privateers to be paid.

ART. XXIII. 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 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.

Commanders of privateers 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 aggression the said commission shall be revoked and annulled.

Armed vessels and prizes not to pay duties, and not to be examined.

ART. XXIV. 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 shew. It is always understood that the stipulations of this article shall not extend beyond the privileges of the most favored nation.

Restrictions on foreign privateers.

ART. XXV. 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

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 subrecargue, et le second, cinq cents dollars chacun; et pour les matelots et passagers, cent dollars chacun.

ART. XXII. 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 réclameés par des citoyens de l'autre partie, la 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, délivrée, sans délai, au capitaine ou agent du dit navire, moyennant le payement des frais.

ART. XXIII. Et afin de pourvoir plus efficacement à la sureté 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 dommage 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 presénte 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. XXIV. Lorsque les vaisseaux de guerre des deux parties contractantes, ou ceux que leurs 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 prendre 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 obligés de faire apparoir. Il est toujours entendu que les stipulations de cet article ne s'etendront pas au delà des privilèges des nations les plus favorisées.

ART. XXV. Tous corsaires étrangers ayant des commissions d'un Etat ou Prince en guerre avec l'une ou l'autre nation, ne pourront armer leurs 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 nècessaire pour

port of that prince or state, from which they have received their commissions.

Pirates to be prohibited entering the ports of either nation.

ART. XXVI. 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.

The ships and goods taken by pirates to be seized.

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.

The fisheries of either party not to be interfered with.

ART. XXVII. 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 Gulph 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 exchanged within 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 eighth day of Vendemaire of the ninth year of the French Republic, the thirtieth day of September, Anno Domini eighteen hundred.

(*Signed,*) J. BONAPARTE. (L. S.)
C. P. FLEURIEU. (L. S.)
ROEDERER. (L. S.)
O. ELLSWORTH. (L. S.)
W. R. DAVIE. (L. S.)
W. V. MURRAY. (L. S.)

AND WHEREAS, the Senate of the United States did by their resolution, on the 3d 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."

This convention to be in force for eight years.

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

gagner le port le plus voisin de l'Etat ou Prince duquel ils ont reçu leurs commissions.

ART. XXVI. Il est de plus convenu qu'aucune des deux parties contractantes non seulement ne recevra point de pirates dans ces 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 à un juste châtiment ceux de ses 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 autorisés par eux, après toutefois qu'ils auront prouvé devant les juges compétens le droit de proprieté.

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

ART. XXVII. Aucune des deux nations ne viendra participer aux pêcheries de l'autre sur ses cotes, ni la troubler dans l'exercise des droits qu'elle a maintenant ou pourrait acquérir sur les cotes de Terre neuve, dans le golfe de St. Laurent, ou par tout ailleurs, sur les cotes 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 ratifiée de part et d'autre en bonne et due forme et les ratifications seront êchangées dans l'espace de six mois, ou plutot, 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 néanmoins 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 Vendémiaire de l'an neuf de la République Française et le trentième Jour de Septembre mil huit cent.

(*Signé:*) J. BONAPARTE.
C. P. FLEURIEU.
ROEDERER.
O. ELLSWORTH.
W. R. DAVIE.
W. V. MURRAY.

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

Le gouvernement des Etats-Unis ayant ajouté dans sa ratification que la convention sera en vigueur l'espace de huit années, et ayant omis l'article second, le gouvernement de la République Française consent à accepter, 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 Etats renoncent aux prétentions respectives qui sont l'objet du dit article.

En foi de quoi sont données les présentes, signées, contre-signées, et scellées du grand sceau de la République.

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.

(L. S.) In TESTIMONY 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 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.

(Signed) 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 consuls 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:— [Here follows the Treaty.]

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.

The government of the United States having added in 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 pretentions, which are the object of the said 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.)

(Signed) BONAPARTE.

The Minister of Exterior Relations,
(Signed) CH. MAU. TALLEYRAND.

By the First Consul,
The Secretary of State,
(Signed) HUGUES B. MARET.

Final ratification December 19, 1801.

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

A PARIS *le douze Thermidor an neuf de la République* (trent un Juillet, mil huit cent un.)

BONAPARTE.

Le Ministre des Relations Extérieures,
CH. MAU. TALLEYRAND.

Par le Premier Consul :
Le Secretaire d'Etat,
HUGUES B. MARET.

La présente convention a été échangée par les ministres sous-signés, munis de pleins pouvoirs 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.

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 (L. S.) to be affixed to these presents, and signed the same with my hand.

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.

CONVENTION

Between the United States and Great-Britain. (*a*)

Jan. 8, 1802.

Preamble. Treaty of 19th Nov. 1791, art. 7.

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, (*b*) 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 principal 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 sixth article annulled, except, &c. the U. S. agree to pay £600,000 sterling in annual instalments of £200,000 each.

ARTICLE I. 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 seventh article, the United States of America hereby engage to pay, and his Britannic majesty consents to accept for the use of the persons described in the said sixth article, the sum of six hun-

(*a*) See notes of the Treaties and Conventions with Great Britain, ante, page 54.
(*b*) Ante, page 116.

dred thousand pounds sterling, payable at the times and place, 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 pounds sterling each, and to such person or persons, as shall be authorised 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.

The fourth article of the treaty of peace of 1783, relative to private debts, recognized and confirmed.

ART. II. 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.

Commissioners to execute the duties assigned to them by the 7th article of the treaty of 1794.

ART. III. 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 ratifications of this convention.

Ratification of this convention.

ART. IV. 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 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.)

A CONVENTION

Aug. 11, 1802.

Convention with Spain ratified by the U. S. Jan. 9, 1804, and by the King of Spain, July 9, 1818.

Between his Catholic Majesty and the United States of America, for the indemnification of those who have sustained losses, damages, or injuries, in consequences of the excesses of individuals, of either nation, during the late war, contrary to the existing treaty, or the laws of nations. (*a*)

The parties wish to adjust claims amicably.

His Catholic Majesty, and the government of the United States of America, wishing amicably to adjust the claims which have arisen from the 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, Dⁿ Pedro Cevallos, Counsellor of State, Gentleman of the Bed Chamber in employment, first Secretary of State and universal despatch, and Superintendent 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: (*b*)

A board of five commissioners to be appointed.

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 Commissioner, 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.

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.

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

(*a*) See notes of the treaties between the United States and Spain, ante, page 138.
(*b*) This convention was annulled by the tenth article of the Treaty with Spain of February 22, 1819, post, 260.

CONVENCION

Entre su Magestad Catolica y los Estados Unidos de America, sobre indemnizacion de perdidas, daños y perjuicios irrogados durante la ultima guerra en conseqüencia de los excesos cometidos por individuos de ambas naciones, contra el derecho de gentes ó tradado existente.

Deseando su Magestad Catolica y el gobierno de los Estados Unidos de America, ajustar amistosamente les 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 Dⁿ Pedro Cevallos, su Consejero de Estado, Gentilhombre de Camara con exercicio, primer Secretario de Estado y del despacho universal Superintendente General de Correos y Postas en España é Indias; y el gobierno de los Estados Unidos de America á Dⁿ Carlos Pinckney, ciudadano de dichos Estados y su Ministro Plenipotenciario cerca de su Magestad Catolica, quienes han convenido en lo siguiente:

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 cada parte dexando la eleccion entre los dos á 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 jurgaren con arreglo al drô, de gentes y tratado existente, y con la imparcialidad que dicta la justicia.

3. Residirán los vocales y celebrerán la juntas en Madrid, en donde en el prefixo termino de diez y ocho meses, contados desde el dia en qⁿ se junten, admitirán todas las demandas qⁿ á conseqüencia de esta Convencion hicieren tanto los vasallos de su Magestad Catolica como los ciudadanos de los Estados Unidos de America, que tuvieren derecho, á reclamar perdidas, daños y perjuicios, en conseqüencia de los execessos cometidos por Espanoles y ciudadanos de dichos Estados durante la ultima guerra contra el drô de gentes y tratado existente.

4. Se autoriza por dichas partes contratantes á los vocalas para oir y examinar baxo la sancion del juramento qualezquiera puntos concernientes 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 trés 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 qⁿ hace á las cantidades qⁿ se adjudicaren p'r indemnizacion á los demandantes; pues se obligan las

Awards to be paid in specie.

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.

Rights founded on claims originating from excesses of foreign cruisers, reserved by each party.

6. It not having been possible for the said Plenipotentiaries to agree upon a mode by which the above mentioned Board of Commissioners should arbitrate the claims originating from the excesses of foreign cruizers, 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.

Convention effective on exchange of ratifications.

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.

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.

PEDRO CEVALLOS. (L. S.)
CHARLES PINCKNEY. (L. S.)

TREATY

Between the United States of America and the French Republic. (*a*)

April 30, 1803.

Desire of the parties to remove all sources of misunderstanding relative to the construction of the treaty of Madrid, &c. &c.

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 Vendémiaire, an. 9 (30th September, 1800) relative to the rights claimed by the United States, in virtue of the treaty concluded at Madrid, the 27th of 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 re-established 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, citizen Francis Barbé Marbois, minister of the public treasury, who, after having respectively exchanged their full powers, have agreed to the following articles.

ARTICLE I. Whereas, by the article the third of the treaty concluded at St. Ildelfonso, the 9th Vendémiaire, an. 9 (1st October, 1800) be-

(*a*) For notes of the Treaties and Conventions between the United States and France, see page 6.

partes contratantes á satisfacerlas en especie, sin rebaxa, en las epocas y parages señalados, y baxo las condiciones q^{e} se expresaren en las sentencias de la junta.

6. No haviendo sido posible ahora á dhos Plenipotenciarios convenirse en el modo de q^{e} la referida junta arbitrase las reclamaciones originadas en conseqüencia de los excesos de los corsarios, agentes, consules, ó tribunales, extrangeros en los respectivos territorios, q^{e} fueren imputables á los dos goviernos: se han convenido expresamente en que cada gobierno se reserve, como por esta Convencion se hace, para si, sus vasallos y ciudadanos respectivamente todas los diôs q^{e} ahora les asistan, y en que promuevan en adelante sus reclamaciones en el tiempo q^{e} les acomodare.

7. La presente Convencion no tendrá ningun valor ni efecto hasta que se haya ratificado por las partes contratantes, y se cangearán las ratificaciones lo mas pronto que sea posible.

En fé de loqual, nosotros los ynfrascriptos Plenipotenciarios, hemos firmado esta Convencion, y hemos puesto nuestros sellos respectivos.

Hecho en Madrid, á 11 de Agosto, de 1802.

PEDRO CEVALLOS. (L. S.)
CHARLES PINCKNEY. (L. S.)

TRAITÉ

Entre les Etats-Unis d'Amérique et la République Française.

Le President des Etats-Unis d'Amerique et le Premier Consul de la République Française, au nom du Peuple Française, désirant prevenir tout sujet de més intelligence rélativement aux objets de discussion mentionnés dans les Articles 2 et 5 de la Convention du (8 Vendemiaire an. 9, 30 7^{bre} 1800,) et rélativement aux droits réclamés pour les Etats-Unis en vertu du Tráité conclu à Madrid le 27 Octobre 1793, entre Sa Majesté Catholique et les dits Etats-Unis: et voulant fortifier de plus en plus les rapports d'union et d'amitié qui, à l'époque de la ditte convention, ont été heureusement rétablis entre les deux Etats, ont respectivement nommé pour Plénipotentiaires, Savoir: Le Président des Etats-Unis d'Amérique, par et avec l'avis et le consentement du Senat des dits Etats, Robert R. Livingston, Ministre Plénipotentiaire des Etats-Unis, et James Munroé, Ministre Plénipotentiaire et envoyé extraordinaire des dits Etats, auprès du gouvernement de la République Francaise: et le Premier Consul au nom du peuple Français, le Citoyen François Barbé-Marbois, Ministre du Trésor Public: Lesquels après avoir fait l'échange de leurs pleins-pouvoirs sont convenus des Articles suivans:

Art. I^{er} Attendu que par l'article 3 du-Tráité conclu à St. Ildefonse le 9 Vendemiaire an. 9, (1r Octobre, 1800,) entre le Premier Consul de

Retrocession from Spain to France stated.

tween 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 cede 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 incontestible 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 above-mentioned treaty, concluded with his Catholic Majesty.

Islands, &c. included in the cession by the preceding articles.

ART. II. 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 dependences, 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 the ceded territory incorporated in the Union upon certain principles.

ART. III. 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.

A commissary to be sent from France to receive the province of Louisiana, and to pass it over to the U. S.

ART. IV. 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 dependences, 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.

When the commissaries of the U. S. shall have possession.

ART. V. 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.

U. S. to execute certain Indian treaties.

ART. VI. 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.

la République Française et Sa Majesté Catholique, il a été convenu ce qui suit:

"Sa Majesté Catholique promit et s'engage de son côté, a rétrocéder à la République Française, six mois après l'exécution pleine et entierè des conditions et stipulations ci-dessus, relativés 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 avoit lorsque la France la possédoit, et telle qu'elle doit être d'après les traités passés subséquemment entre l'Espagne et d'autres Etats."

Et comme par suite du dit tráité, et spécialement du dit article 3, la République Française a un titre incontestable au domaine 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, à toujours et en pleine souveraineté, du dit territoire, avec tous ses droits et appurtenances, ainsi et de la manierè qu'ils ont été acquis par la République Française, en vertu du traité sus dit, conclu avec sa Majesté Catholique.

ART. II. 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 batimens publics, fortifications, cazernes et autres édifices qui ne sont la propriété d'aucun individu. Les archives, papiers et documens directement relatifs au domaine et à la soverainеté de la Louisiane et dépendances, seront laisses en la possession des commissaires des Etats-Unis, et il sera, ensuite, remis des expeditions en bonne forme aux magistrats et administrateurs locaux, de ceux des dits papiers et documens qui leur seront nécessaries.

ART. III. Les habitans des territoires cédés seront incorporés dans l'union des Etats-Unis, et admis, aussitôt qu'il sera possible, d'après les principes de la constitution fédérale à la jouissance des 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.

ART. IV. 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 dépendences, 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. V. Immédiatement après la ratification du présent 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 cédé, 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. VI. Les Etats-Unis promettent d'exécuter les traités et articles qui pouvraient avoir été convenus entre l'Espagne et les tribus et nations Indigénes, jusqu'à ce que, du consentement mutual des Etats-Unis, d'une part, et des Indigenes, de l'autre, il y ait été substitué tels autres articles qui seront jugés convenables.

Vessels of France and Spain laden with the productions of their respective countries entitled to same privileges as vessels of U. S. &c.

ART. VII. 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 and 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 merchandize, or other or greater tonnage than that paid by the citizens of the United States.

No other vessels entitled to same privilege during said period.

During the space of time above mentioned, no other nation shall have a right to the same privileges in the ports of the ceded 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 merchandize of the United States, or any right they may have to make such regulations.

Vessels of France to be upon the footing of those of the most favoured nations.

ART. VIII. 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.

Convention providing for the payment of debts to citizens of U. S. to be ratified when this is.

ART. IX. 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, an. 9,) is approved, and to have its execution in the same manner as if it had been inserted in this present treaty; and it shall be ratified in the same form and in the same time, so that the one shall not be ratified distinct from the other.

Another convention 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.

In what time the ratifications must be exchanged.

ART. X. 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 affixed their seals.

ART. VII. 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 contreés 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 Francais, venant directement de France ou d'aucune de ses colonies, uniquement chargés des produits des manufactures de la France et de ses dites colonies, et les navires Espagnols venant directement des ports d'Espagne, ou de ceux de ses colonies, uniquement chargés 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 cédés; ainsi et de la manière que les navires des Etats-Unis venant de France et d'Espagne, ou d'aucune de leurs colonies, sans être sujets à d'autres ou plus grand droits sur les marchandises, ou d'autres ou plus grands droits de 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 privilèges dans les ports du territoire cédé.

Les douze années commenceront trois mois après l'echange des ratifications, s'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 réglemens concernant l'exportation des produits et marchandises des Etats-Unis, et aux droits qu'il ont de faire les dits réglemens.

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

ART. IX. La Convention particulierè 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 Francaise antérieurement au 8 Vendemiaire, an. 9 (30 Septembre, 1800,) est approuvée pour avoir son exécution de la même maniere que si elle était inserée au présent traité et elle sera ratifieé 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 réglement définitif entre les puissances contractantes est pareillement approuvé et sera ratifié en la même forme en même tems et conjointement.

ART. X. Le présent traité sera ratifié en bonne et due forme, et les 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 dequoi, 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 rédigé et arrêté en langue Française et ils y ont opposé leur sceau.

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

(Signed) ROBERT R. LIVINGSTON, (L. S.)
JAMES MONROE, (L. S.)
F. BARBÉ MARBOIS, (L. S.)

CONVENTION

Between the United States of America and the French Republic.

April 30, 1803.

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 authorized 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 citizen Francis Barbé Marbois; who, in virtue of their full powers, which have been exchanged this day, have agreed to the following articles:

U. S. engage to pay 60,000,000 francs to France, &c.

ART. I. 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 to be created equal to the 60,000,000 of francs, &c.

ART. II. 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 authorized 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.

When the first payment shall be made.

French government selling stock in Europe,

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,

Fait à Paris le dixième jour de floréal de l'an onze de la République Française et le trente Avril mil huit cent trois.

ROBERT R. LIVINGSTON. (L. S.)
JAMES MONROE. (L. S.)
BARBÉ-MARBOIS. (L. S.)

CONVENTION

Entre les Etats-Unis d'Amérique, et la République Français.

LE PRÉSIDENT des Etat-Unis d'Amérique, et le PREMIER CONSUL de la République Française, au nom du peuple Français, par suite du traité de cession de la Louisiane, qui a été signé aujourd'hui, et voulant régler définitivement tout ce qui est relatif à cette affaire, ont autorisé, à cet effect, des Plénipotentiaires, Savoir:

Le President des Etats-Unis, par et avec l'avis et le consentiment du Sénat des dits Etats, a nommé pour leurs Plénipotentiaires Robert R. Livingston, Ministre Plénipotentiaire des Etats-Unis, et James Monroe Ministre Plénipotentiaire et Envoyé extraordinaire des Etats-Unis auprès 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; Ministre du trésor public; lesquels en vertu de leurs pleins pouvours, dont l'échange a ete fait aujourd'hui sont convenus des articles suivans:

ART. I. Le gouvernement des Etats-Unis s'engage à payer au gouvernement Français, de la maniere qui sera spécifié en l'article suivant la somme de soixante millions de francs, indépendemment de ce qui sera fixé par une autre convention, pour le paiement des sommes dues par la France à des citoyens des Etats-Unis.

ART. II. Le paiement 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 piatres, portant un intérêt de six pour cent, par an payable tous les six mois à Londres, 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 dit fonds sera remboursé par le trésor des Etats-Unis, par des paiemens 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 personne, 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.

Il est en outre convenu que si le gouvernement Français était dans l'intention de disposer du dit fonds, et d'en toucher le capital en Europe, à des époques rapprochées, les opérations qui auront lieu seront con-

to do it upon the best terms for U. S.

in the greatest degree possible, the credit of the United States, and to raise to the highest price the said stock.

Value of the dollar of U. S. referred to, fixed.

ART. III. 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.

When convention must be ratified and exchanged.

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.)
BARBÉ MARBOIS. (L. S.)

CONVENTION

Between the United States of America and the French Republic.

April 30, 1803.

THE President of the United States 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 eighth Vendemiaire, ninth year of the French Republic (30th September, 1800,) to secure the payment of the sums 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, 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 citizen Francis Barbé Marbois, minister of the public treasury: who after having exchanged their full powers, have agreed to the following articles:

Debts due from France to citizens of U. S. to be paid according to fixed regulations.

ART. I. 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.

ART. II. The debts provided for by the preceding article are those

duites de la manière la plus favorable au crédit des Etats-Unis et la plus propre à maintenir le prise avantageux du fonds qui doit être créé.

ART. III. 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 monnaie avec la franc, sera invariablement fixé à cinq francs $\frac{3333}{10000}$ ou cinq livres huit sols Tournois.

La présente convention sera ratifieé en bonne et due forme, et le ratifications seront échangées dans l'espace de six mois, à dater de ce jour, ou plutôt si'l 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 rédigé et arrêté en langue Française, et ils y ont apposé leur sceau.

Fait à Paris, le dixième jour de Floréal de l'an Onze de la République Française et 30 Avril, 1803.

BARBÉ-MARBOIS,
ROBERT R. LIVINGSTON,
JAMES MONROE.

CONVENTION

Entre la République Française et les Etats-Unis d'Amérique.

LE PREMIER CONSUL de la République Francaise, au nom du peuple Francais, et le PRESIDENT des Etats-Unis de l'Amérique, ayant par une traité en date de ce jour, fait cesser toutes les difficultés relatives 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 Vendemiaire, an. 9, (30 Septembre, 1800,) assurer le payement des sommes dues par la France aux citoyens des Etats-Unis, ons respectivement nommé pour plénipotentiaires; *Savoir:* LE PREMIER CONSUL, au nom du peuple Francais, le citoyen francois *Barbé Marbois*, ministre du Trésor public, et LE PRESIDENT des Etats Unis d'Amérique, par et avec l'avis et le consentement du Sénat des dits Etats, *Robert R. Livingston*, ministre plénipotentiaire des Etats-Unis, et *James Monroe*, ministre plénipotentiaire et envoyé extraordinaire des dits Etats, auprès du gouvernement de la république Francaise: lesquels après avoir fait l'échange de leurs pleinspouvoirs, sont convenus des articles suivans:

ARTICLE I. Les dettes dues par la France aux citoyens des Etats-Unis, contractées avant le 8 Vendémiare, an. 9. (30 Septembre, 1800,) seront payées conformément aux dispositions suivantes, avec les intérêsts à six pour cent, à compter de l'époque où la réclamation et les pieces à l'appui ont été remises au gouvernment Francais.

ART. II. Les dettes qui sont l'objet du présent article sont celles dont

Debts provided for by the preceding article.

whose result is comprised in the conjectural note (*a*) 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.

How the said debts are to be paid.

ART. III. The principal and interests 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 commissaries of France to those of the United States.

What debts are comprehended by the preceding articles.

ART. IV. 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, for embargoes, and prizes made at sea, in which the appeal has been properly lodged within the time mentioned in the said convention, 8th Vendemiaire, ninth year, (30th September, 1800.)

To what cases they are particularly to apply.

ART. V. 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 insufficiency of the captors; 2d, 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 protection 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 agrements and bargains concerning merchandize, 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 U. S. to appoint commissioners to act provisionally.

ART. VI. 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 bureaus 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 debtor shall be entitled to an order on the Treasury of the United States, in the manner prescribed by the third article.

ART. VII. The same agents shall likewise have power, without re-

(*a*) This "conjectural note" was not deposited in the Department of State until May 17, 1832, and is therefore omitted here.

le résultat par appercu est compris dans la note annexée à la présente convention, et qui ne pourront, y compris les interéts, 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 mentionnées aux articles suivans.

ART. III. Le principal et les intérêts seront acquittés par les Etats-Unis d'Amerique 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 étre faite de la Louisiane par le commissaire Francais aux commissaires des Etats-Unis.

ART. IV. Il est expressément convenu que les articles précédens ne comprennent que les créances des citoyens de 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 necessaire, et suivant les formes prescites par la convention du 8 Vendémiaire, an. 9, (30 Septembre, 1800.)

ART. V. Les articles précédens ne seront appliqués, 1°. qu'aux captures dont le conseil des prises aurait or donné la restitution ou main levée, bien entendu que le réclamant ne pourra avoir recours sur les Etats-Unis pour son payement que de la même maniére qu'il l'aurait eu envers le gouvernement Francais 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 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 Americans, 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 merchandises qui ne seraient pas la propriété des citoyens Américains.

Il n'est d'ailleurs rien préjugé sur le fond des reclamations ainsi exceptées.

ART. VI. Afin que lés différentes questions aux quelles l'article précédent pourra donner lieu, puissent être convenablement examinees, les ministres plénipotentiaires des Etats-Unis nommeront trois personnes qui dès à présent et provisoirement, auront tout pouvoir d'examiner, sans déplacement de pièces tous les comptes des différentes créances déjà liquideés par les bureaux établis à cet effet par la République Francaise, 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 Americain, 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. VII. Les mêmes agens pourront également, et dès à présent,

To examine the claims, &c. and to certify those which ought to be admitted.

moving 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.

To examine those not prepared for liquidation, &c.

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

Debts discharged at the treasury of U.S. with interest.

ART. IX. 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.

Commercial agent of U. S. at Paris to assist in the examination of claims, &c.

ART. X. 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 bureaus, 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 bureaus 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.

Rejection of a claim to exempt U. S. from paying it.

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.

Decisions to be made, &c.

ART. XI. 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.

Claims since 30th Sep. 1800, may be pursued, and payment demanded.

ART. XII. 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.

When this convention must be ratified, &c.

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

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 of Floreal, eleventh year of the French Republic, 30th April, 1803.

(Signed) ROBERT R. LIVINGSTON, (L. S.)
JAMES MONROE, (L. S.)
BARBÉ MARBOIS. (L. S.).

prendre connaissance, sans déplacer, des pieces relatives aux réclamations dont le travail et la vérification sont préparés, et délivrer leurs certificats sur celles qui réuniront les caractères necéssaires pour l'admission, et qui ne seront pas comprises dans les exceptions exprimées par la présente convention.

ART. VIII. 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. IX. A mesure que les créances mentionnées dans les dits articles auront été admises, elles seront acquittées avec les intérêts à six pour cent, par le trésor des Etats-Unis.

ART. X. Et afin qu'aucune dette qui n'aura pas les caractères ci-dessus mentionnés, et qu'aucunes demandes injustes ou exorbitantes ne puissent etre 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 provée, ou s'il juge qu'elle n'est pas comprise dans les dispositions du 5^me^ article ci-dessus mentionné, et que non obstant son avis les Bureaux établis par le gouvernement Français estiment que la liquidation doit avoir lieu, il transmettra les observations au Bureau établi de la part des Etats Unis, qui fera, sans déplacer, l'examen complet de la Créance et des piéces au soutién, et fera son rapport au ministre des Etats Unis.

Le ministre transmettra ses observations à celui du Tresor de la République Française, et sur son rapport le gouvernement Français prononcera définitivement.

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

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

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

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

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

Fait à Paris, le dixieme jour de Floreal, de l'an onze de la République Française, et le 30 Avril 1803.

BARBE-MARBOIS, (L. S.)
ROBERT R. LIVINGSTON, (L. S.)
JAMES MONROE, (L. S.)

TREATY OF PEACE AND AMITY,

Between the United States of America, and the Bashaw, Bey, and subjects of Tripoli, in Barbary. (a)

June 4, 1805.

Peace and friendship re-established.

ARTICLE I. 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.

Privileges in commerce, &c. &c.

Prisoners to be mutually given up.

ART. II. 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 the Americans, is 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.

American forces in the province of Derne to be withdrawn.

ART. III. 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 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 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.

Free ships to make free goods.

ART. 4th. 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, &c. to be given up if taken in prize vessels.

ART. 5th. 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

(a) Treaty of peace and friendship between the United States and the Bey and Subjects of Tripoli, November 4, 1796, ante, page 154.

immediately, and their effects, so captured, shall be restored to their lawful owners, or their agents.

Passports to be given to vessels of both contracting parties.

ART. 6th. 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, 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 offenders, shall be punished in the most exemplary manner. All vessels of war belonging to the United States of America, on meeting with a cruizer belonging to the Regency of Tripoli, on 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 cruize 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.

What shall be sufficient passport.

ART. 7th. 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.

Vessels of both nations permitted to touch at the ports of each, for provisions, &c.

ART. 8th. 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.

Proper assistance to be given to the vessels of both nations, &c.

ART. 9th. 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 succoured, till they can be sent to their country.

Rules as to the time when, and the distance which, an enemy's vessel may be attacked.

ART. 10th. If a vessel of either party shall be attacked by an enemy within gun-shot 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. to be on the footing of that of the most favoured nations.

ART. 11th. 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 of U.S. not to be answerable for debts of citizens of his own country.

ART. 12th. 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.

Vessels of the U. S. to be saluted by the government of that regency.

ART. 13th. 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.

Entire freedom to be allowed in religious matters.

ART. 14th. As the government of the United States of America has, in itself, no character of enmity against the laws, religion, or tranquility of Musselmen, and as the said states never have entered into any voluntary war or act of hostility against any Mahometan 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 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 drogerman and brokers.

Time allowed before an appeal to arms.

ART. 15th. 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 calender 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 or subjects of both parties reciprocally, shall be permitted to embark with their effects unmolested, on board of what vessel or vessels they shall think proper.

Mutual exchange of prisoners in the event of a war.

ART. 16th. 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 seaman so wanting. And it is agreed that prisoners 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.

Vessels of U. S. captured by one of the Barbary states, not to be sold, but to be sent away.

ART. 17th. 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 the 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 consul of U. S.

ART. 18th. 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 Tripoli to enforce his decisions, it shall immediately be granted to him, and if any disputes 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.

The *lex loci* to prevail with regard to homicides committed by a citizen of U. S. or a Tripoline.

ART. 19th. 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.

Citizens of U. S. dying in the Regency of Tripoli, their property to be saved for their representatives.

ART. 20th. Should any of the citizens 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.

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 negociating 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.

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.

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 negociating 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 any violation, and under no pretext.

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.

JUSUF CARAMANLY, *Bashaw.* (L. S.)
MAHAMET CARAMANLY, *Bey.* (L. S.)
MOHAMET, *Kahia.* (L. S.)

HAMET, *Rais de Marine.* (L. S.)
MAHAMET DEGHEIS, *First minister.* (L. S.)
SALAH, *Aga of Divan.* (L. S.)
SELIM, *Hamadar.* (L. S.)
MURAT, *Dulartile.* (L. S.)
MURAT RAIS, *Admiral.* (L. S.)
SOLIMAN, *Kehia.* (L. S.)
ABDALLA, *Basa Aga.* (L. S.)
MAHAMET, *Scheig al Belad.* (L. S.)
ALLI BEN DIALE, *First Secretary.* (L. S.)

TREATY OF PEACE AND AMITY,

Between his Britannic Majesty and the United States of America. (*a*)

Dec. 24, 1814.

Ratified and confirmed, by and with the advice and consent of the Senate, Feb. 17, 1815.

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:

ARTICLE THE FIRST.

Firm and inviolable peace.

Territory, &c. to be restored, with exceptions.

Archives and records to be restored.

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 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 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 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 Passama-

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

quoddy 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.

ARTICLE THE SECOND.

Immediately on ratification, orders to be sent to armies, &c. to cease hostilities.

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 north, to the 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.

Limitation of time of capture in different latitudes.

ARTICLE THE THIRD.

Prisoners of war to be restored.

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 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.

ARTICLE THE FOURTH.

Reference of the boundary established by the treaty of 1783.

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

Mode of the appointment of commissioners.

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 Saint 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 or either of the 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.

Meeting of the commissioners.

In cases of disagreement of commissioners.

Reference to a friendly power.

ARTICLE THE FIFTH.

Whereas neither that point of the high lands 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 these 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 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

Commissioners to settle boundaries.

Meeting and proceedings of commissioners.

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, 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.

In case of difference, to be referred to a friendly power.

ARTICLE THE SIXTH.

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 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 rivers, 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.

Doubts as to the boundary from a point in the forty-fifth degree of north latitude, to be referred to commissioners.

Meeting and duties of the commissioners.

In case of disagreement of the commissioners, reference to a friendly power.

ARTICLE THE SEVENTH.

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, according to the true intent of the said treaty of peace, of one thousand seven hundred and eighty-

Commissioners to fix the boundary to the water communication between the lakes

Huron and Superior, and the lake of the Woods.

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 north-western 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 north-western 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, 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.

In case of disagreement of commissioners a reference.

ARTICLE THE EIGHTH.

The board of commissioners may appoint a secretary, and employ surveyors.

The several boards of two commissioners mentioned in the four preceding 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. 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 commissions 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.

Compensation of the commissioners.

All grants of land prior to the commencement of the war, falling within the dominions of the other party, to be valid.

ARTICLE THE NINTH.

Ratification of the Indian treaty.

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

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.

ARTICLE THE TENTH.

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.

Contracting parties shall use their best endeavors to promote the entire abolition of the slave trade.

ARTICLE THE ELEVENTH.

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.

This treaty to be binding when ratifications exchanged.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty, and have thereunto affixed our seals.

Done, in triplicate, at Ghent, the twenty-fourth day of December, one thousand eight hundred and fourteen.

GAMBIER, (l. s.)
HENRY GOULBURN, (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. (l. s.)

TREATY OF PEACE AND AMITY,

June 30, and July 6, 1815.

Concluded between the United States of America and his Highness Omar Bashaw, Dey of 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 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 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.

Indemnification to American citizens for detention and loss of property, &c.

Ante, page 133.

ART. 4. A just and full compensation shall be 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.

Bales of cotton and $10,000 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.

Enemies' property to pass free in 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 an enemy's vessel to be liberated.

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 each 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 U. S. to suffer Algerine cruisers to pass, &c.

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.

What shall be sufficient passport.

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 proper passports.

Provisions to be furnished to vessels at market price.

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 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 she be compelled to land her cargo.

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

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 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.

How vessels may be protected.

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.

ART. 12. The commerce between the United States of America and the Regency of Algiers, the protections to be given to merchants,

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

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.

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 citizens of his own nation, unless he previously gives 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 whatsoever, captives in Algiers, 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 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, 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.

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 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.

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

In case of killing, wounding, or striking, the law of the country to prevail, &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.

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

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.

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

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. Guerriere, 6 July,* 1815.

WM. SHALER.

A CONVENTION

July 3, 1815.

To regulate the Commerce between the Territories of the United States and of his Britannick Majesty. (a)

Ratified by the Prince Regent on the 31st July, 1815; and by the President and Senate on the 22d of Dec. 1815; on which latter day the ratifications were exchanged at Washington.

THE United States of America and his Britannick 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 the 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 paymaster 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, vide licet:

Reciprocal liberty of commerce between the Territories of U. S. and the British Territories in Europe.

ARTICLE 1. There shall be between the territories of the United States of America, and all the territories of his Britannick 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.

No higher or other duties on productions of each country, than on those of other foreign countries.

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 Britannick majesty's territories in Europe, and no higher or other duties shall be imposed on the importation into the territories of his Britannick majesty in Europe of any articles, the growth, produce, or manufacture, 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 Britannick 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,

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

the growth, produce, or manufacture, of the United States, or of his Britannick majesty's territories in Europe, to or from the said territories of his Britannick majesty in Europe, or to or from the said United States, which shall not equally extend to all other nations.

Equality of duties on American and British vessels.

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 Britannick majesty's territories in Europe on the vessels of the United States, than shall be payable in the same ports on British vessels.

Same duties on productions of each country.

The same duties shall be paid on the importation into the United States of any articles, the growth, produce, or manufacture, of his Britannick 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 Britannick 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 and bounties, &c.

The same duties shall be paid, and the same bounties allowed, on the exportation of any articles, the growth, produce, or manufacture, of his Britannick 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 Britannick majesty's territories in Europe, whether such exportation shall be in British vessels or in vessels of the United States.

Drawbacks the same, &c.

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 take place from the United States in a British vessel, or from the territories of his Britannick 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.

Intercourse with the British West Indies and North American Continental Possessions not affected by this article.

The intercourse between the United States and his Britannick 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 its rights, with respect to such an intercourse.

Vessels of U. S. may trade to Calcutta, &c. direct, in articles not entirely prohibited.

ART. 3. His Britannick 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, vide licet: 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 favoured 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

Citizens of U. S. not to pay more than is paid on vessels of the most favoured nation.

be payable on the same articles when imported or exported in the vessels of the most favoured European nations.

Articles must be conveyed direct to U. S. and be unladen.

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.

Vessels of U.S. not to carry on the coasting trade in the British East Indies.

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 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.

American vessels may touch for refreshment, &c.

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,(a) 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.

Consuls to reside in the dominions of each party.

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 is 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.

How they may be punished.

Particular places excepted from the residence of consuls.

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.

This convention, when ratified, to be obligatory for four years.

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 their Senate, and by his Britannick 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;(b) and the ratifications shall be exchanged in six months from this time, or sooner, if possible.

Exchange of ratifications in six months, or, &c.

Done at London, this third day of July, in the year of our Lord one thousand eight hundred and fifteen.

JOHN QUINCY ADAMS,
H. CLAY,
ALBERT GALLATIN,
FREDERICK JOHN ROBINSON,
HENRY GOULBURN,
WILLIAM ADAMS.

(a) See the "Declaration," at the end of this Convention, page 231.
(b) Continued for 10 years by the 4th Article of the Convention of London, of 20th October, 1818, post, 249.

DECLARATION.

Declaration of 24th Nov. 1815.

The undersigned, his Britannick 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.

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.(*a*)

Vessels of the U. S. must not touch at St. Helena.

(Signed) ANTHONY ST. JNO. BAKER.

Washington, November 24, 1815.

ARRANGEMENT

April, 1817.

Between the United States and Great Britain, between Richard Rush, Esq., acting as Secretary of the Department of State, and Charles Bagot, His Britannic Majesty's Envoy Extraordinary, &c.

Proclamation of the President of the United States, April 28, 1818.

Naval force on the lakes.

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.

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, and 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.

(*a*) In consequence of the death of Napoleon Bonaparte, the British Government notified the Minister of the United States at London, of the cessation of this restriction, on the 30th July, 1821.

TREATY WITH SWEDEN. (a)

Sept. 4, 1816.

Ratified May 27, 1818.

The parties desirous of maintaining and confirming relations of friendship and commerce.

In the name of the most Holy and Indivisible Trinity.

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 Order of Charles XIII, Grand Cross of the Orders of St. Etienne of Hungary, of the Legion of Honour of France, of the Black Eagle and of the Red Eagle of Prussia, and the Count Adolphe George de Morner, his Counsellor of 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.

ARTICLE 1.

Reciprocal liberty of commerce.

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 favoured 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 security for merchants and traders.

ARTICLE 2.

No other or higher duties, &c. than the same articles would be subjected to if they were the growth, produce, or manufacture, of any other country.

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 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

(a) A Treaty of Amity and Commerce, concluded between his majesty the King of Sweden, and the United States of North America, April 3, 1783, ante, page 60.

TRAITÉ A SUÈDE.

Au nom de la très Sainte 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 rélations d'amitié et de commerce qui ont subsisté jusqu'ici entre les deux etats, et étant convaincus qu'on ne saurait mieux remplir cet objet qu'en établissant réciproquement le commerce entre les deux etats, sur la base solide de principes libéraux et équitables également avantageux aux deux pays, ont nommé pour cet effet des plénipotentiaires, et les ont munis des pouvoirs 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, Chancélier 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 Comte Adolphe George de Mörner, son Conseiller d'Etat, et Commandeur de l'ordre de l'Étoile Polaire; lesquels plénipotentiaires, après avoir produit et échangés leurs pleinpouvoirs trouvés en bonne et duê forme, sont convenus des articles suivans:

ARTICLE PREMIER.

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 sûreté, 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.

ARTICLE SECOND.

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 etats de sa Majesté le Roi de Suède et de Norvège, ni sur l'importation dans les etats 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 tout 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, ou charge quelconque plus

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 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 of either nation, &c.

Swedish or Norwegian vessels arriving in ballast, or importing into the United States the produce or manufactures of 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 the 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 from 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.

Equalization of duties extended to the colony 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.

(* This article not ratified.)

ARTICLE 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 the 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.

(* This article not ratified.)

ARTICLE 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 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

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 Etats de sa Majesté le Roi de Suède et Norvège des produits du sol ou de l'industrie de leur pays, ou exportant des Etats de sa Majesté Suédoise et Norvegienne les produits du sol ou de l'industrie nationale des dits Etats, ne 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 Etats de sa Majesté le Roi de Suède et de Norvèges, et vice versa; les vaisseaux des Etats de sa Majesté le Roi de Suède et de Norvège qui arrivent sur leur lest ou qui importent dans les Etats Unis de l'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 quelconques, autres ou plus forts que ceux qui seraient payés si ces mêmes denrées étaient transportées par des vaisseaux des Etats Unis respectivement.

Ce qui est statué ci-dessus s'étendra aussi à la colonie Suédoise de St. Barthelemy, 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 établis et naturalisés à St. Barthelemy, et qu'ils y ayent fait naturaliser leurs vaisseaux.

ARTICLE TROISIÈME.

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 Suédois ou Norvégiens, soit que ces marchandises viennent directement ou indirectement des dites Indes, puissent aussi être importés dans ses Etats 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 Suédois ou Norvégiens dans le même cas, avec une addition seulement de dix pour cent sur les dits droits, impots, ou charges, et pas davantage.

Pour éviter tout mésentendu à cet égard il est ici expressement declaré, que la dénomination d'Indes Occidentales doit être prise dans le sens le plus étendu en y comprenant toute cette partie du monde, soit îles ou terre ferme, qui de tout tems a été appellée Indes Occidentales, en opposition avec cette autre partie du monde appellée Indes Orientales.

ARTICLE QUATRIÈME.

De leur coté 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 environnent la mer Baltique et dont l'entrée est permise dans les vaisseaux des Etats Unis, soit que ces denrées viennent directement ou indirectement de la Baltique, puissent aussi être importés de même dans les Etats Unis, par des vaisseaux Suédois ou Norvégiens, et qu'a-

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 merchandize, which the said vessel is permitted 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.

ARTICLE 5.

Consuls, &c.

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. 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.

Proceedings against consuls, &c. offending against the laws.

Archives, &c. inviolate.

Consuls and their deputies to have the right to act as judges, &c.

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 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 judgment, 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.

Limitation of the right.

Rights reserved to the parties under consular decisions.

ARTICLE 6.*

(* This article not ratified.)

In order to prevent all dispute and uncertainty in respect to what may be considered as being the growth, produce, or 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 acknowledged 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

lors il ne sera payé ni pour les dits vaisseaux ni pour les cargaisons de droits, impots 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, impots ou charges, et pas davantage.

Afin de prévenir toute incertitude à l'égard des droits, impots 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 consistérait en partie des produits du sol ou des manufactures du pays, auquel le vaisseau appartiéndrait, et en partie de quelques autres marchandises, dont l'importation est permise au dit vaisseau par les articles précédens, il est convenu qu'en cas d'une cargaison ainsi melée, le dit vaisseau payera toujours les droits, impots ou charges suivant la nature de cette partie de la cargaison qui est sujette aux plus gros droits, tout comme si le vaisseau n'eut apporté que cette seule espèce de marchandises.

ARTICLE CINQUIÈME.

Les hautes parties contractantes s'accordent mutuellement la faculté d'entretenir dans les ports et places de commerce de l'autre, des consuls, vice-consuls ou agents de commerce, qui jouiront de toute la protection et assistance nécessaire pour remplir duément leurs fonctions, mais il est ici expressement declaré, 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 loix, 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 rélatifs 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 où il aura résidé.

Les consuls ou leurs suppléans auront le droit comme tels de servir de juges et d'arbitres dans les différends qui pourraient s'élever entre les capitaines et les équipages des vaisseaux de la nation dont les affaires sont confiées à leurs soins. Les gouvernemens respectifs n'auront le droit de se mêler de ces sortes d'affaires qu'en tant que la conduite des equipages ou du capitaine troublerait l'ordre et la tranquilité dans le pays où le vaisseau se trouve, ou que le consul du lieu se verrait obligé d'appeller l'intervention du pouvoir exécutif pour faire respecter ou maintenir sa décision. Bien entendu que cette espèce 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.

ARTICLE SIXIÈME.

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'expédition que le chef ou l'intendant 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 specifié comme étant le produit du sol ou des manufactures des États Unis, sera admis et reconnu comme tel dans les Etats 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

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 for them admission into the ports of the United States accordingly.

ARTICLE 7.

Vessels and cargoes may enter ports, &c. on paying pilotage, quayage, &c. if those charges have been incurred.

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 these 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 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.

Limitation of this privilege.

ARTICLE 8.

Vessels may land part of their cargoes, and proceed with the remainder, on paying the proportional duties, &c.

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 favoured 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.

ARTICLE 9.

Rights and privileges of entrepot.

The citizens or subjects of 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 favoured nations in the same ports.

ARTICLE 10.

In case any vessel, belonging to either of the two states or to their

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.

ARTICLE SEPTIÈME.

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 contenu de la cargaison, et sans payer d'autres droits, impots ou charges quelconques pour les vaisseaux ou la cargaison que les droits de pilotage quand on s'est servi d'un pilote, et ceaux pour le quayage ou pour l'entretien des fanaux là où ces mêmes droits sont pérçus 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 reglemens et ordonnances concernant la navigation et les places ou ports dans lesquels on peut aborder, qui sont en vigueur à l'égard des nations les plus favorisées 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 qui peuvent être nécessaires pour prévenir tout commerce illiçite pendant que les mêmes vaisseaux restent dans l'enceinte de cette même jurisdiction.

ARTICLE HUITIÈME.

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 à ne déecharger qu'une partie de leur cargaison selon que le capitaine ou propriétare le désire, et qu'ils pourront s'en aller librement avec le reste de la cargaison sans payer de droits, impots ou charges 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 éffets que le vaisseau aura dû apporter laquelle liste devra toujours être présentée en entier à la douane au lieu où 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 charges quelconques qui sont payables pour le vaisseau même doivent être acquittés dans le premier port où il rompt le chargement et en décharge une partie et qu'aucuns droits ou impositions pareils ne seront demandés de nouveau dans les ports du même pays, où le dit vaisseau pourrait vouloir entrer après à moins que les nationaux ne soyent sujets à quelques droits ultérieurs pour le même cas.

ARTICLE NEUVIÈME.

Les citoyens et sujets de l'une des parties contractantes jouiront dans les ports de l'autre tant pour leur vaisseaux que pour leurs marchandises de tous les droits et facilités d'entrepôt dont jouissent les nations les plus favorisées dans les mêmes ports.

ARTICLE DIXIÈME.

Au cas que quelque vaisseau appartenant à l'un des deux Etats ou à

Regulations in case of shipwreck.

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 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.

ARTICLE 11.

Quarantine regulations.

It is agreed that vessels arriving direct from the United States, at 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.

ARTICLE 12.

The treaty of Paris, concluded in 1783, ante, page 60, revived in part.

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 vigour 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 revival of the treaty of 1783, in relation to other powers.

ARTICLE 13.

Stipulations concerning blockade.

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 the 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

leurs citoyens et sujets aura échoué, fait naufrage ou souffert quelque autre dommage sur les côtes de la domination de l'une des deux parties contractantes, il sera donné toute aide et assistance aux personnes naufragés, 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 effêts eussent été vendûs, étant reclamés dans l'an et jour par les propriétaires, ou leurs ayant cause, seront réstitués en payant les mêmes frais du sauvement conformement aux loix et coutumes des deux nations que payéraient les nationaux dans le même cas. Les gouvernemens respectifs veilleront à ce que les compagnies qui sont ou pourront être instituées pour sauver les personnes et effêts naufragés, ne se permettent point de vexations ou actes arbitraires.

ARTICLE ONZIÈME.

Il est convenu que les vaisseaux qui arrivent directement des Etats-Unis à un port de la domination de sa Majesté le Roi de Suède et de Norvège, ou des pays de sa dite Majesté, en Europe, à un port des Etats-Unis et qui sont pourvûs d'un certificat de santé donné par l'officier compétent à cet égard du port d'où le vaisseau est sorti et assurant qu'aucune maladie maligne ou contagieuse n'éxistait dans ce port, ne seront soumis à aucune autre quarantaine que celle qui sera nécessaire pour la visite de l'officier de santé du port où le vaisseau est arrivé, après laquelle il sera permis au vaisseau d'entrer immédiatement et de decharger sa cargaison, bien entendu toujours qu'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'où 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 seraient regardés comme suspects et soumis à la quarantaine.

ARTICLE DOUZIÈME.

Le Traité d'Amitié et de Commerce, conclû à Paris, en 1783, par les Plénipotentiaires 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 contenu dans les articles deux, cinq, six, sept, huit, neuf, dix, onze, douze, treize, quatorze, quinze, seize, dissept, 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 précités, seront toujours censées ne rien changer aux conventions précédemment concluês avec d'autres nations amies et alliées.

ARTICLE TREIZIÈME.

Vû l'éloignement des pays respectifs des deux hautes parties contractantes et l'incertitude qui en résulte sur les divers événémens qui peuvent avoir lieu, il est convenu qu'un batiment marchand appartenant à l'une des parties contractantes et se trouvant destiné pour un port qui serait supposé bloqué au moment du depart de ce batiment, ne sera cependant pas capturé ou condamné pour avoir essayé une prémière fois d'entrer dans le dit port, à moins qu'il ne puisse être prouvé, que le dit batiment ait pû et dû apprendre, en route, que l'état de blocus de la

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.

ARTICLE 14.

This treaty to endure for eight years after the exchange of the ratifications.

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.

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, (L. S.)
Le Comte d'ENGESTROM, (L. S.)
Le Comte A. G. de MORNER, (L. S.)

place en question continuait: mais les batimens qui, après avoir été renvoyés une fois, essayéraient 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 detenûs et condamnés.

ARTICLE QUATORZIÈME.

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 obligatoire 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 présent Traité et y ont apposé le cachet de leurs armes. Fait à Stockholm le quatre Septembre, l'an de Grace, mil huit cent seize.

JONA RUSSELL, (L. S.)
Le Comte d'ENGESTROM, (L. S.)
Le Comte A. G. de MORNER, (L. S.)

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.

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.

Ante, p. 224.

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:

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 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.

Favors in navigation and commerce 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.

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

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.]

Enemies' property to pass free in 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 attempt shall be made to take or detain them.

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

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.

Passports to vessels of each 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 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.

Offenders to be punished for abusing the right of visit.

Vessels of war of U. S. to suffer Algerine cruisers to pass, &c.

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.

What shall be sufficient passport.

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.

Provisions to be furnished to vessels 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 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.

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

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.

How vessels may be protected.

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.

Commerce, &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, 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.

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.

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

In case of killing, wounding, or striking, the law of the country to prevail, &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.

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

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.

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

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.

ARTICLE ADDITIONAL AND EXPLANATORY.

Part of the 13th Article of the foregoing Treaty annulled.

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.

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 negociating 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.

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.

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.

Renunciation by the United States as to other fisheries, except, &c.

ARTICLE 2.

It is agreed, that a line drawn from the most northwestern 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. S. from the Lake of the Woods to the Stony Mountains.

ARTICLE 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, to be free to both parties, until Oct. 20, 1828.

ARTICLE 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.

Convention of London, of 3d July 1815, continued for ten years.
Ante, p. 228.

ARTICLE 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

Reference to 1st article of treaty of Ghent.

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, 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 restitution 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.

Ante, p. 218. Claim for slaves under the 1st article of the treaty of Ghent.

Differences growing out of the claim for slaves, to be referred to some friendly sovereign or state.

ARTICLE 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.

In witness whereof the respective plenipotentiaries have signed the same, and have thereunto 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.

ALBERT GALLATIN, (L. S.)
RICHARD RUSH, (L. S.)
FREDERICK JOHN ROBINSON, (L. S.)
HENRY GOULBURN. (L. S.)

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, Nov. 24, 1814. Ante, p. 219.

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.

Ante, page 81.

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.

Moose Island, &c. belong to United 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, (L. S.)
THOMAS BARCLAY. (L. S.)

Witness,

JAMES T. AUSTIN, Agent U. S. A.
ANTHONY BARCLAY, Secretary.

DECLARATION

Of the Commissioners under the fourth article of the Treaty of Ghent.

NEW YORK, 24th NOVEMBER, 1817.

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.

Declaration of the commissioners accompanying their decision.

Ante, p. 219.

Ante, p. 81.

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 that 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.

Each of the commissioners has yielded a part of his individual opinion, &c.

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.*

TREATY OF AMITY, SETTLEMENT, AND LIMITS,

Feb. 22, 1819.
Oct. 29, 1820.

Between the United States of America and his Catholic Majesty. (*a*)

Ratified by the United States, Feb. 19, 1821.
Ratified by the King of Spain, Oct. 24, 1820.

Mutual desire to consolidate friendship, &c.

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.

(*a*) See notes of the treaties with Spain, ante, page 138.

An act for carrying into execution the treaty between the United States and Spain, concluded at Washington on the twenty-second day of February, 1819. March 3, 1821, vol. 3, p. 637.

The decisions of the Supreme Court, in cases arising under this treaty, have been:

By the treaty of St. Ildefonso, made on the first of October, 1800, Spain ceded Louisiana to France; and France, by the treaty of Paris, signed the 30th of April, 1803, ceded it to the United States. Under this treaty, the United States claimed the countries between the Iberville and the Perdido. Spain contended that her cession to France comprehended only that territory, which, at the time of the cession, was denominated Louisiana, consisting of the island of New Orleans, and the country which had been originally ceded to her by France, west of the Mississippi. The land claimed by the plaintiffs in error, under a grant from the crown of Spain, made after the treaty of St. Ildefonso, lies within the disputed territory; and this case presents the question, to whom did the country between the Iberville and Perdido belong after the treaty of St. Ildefonso? Had France and Spain agreed upon the boundaries of the retroceded territory, before Louisiana was acquired by the United States, that agreement would undoubtedly have ascertained its limits. But the declarations of France, made after parting with the province, cannot be admitted as conclusive. In questions of this character, political considerations have too much influence over the conduct of nations, to permit their declarations to decide the course of an independent government, in a matter vitally interesting to itself. Foster et al. *v.* Neilson, 2 Peters, 306.

If a Spanish grantee had obtained possession of the land in dispute, so as to be the defendant, would a court of the United States maintain his title under a Spanish grant, made subsequent to the acquisition of Louisiana, singly on the principle that the Spanish construction of the treaty of St. Ildefonso was right, and the American construction wrong? Such a decision would subvert those principles which govern the relations between the legislative and judicial departments, and mark the limits of each. *Ibid.* 309.

The sound construction of the 8th article of the treaty between the United States and Spain, of the 22d of February, 1829, will not enable the court to apply its provisions to the case of the plaintiff. *Ibid.* 314.

The article does not declare that all the grants made by his Catholic majesty, before the 24th of January, 1818, shall be valid to the same extent as if the ceded territories had remained under his dominion. It does not say that those grants are hereby confirmed. Had such been its language, it would have acted directly on the subject, and it would have repealed those acts of congress which were repugnant to it; but its language is that those grants shall be ratified and confirmed to the persons in possession, &c. By whom shall they be ratified and confirmed? This seems to be the language of contract; and if it is, the ratification and confirmation which are promised, must be the act of the legislature. Until such act shall be passed, the court is not at liberty to disregard the existing laws on the subject. *Ibid.*

By the treaty by which Louisiana was acquired, the United States stipulated that the inhabitants of the ceded territories should be protected in the free enjoyment of their property. The United States, as a just nation, regard this stipulation as the avowal of a principle which would have been held equally sacred, although it had not been inserted in the treaty. Soulard et al. *v.* The United States, 4 Peters, 511.

The term property, as applied to lands, comprehends every species of title, inchoate or complete. It is supposed to embrace those rights which lie in contract; those which are executory, as well as those which are executed. In this respect, the relation of the inhabitants of Louisiana to their government, is not changed. The new government takes the place of that which has passed away. *Ibid.*

The stipulations of the treaty ceding Louisiana to the United States, affording that protection or security to claims under the French or Spanish government to which the act of congress refers, are in the first, second and third articles. They extended to all property, until Louisiana became a member of the Union; into which the inhabitants were to be incorporated as soon as possible, "and admitted to all the rights, advantages and immunities of citizens of the United States." The perfect inviolability and security of property is among these rights. Delassus *v.* The United States, 9 Peters, 117.

The right of property is protected and secured by the treaty, and no principle is better settled in this country, than that an inchoate title to lands is property. This right would have been sacred, independent of the treaty. The sovereign who acquires an inhabited country, acquires full dominion over it;

TRATADO DE AMISTAD, ARREGLO DE DIFERENCIAS Y LIMITES,

Entre S. M. Ca. y los Estados Unidos de America.

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, 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.

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but this dominion is never supposed to divest the vested rights of individuals to property. The language of the treaty ceding Louisiana, excludes any idea of interfering with private property. *Ibid.*

After the acquisition of Florida by the United States, in virtue of the treaty with Spain, of 22d of February, 1819, various acts of congress were passed for the adjustment of private land claims, within the ceded territory. The tribunals authorized to decide on them, were not authorized to settle any which exceeded a league square; on those exceeding that quantity, they were directed to report, especially, their opinion, for the future action of congress. The lands embraced in the larger claims were defined by surveys, and plats retained; these were reserved from sale, and remained unsettled until some resolution should be adopted for a final adjudication of them, which was done by the passage of the law of the 22d May, 1828. By the sixth section, it was provided, "that all claims to land within the territory of Florida, embraced by the treaty, which shall not be finally decided and settled under the provisions of the same law, containing a greater quantity of land than the commissioners were authorized to decide, and above the amount confirmed by the act, and which have not been reported as antedated, or forged, shall be received and adjudicated by the judges of the superior court of the district in which the land lies, upon the petition of the claimant, according to the forms, rules and regulations, conditions, restrictions and regulations prescribed to the district judge, and to the claimants, by the act of 26th May, 1824." By a proviso, all claims annulled by the treaty, and all claims not presented to the commissioners, &c., according to the acts of congress, were excluded. United States *v.* Arredondo et al. 6 Peters, 706.

The validity of concessions of land, by the authorities of Spain, in East Florida, is expressly recognised in the Florida treaty, and in the several acts of congress. *Ibid.*

The eighth article allows the owners of land the same time for fulfilling the conditions of their grants from the date of the treaty, as is allowed in the grant from the date of the instrument. And the act of the 8th of May, 1822, requires every person claiming title to lands under any patent, grant, concession, or order of survey dated previous to the 24th of January, 1818, to file his claim before the commissioners appointed in pursuance of that act. All the subsequent acts on the subject observe the same language; and the titles under these concessions have been uniformly confirmed, when the tract did not exceed a league square. *Ibid.*

A claim to lands in East Florida, the title to which was derived from grants by the Creek and Seminole Indians, ratified by the local authorities of Spain, before the cession of Florida by Spain to the United States was confirmed. It was objected to the title claimed in this case, which had been presented to the superior court of Middle Florida, under the provisions of the acts of Congress for the settlement of land claims in Florida, that the grantees did not acquire, under the Indian grants, a legal title to the land, *Held*, that the acts of congress submit these claims to the adjudication of this court as a court of equity; and those acts, as often and uniformly construed in its repeated decisions, confer the same jurisdiction over imperfect, inchoate, and inceptive titles, as legal and perfect ones, and require the court to decide by the same rules on all claims submitted to it, whether legal or equitable. Mitchell et al. *v.* The United States, 9 Peters, 711.

Under the Florida treaty, grants of land made before the 24th January, 1818, by his Catholic Majesty, or by his lawful authorities, stand ratified and confirmed to the same extent that the same grants would be valid, if Florida had remained under the dominion of Spain; and the owners of conditional grants, who have been prevented from fulfilling all the conditions of their grants, have time by the treaty extended to them to complete such conditions. That time, as was declared by the supreme court in Arredondo's case, 6 Peters, 478, began to run in regard to individual rights from the ratification of the treaty; and the treaty declares, if the conditions are not complied with, within the terms limited in the grant, that the grants shall be null and void. United States *v.* Kingsley, 12 Peters, 476.

The treaty with Spain, by which Florida was ceded to the United States, is the law of the land, and admits the inhabitants of Florida to the enjoyment of the privileges, rights, and immunities of the citizens of the United States. They do not, however, participate in political power; they do not share in the government, until Florida shall become a state. In the mean time, Florida continues to be a territory of the United States, governed by virtue of that clause in the constitution, which empowers "congress to make all needful rules and regulations respecting the territory, or other property, belonging to the United States." American Ins. Co. *v.* Three Hundred and Fifty-six Bales of Cotton, 1 Peters, 542.

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, 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:

ARTICLE 1.

Firm and inviolable peace and friendship.

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.

ARTICLE 2.

His Catholic Majesty cedes the Floridas.

What things are included in the cession.

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.

ARTICLE 3.

The boundary line between the two countries, west of the Mississippi, shall begin on the Gulph of Mexico, at the mouth of the river Sabine,

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The object of the treaty with Spain, which ceded Florida to the United States, dated 22d May, 1819, was to invest the commissioners with full power and authority to receive, examine, and decide upon the amount and validity of asserted claims upon Spain, for damages and injuries. Their decision, within the scope of this authority, is conclusive and final, and is not re-examinable. The parties must abide by it, as the decree of a competent tribunal of exclusive jurisdiction. A rejected claim cannot be brought again under review, in any judicial tribunal. But it does not naturally follow that this authority extends to adjust all conflicting rights of different citizens to the fund so awarded. The commissioners are to look to the original claim for damages and injuries against Spain itself; and it is wholly immaterial who is the legal or equitable owner of the claim, provided he is an American citizen. Comegys et al. *v.* Vasse, 1 Peters, 212.

After the validity and amount of the claim has been ascertained by the award of the commissioners, the rights of the claimant to the fund, which has passed into his hands and those of others, are left to the ordinary course of judicial proceedings in the established courts of justice. *Ibid.*

The treaty with Spain recognised an existing right in the aggrieved parties to compensation; and did not, in the most remote degree, turn upon the notion of donation or gratuity. It was demanded by our government as matter of right, and as such was granted by Spain. *Ibid.* 217.

The right to compensation from Spain, held under abandonment made to underwriters, and accepted by them, for damages and injuries, which were to be satisfied under the treaty, by the United States; passed to the assignees of the bankrupt, who held such rights by the provisions of the bankrupt law of the United States, passed April 4, 1800. *Ibid.*

The king of Spain was the grantor in the Florida treaty; the treaty was his deed; the exception was made by him; and its nature and effect depended on his intention, expressed by his words, in reference to the thing granted, and the thing reserved and excepted in the grant. The Spanish version was in his words, and expressed his intention; and although the American version showed the intention to be different, the supreme court cannot adopt it as a rule to decide what was granted, what excepted, and what reserved. United States *v.* Arredondo et al., 6 Peters, 741.

Even in cases of conquest, it is very unusual for the conqueror to do more than to displace the sovereign and assume dominion over the country. The modern usage of nations, which has become law, would be violated; that sense of justice and of right, which is acknowledged and felt by the whole civilized world, would be outraged; if private property should be generally confiscated, and private rights annulled, on a change in the sovereignty of the country by the Florida treaty. The people change their allegiance, their relation to their ancient sovereign is dissolved; but their relations to each other, and their rights of

Con esta mira, han nombrado, Su. M. C^{a}. al E^{xmo}. S^{or}. D^{n}. 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 Americana de Isabel la Católica, y de la Decoracion del Lis de la Vendea, Caballero Pensionista de la Real y distinguida Orden Española de Carlos III, Ministro Vocal de la Suprema 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, á D^{n}. Juan Quincy Adams, Secretario de Estado de los mismos Estados Unidos.

Y ambos Plenipotenciarios, despues de haver cangeado sus Poderes, han ajustado y firmado los articulos siguientes:

ART. 1.

Habrá una paz solida e inviolable y una amistad sincera entre S. M. C^{a}. sus sucesores y subditos, y los Estados Unidos y sus ciudadanos, sin excepcion de personas ni lugares.

ART. 2.

S. M. C^{a}. cede á los Estados Unidos, en toda propiedad y soberania, todos los territorios 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, fortificaciones, 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 embodacura del Rio Sabina, en el Mar,

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property, remain undisturbed. Had Florida changed its sovereign by an act containing no stipulation respecting the property of individuals, the right of property in all those who became subjects or citizens of the new government, would have been unaffected by the change. It would have remained the same as under the ancient sovereign. United States *v.* Percheman, 7 Peters, 51.

The language of the second article of the treaty between the United States and Spain, of 22d February 1819, by which Florida was ceded to the United States, conforms to this general principle. *Ibid.*

The eighth article of the treaty must be intended to stipulate expressly for the security to private property, which the laws and usages of nations would, without express stipulation, have conferred. No construction which would impair that security, further than its positive words require, would seem to be admissible. Without it, the titles of individuals would remain as valid under the new government, as they were under the old. And those titles, so far at least as they were consummated, might be asserted in the courts of the United States, independently of this article. *Ibid.*

The treaty was drawn up in the Spanish as well as in the English languages. Both are original, and were unquestionably intended by the parties to be identical. The Spanish has been translated; and it is now understood that the article expressed in that language is, that "the grants shall remain ratified and confirmed to the persons in possession of them, to the same extent," &c., thus conforming exactly to the universally received law of nations. *Ibid.*

If the English and Spanish part can, without violence, be made to agree, that construction which establishes this conformity ought to prevail. *Ibid.*

No violence is done to the language of the treaty by a construction which conforms the English and Spanish to each other. Although the words "shall be ratified and confirmed," are properly words of contract, stipulating for some future legislation, they are not necessarily so. They may import that "they shall be ratified and confirmed" by force of the instrument itself. When it is observed that in the counterpart of the same treaty, executed at the same time, by the same parties, they are used in this sense, the construction is proper, if not unavoidable. *Ibid.*

In the case of Foster *v.* Neilson, 2 Peters, 253, the supreme court considered those words importing a contract. The Spanish part of the treaty was not then brought into view, and it was then supposed there was no variance between them. It was not supposed that there was even a formal difference of expression in the same instrument, drawn up in the language of each party. Had this circumstance been known, it is believed it would have produced the construction which is now given to the article. *Ibid.*

Boundary line west of the Mississippi.

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 Nachitoches, 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 Arkansas 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.

According to Melish's Map, of 1st Jan. 1818.

The use of the waters of the Sabine, Red river, and Arkansas, common to both nations.

Territorial renunciations, corresponding with the boundary line.

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.

ARTICLE 4.

A commissioner and surveyor to be appointed by each party, to run the boundary line.

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 Nachitoches, 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.

ARTICLE 5.

Free exercise of religion in the ceded territories, &c.

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.

ARTICLE 6.

Inhabitants of the ceded territories to be incorporated in the Union, &c.

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

seguirá al Norte por la orilla occidental de este Rio, hasta el grado 32 de latitud; desde, alli por una linea 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 linea 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 nacimiento del Rio Arkansas se hallase 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. C^a. 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. C^a. y renuncian, parà a siempre, todos 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 naciones, 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 diarios 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 in 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 à los dominios Españoles, se les permitirá la venta ó extraccion de sus efectos en qualquiera tiempo, sin que pueda exigirseles en unó ni otro caso derecho alguno.

ART. 6.

Los habitantes de los territorios que S. M. C^a. cede por este Tratado á los Estados Unidos, seran incorporados en la Union de los mismos Estados, lo mas presto posible, segun los principios de la Constitucion

of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities, of the citizens of the United States.

ARTICLE 7.

Spanish troops to be withdrawn, and possession given within 6 months after exchange of ratifications.

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.

ARTICLE 8.

Grants of land before 24th Jan. 1818, confirmed, &c.

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 of his Catholic Majesty, for the cession of the Floridas, was made, are hereby declared, and agreed to be, null and void.

Owners to fulfil the conditions.

Grants since 24th Jan. 1818, null and void.

ARTICLE 9.

Reciprocal renunciation of claims.

The two high contracting parties, animated with the most earnest desire of conciliation, and with the object of putting 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.

Claims renounced by the United States.

The renunciation of the United States will extend to all the injuries mentioned in the Convention of the 11th of August, 1802.

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 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.

Claims renounced by Spain.

The renunciation of his Catholic Majesty extends:

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.

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 darán posesion de ellos à 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 Españoles, 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 dominio de estos territorios; pero los proprietarios 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, desde 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 contratantes, 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 1802.

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. 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. S. for injuries to inhabitants of Florida.

The United States will cause satisfaction to be made for the injuries, if any, which, by process of law, 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.

ARTICLE 10.

Convention of 11th Aug. 1802, annulled.
Ante, p. 198.

The Convention entered into between the two governments, on the 11th of August, 1802, the ratifications of which were exchanged the 21st December, 1818, is annulled.

ARTICLE 11.

U. S. to satisfy claims of their citizens to amount of $5,000,000.

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.

Three commissioners to be appointed, to decide upon claims.

To ascertain the full amount and validity of those 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.

Commissioners to take an oath, &c.

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.

Commissioners may hear and examine on oath, &c.

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.

Spanish government to furnish documents, &c.

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.

Payment of the claims.

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

3. A los perjuicios causados por la expedicion de Miranda, armada 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 fecha de este Tratado, y desde la fecha 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 derechos á indemnizaciones por qualquiera 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 cangeadas en 21 de Diciembre de 1818.

ART. 11.

Los Estados Unidos descargando á la España para lo sucesivo de todas las reclamaciones de sus ciudadanos á que se extienden las renuncias hechas, en este Tratado, 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 aprobacion del Senado, una Comision compuesta de tres Comisionados, ciudadanos de los Estados Unidos, para averiguar con certidumbre 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 immediatamente 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

United States, or in such other manner as the Congress of the United States may prescribe by law.

Records of proceedings, &c. to be deposited in the Department of State. Copies to the Spanish government.

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 Spanish government, if required, at the demand of the Spanish Minister in the United States.

ARTICLE 12.

Treaty of 1795 confirmed, with exceptions. Ante, p. 138.

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, where. Ante, p. 146.

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.

ARTICLE 13.

Sailors deserting to be delivered up on proof, &c.

Both contracting parties, wishing to favour 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.

ARTICLE 14.

U. S. certify that they received no compensation from France for claims provided for in this treaty.

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.

ARTICLE 15.

Spanish vessels, laden with Spanish productions, to be admitted into the ports of Pensacola and St. Augustine without higher duties than vessels of the U. S., for twelve years.

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 favour 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 colonies, 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

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 Comisionados, juntamente con los documentos que se les presenten relativos á las reclamaciones que deben ajustar y decidir; y se entregarán copias de ellos ó de parte de ellos al Gobierno Español, y á 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 principio; 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 ó nombres del desertor ó desertores que se reclaman, se procederá al arresto, 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 presentarán 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 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

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.

ARTICLE 16.

Treaty to be ratified, and ratifications exchanged.

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.

In witness whereof, we, the under written 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 thereunto affixed our seals, respectively.

Done at Washington, this twenty-second day of February, one thousand eight hundred and nineteen.

JOHN QUINCY ADAMS, (L. S.)
LUIS DE ONIS, (L. S.)

Ratification by his Catholic Majesty, on the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and twenty.

Oct. 24, 1820.

"Ferdinand the Seventh, by the Grace of God, and by the constitution of the Spanish monarchy, king of the Spains.

"Dn. Fernando Septimo, por la Gracia de Dios, y por la Constitucion de la Monarquia Española, Rey de las Españas.

Ratification, by the King of Spain, of the treaty of Feb. 22, 1819.

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, consisting 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:

Por cuanto en el dia veinte y dos de Febrero del año proximo pasado de mil ochocientos diez y nueve, se concluyo 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 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:

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 Amistad, Arreglo de Diferencias, y Limites, y le hemos puesto nuestros sellos respectivos.

Hecho en Washington, á veinte y dos de Febrero, de mil ochocientos diez y nueve.

LUIS DE ONIS, (L. S.)
JOHN QUINCY ADAMS, (L. S.)

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 en virtud de la presente los apruebo y ratifico; prometiendo en fe y palabra de Rey, cumplirlos y observarlos, y hacer què 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 deliberada voluntad es que la presente 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 ambiguidad que pueda ofrecer el contenido del articulo 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 Dugue de Alagon, Conde de Puñonrostro, y Dn. 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 des Despacho de Estado.

Dada en Madrid, a veinte y quatro de Octubre, de mil ochocientos veinte.

[Sig.] FERNANDO.

[Refren.]
EVARISTO PEREZ DE CASTRO.

[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, 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 land 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

"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 en virtud de la presente los apruebo y ratifico; prometiendo en fe 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 deliberada voluntad es que la presente 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 ambiguidad que pueda ofrecer el contenido del 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 anuladas por su tenor las tres concesiones de tierras hechas a favor del Duque de Alagon, Conde de Puñonrostro, y Dn. Pedro de Vargas; tengo a bien declarar que has referidas tres concesiones han quedado y quedan enteramento anuladas è invalidadas; sin que los tres individuos referidos, ni los que de estos tengan titulo ô 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

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."

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."

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 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 tocare dispusiese lo conveniente a que tuviese efecto la gracia concedida al Dugue 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 Dugue de Alagon, Baron de Espes, me hizo presente en esposicion de doce de Julio del ano ultimo lo que sigue—Senor: El Dugue de Alagon, Baron de Espes, Capitan de Guardias de la Real Persona de V. M. con el mayor respeto espone: que siendo un interes de la Corona, que se den a grandes Capitalistas los terrenos incultos para que se pueblen y cultiven en lo que se resultan unas ventajas demostradas y aconsejadas por todos los Politicos, en cuyo caso se hallan muchos, ocasi los mas del fertil suelo de las Floridas; y siendo tambien un derecho de V. M. como dueno absoluto, el distribuirlos en obseguio 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 senales de aprecio de su magnanimo corazon, y de contribuir por mi parte a llenar las miras del poblacion tan interesantes al bien comun: 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 del 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 izguienda hasta su nacimiento, tirando 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 nacimiento del Rio Amarima, siguiendo la orilla derecha hasta su embocadura por los viente y ocho u viente y cinco de latitud, y continuando 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 introducion 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 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 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 orden de diez y siete de Diciembre del referido ano. 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 dirigan asu devido efecto, sin perjuicio de tercero, y para que el espresado Dugue de Alagon pueda desde luego poner en execucion su designio conforme en todo con mis benificos deseos en obsequio de la agricultura y comercio de dhas posesiones, que

claman per 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 diez y ocho.

YO EL REY.

Por mandado del Rey Nuestro Senor:
ESTEBAN VAREA."

Y para que conste firmo esta Certificacion en Madrid, a quince de Octubre, de mil ochocientos viente.

(Sig.) ANTONIO PORCEL.

Don Evaristo Perez de Castro, Caballero 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, a viente y uno de Octubre, de mil ochocientos y viente.

(Sig.) 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 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 the 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 Saint 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-eighth 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 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.

(Signed,) 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 of October, one thousand eight hundred and twenty.

(Signed,) EVARISTO PEREZ DE CASTRO.

COPIA.

Don Antonio Porcel, Caballero pensionista de la Real y distinguida orden de Carlos tercero, del Consejo de Estado, y del Despacho de la Gobernacion de Ultramar, &c.

Certifico que con fecha de seis de 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 gracia concedida al Brigadier Conde de Punonrostro de varios terrenos situados en la Florida Occidental, cuyo contenido es el siguiente.

"EL REY.

"Mi Gobernador y Capitan General de la ysla de Cuba y su distrito. El Brigadier Conde de Punonrostro me hizo presente en exposicion de tres de Noviembre del ano ultimo lo que sigue—Senor: El Brigadier Conde de Punonrostro, Grande de Espana 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 al exponente de convertir una pequena parte de aquellos desiertos en morada de habitantes pacificos cristianos e industriosos, que aumentando la poblacion de vuestros reynos, fomenten la agricultura y el comercio, y por consiguiente hagan immensos los ingresos de vuestro real Herario. Esta empresa dirigida por persona que al conocimiento del pays reune las circumstancias de poder comparar los progresos que han hecho por este medio otras naciones, como la de los Estados Unidos, que en una epoca muy limitada ha elevado su poder a un grado extraordinario, distinguiendose la Mobila adyacente a la Florida, que en los seis anos ultimos aprovechandose de la emigracion se ha convertido de un pays inculto y desierto, en una Provincia rica y comerciante, cultivada y poblada con mas de 300,000 habitantes. Esto mismo debe suceder a la Florida en el corto tiempo de diez y ocho o veinte anos si se adoptan las medidas conducentes a ello, y si al exemplo del exponente avandonan otros la apatia y se dedican a labrar su fortunar

individual, y por consiguiente la del Estado. Confiado pues en lo re comendable de esta empresa, en los vivos deseos que animan a V. M. por la prosperidad de la Nacion, y en los servicios y sacrificios del exponente, se atreve a suplica a V. M. que en remuneracion de ellos se digne concederle en plena propiedad y con arreglo a las leyes que rigen en la materia, todas las tierras incultas que no se hallen cedidas en la Florida, comprendidas 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 Unidos, y al Sur por el Golfo de Mexico, incluyendo las yslas desiertas en la costa. Por tanto, a V. M. rendidamente suplica, que en atencion a lo expuesto, y a las includables ventajas que resultan a la Nacion, se sirva acceder a este solicitud, y mandar al mismo tiempo se comuniquen las correspondientes ordenes a las Autoridades del Pays, prebiniendoles presten al exponente todos los auxilios y proteccion necesaria, asi para la designacion de los terrenos, como para llevar a efecto la empresa en todas sus partes: gracia que espera de la munificencia 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 diez y siete de Diciembre, del referido ano. En su consecuencia os mando y encargo 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 a su debido efecto, sin perjuicio de tercero, y para que el espresado Conde de Punonrostro pueda desde luego poner en execucion su designio, conforme en todo con mis beneficus 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 las 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 diez y ocho.

YO EL REY.

Por mandado del Rey Nuestro Senor:
ESTEBAN VAREA."

Y para que conste firmo esta certificacion en Madrid, a quince de Octubre, de mil ochocientos y veinte.

(Sig.) ANTONIO PORCEL.

Don Evaristo Perez de Castro, Caballero de numero de la orden de Carlos 3d, 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 veinte y uno de Octubre, de mil ochocientos y veinte.

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 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 Brigadier the Count of Punonrostro, 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 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, your 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 beneficent desires in favor of the agriculture and commerce of the said territories, which require a population proportionate 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:
ESTEVAN VAREA.

And I confirm this exemplification, at Madrid, the fifteenth of October, one thousand eight hundred and twenty.

(Signed) 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 of October, one thousand eight hundred and twenty.

(Signed) EVARISTO PEREZ DE CASTRO.

COPIA.

Don Antonio Porcel, Caballero 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 espidieron por el extinguido 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 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 ysla de Cuba y su distrito. Confecha de veinte y cinco de Enero ultimo, me hizo presente Don Pedro Vargas lo que sigue—Senor: 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 a V. R. M. espone. Que hay una porcion de tierras vacantes y despobladas 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 a 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, asaver. 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 e yslas adyacentes que pertenecen a la Espana en la epoca presente hasta llegar a la linea del oeste de los Estados Unidos y volver por la del Norte comprehendiendo todas las tierras baldias que corresponden o puedan corresponden a la Espana y estan en disputa o reclamacion con los Estados Unidos, segun el tenor de los tratados, y asimismo 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 Golfo de Mexico*, desde la embocadura del Rio Hijuelos, hasta la punta de tancha, y doblando esta por la costa del Golfo de Florida hasta la embocadura del Rio Santa Lucia con las yslas y cayos adyacentes."

Enterado del contenido de esta esposicion, y atendiendo al merito de este sugeto y a su acreditado celo por mi real servicio; como tambien a las ventajas que resultaran al Estado de la poblacion de los citados paises, he tenido a 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 a su debido efecto, como tambien al aumento de poblacion, agricultura y comercio, de las referidas posesiones; 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 nueve de Abril, de milochocientos diez y ocho.

YO EL REY.

Por mandado del Rey Nuestro Senor:
ESTEVAN VAREA."

Y para que conste firmo esta certificacion en Madrid, a quince de Octubre, de mil ochocientos y veinte.

(Signed) 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 ascritos. Y para los efectos convenientes doy el presente certificado, firmado de mi mano y sellado con el escudo de mis armas en Madrid, a veinte y uno de Octubre, de mil ochocientos y veinte.

(Signed) 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 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 United States, 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 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 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:
ESTEVAN VAREA.

I confirm this exemplification, at Madrid, the fifteenth of October, one thousand eight hundred and twenty. (Signed) 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.

(Signed) EVARISTO PEREZ DE CASTRO.

DECISION

June 18, 1822.

Of the Commissioners under the 6th Article of the Treaty of Ghent, done at Utica, in the State of New-York, 18th June, 1822.

Ante, p. 221. Boundary of United States to be established.

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:

Ante, page 80.

Description of the boundary of the United States.

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 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

Description of the boundary of the United States.

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, 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 Well's 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 be-

Description of the boundary of the United States

tween Navy and Grand Islands; 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 said lake; thence, along the said passage, proceeding to the north of Cunningham's Island, of the three Bass Islands, and of the Western Sister, and to the south of the islands 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 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, Islands, 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 a la Pêche, 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 Herson'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 Riviere 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 a 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.

Islands.

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 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 2nd article of the said treaty of 1783, and of the 6th article of the Treaty of Ghent.

Ante, p. 81.
Ante, p. 221.

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.)

Y

CONVENTION OF NAVIGATION AND COMMERCE

June 24, 1822.

Between the United States of America and his Majesty the King of France and Navarre. (a)

Ratification, Feb. 12, 1823. Proclamation of the President of the U. S., Feb. 12, 1823.

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 Quincy Adams and Baron de Neuville, negotiators.

Exchange of full powers.

ARTICLE 1st

Articles, &c. of the U. S., imported in American vessels, to pay in France, &c.

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.

ARTICLE 2.

Articles, &c. of France, imported in French vessels, to pay in the United States, &c.

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.

ARTICLE 3.

Goods for transit or re-exportation, not to pay a discriminating duty in either country.

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: 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.

ARTICLE 4.

Quantities composing the ton.

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

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

Brandies, and all other liquids, 244 gallons.

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, 804 lb. avoirdupois, or 365 kilogrammes.

(a) See notes of the treaties and conventions between the United States and France, ante, page 6.

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, désirant règler les relations de navigation et de commerce entre leurs nations respectives par une convention temporaire réciproquement avantageuse et satisfaisante, et arriver ainsi à un arrangement plus étendu et durable, ont respectivement donné leur pleins-pouvoirs, savoir: Sa Majesté Très Chrétienne au Baron Hydé de Neuville, Chevalier de l'ordre Royale et Militaire de St. Louis, Commandeur de la Légion d'Honneur, Grand Croix de l'ordre Royale Américain d'Isabelle la Catholique, son Envoyé Extraordinaire et Ministre Plénipotentiaire près les Etats Unis; et le Président des Etats Unis, à John Quincy Adams, leur Sécrétaire d'Etat; lesquels, après avoir échangé leurs pleins-pouvoirs, sont convenus des articles suivans:

ARTICLE 1er

Les produits naturels ou manufacturés des Etats Unis importés en France sur batimens 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 ou manufacturés des Etats Unis quand ils sont importés par navires Français.

ARTICLE 2.

Les produits naturels ou manufacturés de France importés aux Etats Unis sur batimens 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.

ARTICLE 3.

Aucun droit différentiel ne sera levé sur les produits du sol et de l'industrié de France qui seront importés par navires Français dans les ports des Etats Unis pour transit ou ré-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 importés pour transit ou ré-exportation par navires des Etats Unis.

ARTICLE 4.

Les quantités suivantes seront considerées comme formant le tonneau de marchandise pour chacun des articles à ci-après spécifiés:

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

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

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

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

Tobacco, 1,600 lbs. avoirdupois, or 725 kilogrammes.
Ashes, pot and pearl, 2,240 lb. avoirdupois, or 1,016 kilogs.
Rice, 1,600 lb. avoirdupois, or 725 kilogrammes; and for all weighable articles, not specified, 2,240 lb. avoirdupois, or 1,016 kilogrammes.

ARTICLE 5.

Duties of tonnage, light money, &c., not to exceed in France, five francs per ton on American vessels, &c.

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.

ARTICLE 6.

Consuls and vice consuls of either nation, in the other, may cause the arrest of deserters, and detain them for 3 months.

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, proving by an exhibition of the registers of the vessel, or ship's roll, or other official 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; 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.

ARTICLE 7.

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

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 from year to year, &c.

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.

ARTICLE 8.

Convention to be ratified within one year.

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

Tabacs—1,600 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 spécifiés et qui se pèsent 2240 lb. avoir du poids ou 1016 kilogrammes.

ARTICLE 5.

Les droits de tonnage, de phare, de pilotage, droits de port, courtage, et tous autres droits sur la navigation etrangère en sus de ceux payés respectivement par la navigation nationale dans les deux Pays, autres que ceux spécifiés dans les articles 1 et 2 de la présente convention, n'excèderont pas, en France, pour les batimens des Etats Unis, cinq francs par tonneau d'après le régistre Américain du batiment, ni pour les batimens Français aux Etats Unis, quatre vingt quatorze cents par tonneau d'après le passeport Français du batiment.

ARTICLE 6.

Les parties contractantes désirant favoriser mutuellement leur commerce, en donnant dans leurs ports toute assistance nécessaire à leurs batimens respectifs, sont convenues que les consuls et vice-consuls pourront faire arrêter les matelôts faisant partie des équipages des batimens de leurs nations respectives qui auraient deserté des dits batimens pour les renvoyer et faire transporter hors du pays. Auquel effets les dits consuls et vice-consuls s'adresseront aux tribunaux, juges et officiers compètens, et leur feront, par écrit, la demande des dits déserteurs, en justifiant par l'exhibition des registres du batiment ou rôle d'equipage ou autres documens officiéls que ces hommes faisaiént partie des dits equipages. 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 détenus et gardés dans les prisons du pays à leur réquisition, et à leurs frais, jusqu'à ce qu'ils ayent trouvé moyen de les renvoyer; mais s'ils n'etaient 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.

ARTICLE 7.

La présente convention temporaire aura son plein effet pendant deux ans à 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 faite au moins six mois d'avance.

Et dans le cas où la présente convention viendrait à continuer, sans cette déclaration par l'une ou l'autre partié, les droits extraordinaires specifiés dans les 1er et 2d articles, seront à l'expiration des dits deux années, diminuées 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'ils est dit ci-dessus.

ARTICLE 8.

La présente 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 les deux pays le premier Octobre prochain, et aura son effet, dans le cas même de non-ratification, pour tous batimens partis

sailed *bona fide* for the ports of either nation, in the confidence of its being in force.

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 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.)

July 12, 1822.

TREATY WITH GREAT BRITAIN.

Ratified. Exchange of ratifications, Jan. 10, 1823.

The U. S. and Great Britain agree to refer certain differences to the Emperor of Russia, in pursuance of the 5th article of the convention of 20th Oct. 1818; ante, p. 249.

His Majesty's award.

U. S. entitled to indemnification for slaves, &c. which were in the possession of the British, and carried away by them.

To be indemnified for certain other slaves.

For American slaves, carried away from territories not stipulated to be restored, no indemnification to be claimed.

His Imperial Majesty's good offices have been invoked to assist in framing convention.

In the name of the most holy and indivisible Trinity:

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:

"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.

"That the United States are entitled to consider as having been so carried away, all such slaves as may have been transferred from the above-mentioned territories to British vessels within the waters of the said territories, and who for this reason may not have 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* 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 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 contra-

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 Plénipotentiaires respectifs ont signé la présente convention, et y ont apposé leurs sceaux, en la ville de Washington, ce 24me jour de Juin, de l'an de notre seigneur, 1822.

G. HYDE DE NEUVILLE, (L. S.)
JOHN QUINCY ADAMS. (L. S.)

ARTICLE SÉPARÉ.

Les droits extraordinaires levés de part et d'autre jusqu'à ce jour, en vertu de l'acte du Congrès du 15 Mai, 1820, et de l'ordonnance du 26 Juillet de la même année et autres la confirmant, qui n'ont point déjà été remboursés, seront restitués.

Signé et scellé comme ci-dessus ce 24me jour de Juin, 1822.

G. HYDE DE NEUVILLE, (L. S.)
JOHN QUINCY ADAMS. (L. S.)

TRAITE À GRANDE BRETAGNE.

Au nom de la très-sainte & indivisible Trinité:

Le Président des Etats-Unis d'Amérique, & Sa Majesté le Roi du Royaume uni de la Grande Bretagne & 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 élevés entre les deux gouvernemens sur la construction & le vrai sens du 1r article du Traité de paix & 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 & définitive; & 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; & comme il s'agit plus spécialement d'esclaves, pour tous les esclaves que les forces Britanniques auroient emmenés des lieux & territoires dont le traité stipule la restitution, en quittant ces mêmes lieux & 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 de vaisseaux Britanniques mouillés dans les eaux des dits territoires, & 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 & Sa Majesté Britannique stipulât les articles d'un accord propre à établir d'une part, le mode à suivre pour fixer & déterminer la valeur des esclaves ou autres propriétés privées qui auroient été emmenés en contravention au Traité

vention 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 Honour 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 Wirtemberg, of Fidelity of Baden, of St. Constantine of Parma, and of Guelph of Hanovre; and 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 Honour 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 Kingdom of Great Britain and Ireland, the Right Honourable Sir CHARLES BAGOT, one of His Majesty's most Honourable 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:

Russian plenipotentiaries, Charles Robert Count Nesselrode, and John Count Capodistrias.

Plenipotentiary of the United States, Henry Middleton.

Plenipotentiary of GreatBritain, Bagot.

Full powers communicated.

ARTICLE I.

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 conven-

Arbitrators and commissioners to be appointed; to meet as a board in the city of Washington, &c.

Oath or affirmation to be taken in presence of each other.

de Gand, 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 prêter sa médiation pour le dit objet, & a fondé & nommé le Sieur CHARLES ROBERT COMTE DE NESSELRODE, Son Conseiller privé, Membre du Conseil d'Etat, Secrétaire d'Etat dirigeant le Ministère des Affaires Etrangéres, 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 de Hongrie, de l'Aigle Noir & de l'Aigle Rouge de Prusse, de la Légion d'Honneur de France, de Charles III. d'Espagne, de St. Ferdinand & du Mérite de Naples, de l'Annonciade de Sardaigne, de l'Etoile Polaire de Suède, de l'Éléphant de Dannemarc, de l'Aigle d'or de Würtemberg, de la Fidélité de Bade, de St. Constantin de Parme, & des Guelfes de Hanovre; & le Sieur JEAN COMTE DE CAPODISTRIAS, Son Conseiller privé & Secrétaire d'Etat, Chevalier 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 & de l'Aigle Rouge de Prusse, de la Légion d'Honneur de France, de Charles III. d'Espagne, de St. Ferdinand & du Mérite de Naples, des Sts. Maurice & Lazare de Sardaigne, de l'Éléphant de Dannemarc, de la Fidélité et du Lion de Zähringen de Bade, Bourgeois du Canton de Vaud, ainsi que du Canton & de la République de Genève, pour ses Plénipotentiaires à l'effet de négocier, règler & conclure tels articles d'un accord qui pourraient faire atteindre la fin indiquée plus haut, conjointement avec les Plénipotentiaires des Etats-Unis & de Sa Majesté Britannique, savoir, de la part du Président des Etats-Unis, de l'avis & du consentement de leur Sénat, le Sieur HENRY MIDDLETON, citoyen des dits Etats-Unis & leur Envoyé Extraordinaire & Ministre Plénipotentiaire près Sa Majesté Impériale, & de la part de Sa Majestè le Roi du Royaume Uni de la Grande Bretagne & de l'Irlande, le très honorable Sir CHARLES BAGOT, l'un des membres du très honorable Conseil privé de Sa Majesté, Chevalier Grand 'Croix du très honorable ordre du Bain & son Ambassadeur Extraordinaire & Plénipotentiaire près Sa Majesté Impériale: lesquels Plénipotentiaires, après s'etre réciproquement communiqué leurs plein pouvoirs respectifs, trouvés en bonne & due forme, sont convenus des articles suivants:

ARTICLE I.

Pour vérifier & déterminer le montant de l'indemnité qui pourra être dûe aux citoyens des Etats Unis par suite de la décision de sa Majesté Imperiale, deux commissaires & deux arbitres seront nommés de la manière suivante, savoir: Un commissaire & un arbitre seront nommes & accrédités, par le Président des Etats Unis, de l'avis & du consentement de leur Sénat; l'autre commissaire & l'autre arbitre seront nommés par Sa Majesté Britannique. Les deux commissaires & les deux arbitres, ainsi nommés, se réuniront en Conseil, & tiendront leurs séances dans la ville de Washington. Ils auront le pouvoir de choisir un Secrétaire, & avant de procéder au travail de la commission, ils devront prêter respectivement & en présence les uns des autres, le serment ou l'affirmation qui suit, & ce serment ou affirmation prêté & formellement attesté fera partie du protocole de leurs actes & sera conçu ainsi qu'il suit: "Moi A B, l'un des commissaires (ou arbitres, suivant le cas,) nommés en exécution de la convention conclue à St. Péters-

tion concluded at St. Petersburg on the 30th/18th day of June/July, one thousand eight hundred and twenty-two, between his Majesty the Emperor of all the Russias, the United States 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."

Vacancies to be filled up in the manner of the original appointment.

All vacancies occurring 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.

ARTICLE II.

If an average value be not agreed upon as compensation, the commissioners and arbitrators shall fix an average value.

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 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.

In case they do not agree, the evidence, &c. shall be submitted to the minister of the mediating power, &c.

But in case that a majority of the board of 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.

ARTICLE III.

The two commissioners to constitute a board for the examination of claims.

When the average value of slaves shall have been ascertained and fixed, the two commissioners shall constitute 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 definite 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.

His Britannic Majesty to cause evidence of the number of slaves carried away to be produced.

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.

ARTICLE IV.

The two commissioners to examine and determine claims, how.

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 representatives, and to determine the same, respectively,

bourg, le $\frac{30\text{ Juin,}}{12\text{ Juillet,}}$ mil-huit-cent-vingt & deux, entre Sa Majesté L'Empereur de toutes les Russies, les Etats-Unis d'Amérique, & Sa Majesté Britannique, jure ou affirme solennellement que j'examinerai avec diligence, impartialité & sollicitude, & que je déciderai d'après mon meilleur entendement & en toute justice & 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, & les nouveaux commissaires ou arbitres devront prêter le même serment ou affirmation, & s'acquitter des mêmes devoirs.

ARTICLE II.

Si lors de la première réunion de ce conseil, le gouvernement des Etats Unis & celui de la Grande Bretagne ne sont point parvenus à déterminer d'un commun accord la valeur moyenne qui devra être assignée comme compensation pour chaque esclave, pour lequel il sera dû une indemnité, dans ce cas les commissaires et les arbitres procèderont conjointement à l'examen de tous les témoignages qui leur seront présentés par ordre du Président des Etats-Unis, ainsi que de tous les autres témoignages valables qu'ils croiront devoir requérir ou admettre dans la vue d'arrêter la véritable valeur des esclaves à l'époque de l'échange des ratifications du traité de Gand; & d'après les preuves qu'ils auront ainsi obtenues, ils établiront & fixeront la susdite valeur moyenne. Dans le cas où la majorité du conseil des commissaires & 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 médiatrice accrédité auprès du gouvernement des Etats-Unis. Toutes les preuves produites & tous les actes des opérations du conseil à ce sujet, lui seront communiqués & la décision de ce ministre ou agent, basée, comme il vient d'être dit, sur ces preuves & sur les actes de ces operations, sera regardée comme finale & 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.

ARTICLE III.

Lorsque le prorata aura été ainsi arrêté, les deux commissaires se constitueront, en conseil pour l'examen des réclamations qui leur seront soumises, & ils notifieront au Secrétaire d'Etat des Etats-Unis, qu'ils sont prêts à recevoir la liste définitive des esclaves & autres propriétés privées pour lesquels les citoyens des Etats-Unis réclament une indemnité. Il est entendu que les commissaires ne sauroient examiner ni recevoir, & que Sa Majesté Britannique ne sauroit, en vertu des clauses de l'article I[r] 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 vérification 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.

ARTICLE IV.

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 propriétés, ou par les procureurs ou mandataires de ceux-

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, such 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.

ARTICLE V.

If the commissioners shall not agree in any case, they shall draw by lot the name of one of the arbitrators, &c.

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.

ARTICLE VI.

The decision of the commissioners shall be final.

His Britannic Majesty engages to pay the sums awarded in specie.

Proviso.

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 than twelve months from the day of the exchange of the ratifications of this convention.

ARTICLE VII.

The commissioners and arbitrators to be paid as shall be agreed upon, &c.

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.

ARTICLE VIII.

Certified copies of this convention to be delivered to the minister of the mediating power.

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

ci, & à prononcer sur ces réclamations, suivant le degré de leur mérite, la lettre de la décision Impériale citée plus haut, & en cas de besoin la teneur des documens ci-annexés & cotés A & 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'équité & 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.

ARTICLE V.

Si les deux Commissaires ne parviennent pas à s'accorder sur une des réclamations qui seront soumises à leur examen, ou s'ils diffèrent 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 discutera avec les commissaires. La décision finale sera prise conformément à l'opinion de la majorité des deux commissaires & de l'arbitre tiré au sort. Dans des cas semblables l'arbitre sera tenu de procéder à tous égards d'après les règles prescrites aux commissaires par le 4me article de la présente convention. Il sera investi des mêmes pouvoirs & censé pour le moment faire les mêmes fonctions.

ARTICLE VI.

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 & définitive, soit relativement au nombre & 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 espèces sans déduction, à tel tems ou à tels termes, & dans tel lieu ou tels endroits, que l'auront prononcé les dits commissaires & 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.

ARTICLE VII.

Il est convenu en outre, que les commissaires & arbitres recevront de part & d'autre un traitement, dont les Gouvernemens des Etats-Unis & de Sa Majesté Britannique se réservent de déterminer le montant & 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 & par Sa Majesté Britannique. Ces dépenses devront d'ailleurs être au préalable vérifiées & admises par la majorité du conseil.

ARTICLE VIII.

Lorsque la présente convention aura été duement ratifiée par Sa Majesté Impériale, par le Président des Etats-Unis de l'avis & du consentement de leur Sénat & 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 & cela le plutôt que faire se pourra, après que les ratifications auront été échangées: cette dernière formalité sera remplie à

effected at Washington, in six months from the date hereof, or sooner if possible.

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.

NESSELRODE. (L. S.)
CAPODISTRIAS. (L. S.)
HENRY MIDDLETON. (L. S.)
CHARLES BAGOT. (L. S.)

A.

April 22, 1822.

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.

Mr. Middleton is requested to consider this opinion as the award required of the Emperor by the two powers.

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.

The above mentioned 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.

Washington dans l'espace de six mois, de la date ci-dessous, ou plutôt s'il est possible.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention & y ont apposé 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 & deux.

A.

Le Soussigné, Secrétaire d'Etat dirigeant le Ministère Impérial des affaires étrangères, a l'honneur de communiquer à Monsieur de Middleton, Envoyé Extraordinaire & 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 & la Grande Bretagne, relativement à l'interprêtation 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 Plénipotentiaire de S. M. Britannique, il a dans tous ses mémoires principalement insisté sur le sens grammatical de l'Art. I. du Traité de Gand, & 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, & afin que le Cabinet de Washington connoisse également les motifs sur lesquels se fonde le jugement de L'Empereur, le Soussigné joint à la présente, 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, & défini l'objet de leur différend.

C'est uniquement à l'autorité de ces règles, que Sa Majesté Impériale a cru devoir obéir & Son Avis ne pouvoit qu'en être la conséquence rigoureuse & nécessaire.

Le Soussigné saisit avec empressement cette occasion, pour réitérer à Monsieur de Middleton les assurances de sa considération très-distinguée.

St. Pétersbourg, ce 22 Avril, 1822.

NESSELRODE.

A Monsieur de Middleton, &c. &c.

A/.

April 22, 1822.

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, 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:

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 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 these 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 Emperor is of opinion:

"That the United States of America are entitled to a just indemnifi-

A/.

INVITÉ par les Etats-Unis d'Amérique et par la Grande Bretagne à émettre une opinion, comme arbitre dans les différends 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 Ministère des affaires étrangères, 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 Américain et le Plénipotentiaire Britannique ont demandé que la discussion fût close;

Considérant que le premier dans sa note du $\frac{4}{16}$ Novembre, 1821, et le second dans sa note du $\frac{8}{20}$ 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'un et 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'élève 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 propriété 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 propriétés privées. Et tous archives, registres, actes et papiers, soit d'une nature publique ou appartenans à des particuliers, qui dans le cours de la guerre peuvent être tombés entre les mains des officiers de l'une ou de l'autre partie, seront de suite, en tant qu'il sera praticable, 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 précèdent.

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

cation, 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.

B.

April 22, 1822.

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.

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;

"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.

Grande Bretagne une juste indemnité, pour toutes les propriétés particuliéres 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 ci-dessus, auroient été transportés à 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 Etats, dans les négociations que doit amener entre eux, la décision arbitrale qu'ils ont demandée.

Fait à St. Pétersbourg, le 22 Avril, 1822.

B.

Le Soussigné, Secrétaire d'Etat dirigeant le Ministère Impérial des affaires étrangères, s'est empressé de porter à la connoissance de l'Empereur son maître, les explications dans lesquelles Mr. l'Ambassadeur de S. M. Britannique est entré avec le Ministère Impérial, 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 maître, 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, du 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 décider ici aucune question relative à ce que les loix de la guerre permettent ou défendent aux parties belligérantes, mais toujours fidèle à l'interprétation grammaticale de l'art. 1er du traité de Gand, Sa Majesté Impériale déclare une seconde fois qu'il lui semble, d'après cette interprétation.

"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'emmener de ces mêmes lieux et territoires, absolument aucun esclave, par quelque moyen qu'il fût tombé ou venu se remettre en leur pouvoir.

"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, 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 come into the power of her officers."

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.

" 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 territoire 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."

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'élever 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.

À Monsieur de Middleton, &c. &c.

ALTERED ARTICLES

Feb. 24, 1824.

Ratified by the U. S. Senate. Jan. 13, 1825.

Proclamation of the President of the United States, Jan. 21, 1825.

Of the Treaty of Peace and Friendship between the United States and the Bashaw Bey of Tunis.(a)

Regulation of visits at sea.

ARTICLE the 6th — *As it now is.*

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.

Slaves escaping and taking refuge on board of American ships of war, to be free.

ARTICLE 6th — *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.

Salutes to ships of war.

ARTICLE the 11th — *As it now is.*

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 11th — *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 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.

(a) See notes of the treaties between the United States and Tunis, ante, page 157.

ARTICLE the 12th—*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 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 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.

ARTICLE 12th—*As it was.*

Commerce to be on an equal footing with the most favored nations.

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.

Rules as to freight.

If any Tunisian subject shall freight an American 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 case, and after the decision, the determination shall be conformed to.

No captain to be detained against his consent, except, &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.

Protection of the citizens of the respective nations.

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.

Preference to Tunisian vessels for freight.

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 the 14th—*As it now is.*

Trade between the parties to be on an equal footing.

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 paid by other most favoured 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 favoured nations at peace with the United States.

ARTICLE 14th—*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 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.

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, Charge d'Affaires, (L. S.)
SIDI MAHMOUD'S signature and (L. S.)

CONVENTION

April $\frac{5}{17}$, 1824. *Between the United States of America and Russia.* (*a*)

Ratified on the 11th Jan. 1825.

Proclamation made Jan. 12. 1825.

In the name of the most holy and indivisible Trinity:

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 of 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:

ARTICLE FIRST.

Navigation and fisheries of the Pacific to be free to both parties.

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:

ARTICLE SECOND.

Illicit trade to be prevented.

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.

(*a*) See treaty with Russia, post, 444.

CONVENTION

Entre les Etats-Unis d'Amérique et Russé.

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. Michel 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 Würtemberg, des Guelphes de Hanovre, du Lion Belge, de la Fidélité 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 apres avoir échangé leurs pleins-pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les stipulations suivantes :

ARTICLE PREMIER.

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 troublés, ni gênés soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté 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.

ARTICLE DEUXIÈME.

Dans la vue d'empêcher que les droits de navigation et de pêche exercés 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 réciproquement les sujets Russes ne pourront aborder sans permission à aucun établissement des Etats-Unis sur la côte nord ouest.

ARTICLE THIRD.

No establishment to be formed by citizens of the U.S. north of 54 degrees 40 minutes, or by Russia south of the same latitude.

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.

ARTICLE FOURTH.

Interior seas to be free to both nations for ten years.

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, gulphs, harbours, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

ARTICLE FIFTH.

Certain articles always to be excepted from this commerce.

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, nor 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 the merchandize, 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.

ARTICLE SIXTH.

Ratifications to be exchanged in ten months.

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.)

ARTICLE TROISIÈME.

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 parallèle.

ARTICLE QUATRIÈME.

Il est néanmoins entendu que pendant un terme de dix années à compter de la signature de la présente convention, les vaisseaux des deux Puissances, ou qui appartiendroient à leurs citoyens ou sujets respectifs, pourront reciproquément fréquenter, sans entrave quelconque, les mers interieurs, les golfes, hâvres et criques sur la côte mentionneé dans l'article précédent, afin d'y faire la pêche et le commerce avec les naturels du pays.

ARTICLE CINQUIÈME.

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 réciproquement à ne pas vendre, ni laisser vendre aux Indigènes par leurs citoyens et sujets respectifs, ni par aucun individu qui se trouveroit sous leur autorité. Il est également stipulé que cette restriction ne pourra jamais servir de prétexte, ni être alleguée dans aucun cas, pour autoriser soit la visite ou la détention des Vaisseaux, soit la saisie de la marchandise, soit en fin des mesures quelconques de contrainte envers les armateurs ou les equipages qui feroient ce commerce; les hautes Puissances contractantes s'étant réciproquement reservé de statuer sur les peines à encourir, et d'infliger les amendes encouruës en cas de contravention à cet article, par leurs citoyens ou sujets respectifs.

ARTICLE SIXIÈME.

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 echangées à Washington dans le délai de dix mois de la date ci-dessous ou plutôt si faire se peut. En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont fait apposer les cachets de leurs armes.

Fait à St. Petersbourg le $\frac{17}{5}$ Avril de l'an de grâce mil huit cent vingt quatre.

HENRY MIDDLETON, (L. S.)
Le Comte CHARLES DE NESSELRODE, (L. S.)
PIERRE DE POLETICA, (L. S.)

GENERAL CONVENTION

Oct. 3, 1824.

Ratified May 27, 1825.

Proclamation of the President of the U. S., May 31, 1825.

Of Peace, Amity, Navigation, and Commerce, between the United States of America and the Republic of Colombia.

Object of the treaty.

In the name of God, Author and Legislator of the Universe.

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, 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 the 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:

ARTICLE 1st.

Firm and inviolable peace, &c. to be observed.

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.

ARTICLE 2d.

U. S. and Colombia engage mutually not to grant favours to other nations, which shall not immediately become common to the other party.

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 favour 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.

ARTICLE 3d.

Citizens of the U. S. at liberty to frequent all the coasts and countries of the republic of Colombia, &c.

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 favoured 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 favoured 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 favoured nations.

Citizens of the republic of Colombia to enjoy, in the U. S., the same privileges.

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 merchandize, and shall pay no other or greater duties, charges, or fees, whatsoever, than the

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 Legislador del Universo.

La Republica de Colombia, y los Estados-Unidos de America, deseando hacer durandera y firme la amistad 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, ó convencion general de paz, amistad comercio y navegacion.

Con este muy deseable objeto, el Vice-Presidente de la Republica de Colombia encargado del poder Ejecutivo, ha conferido plenos poderes a Pedro Gual, Secretario de Estado y del despacho de relaciones esteriores de la misma, y el Presidente de los Estados-Unidos de America a 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.

ART°. 1°.

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.

ART°. 2°.

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, é igualmente amistosa con todas, se obligan mutuamente á no conceder favores particulares á otras naciones, con respecto á comercio y navegacion, que no se hagan inmediatamente comunes á una ú otra, quien gozarà del mismo 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 podrán 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 pagarán otros, ó mayores derechos, impuestos, ó emolumentos cualesquiera que los que las naciones mas favorecidas están ó estuvieren obligadas á pagar; y gozarán todos los derechos, privilejios y esenciones, que gozan ó gozaren los de la nacion mas favorecida, con respecto á navegacion y comercio, sometiendose, no obstante, á las leyes, decretos, y usos establecidos, á los cuales estan sujetos los subditos ó Ciudadanos de las naciones mas favorecidas. Del mismo modo los Ciudadanos de los Estados-Unidos de America podrán frecuentar todas las costas y paises de la Republica de Colombia, y residir y traficár en ellos con todo suerte de producciones, manufacturas, y mercaderias, y no pagarán otros ó mayores derechos, impuestos, ó emolumentos cualesquiera, que

most favoured 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 favoured 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 favoured nations.

ARTICLE 4th.

Merchants, commanders of ships, &c., to manage their business as citizens of the most favoured nations.

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 merchandize 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 favoured nation.

ARTICLE 5th.

Citizens of neither of the contracting parties liable to any embargo, &c.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandizes, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ARTICLE 6th.

Citizens of either of the contracting parties, seeking refuge in the dominions of the other, to be treated as friends, &c.

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 favour 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.

ARTICLE 7th.

All ships, &c. belonging to the citizens of one of the contracting parties, captured by pirates, and found within the dominions of either, to be delivered up to the owners.

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 the respective governments.

ARTICLE 8th.

Assistance to be rendered by the contracting parties, in case of wrecks, &c. within the dominions of each other.

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 merchandizes and effects, without exacting for it any duty, impost, or contribution whatever, until they may be exported.

ARTICLE 9th.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by

los que las naciones mas favorecidas, están ó estuvieren obligadas á pagár, y gozarán de todos los derechos, privilejios y esenciones, que gozan ó gozaren los de la nacion mas favorecida con respecto á navegacion y comercio, sometiendose, no obstante, á las leyes, decretos y usos establecidos, á los cuales estan sujetos los subditos ó ciudadanos de las naciones mas favorecidas.

ART°. 4°.

Se conviene ademas, que será enteramente libre y permitido, á 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 á la jurisdiccion de uno ú otro, asi respecto á 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 ú otra parte, no podrán 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 concedèr á los interesados una suficiente indemnizacion.

ART°. 6°.

Siempre que los Ciudadanos de alguna de las partes contratantes se vieren precisados á buscár 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, procurár 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 alguna averia, en las costas, ó dentro de los dominios de la otra, se les dará toda ayuda y proteccion, del mismo modo que es uso y costumbre, con los buques de la nacion en donde suceda la averia; permitiendoles descargár 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, tendran pleno podér para disponér de sus bienes personales dentro de la jurisdiccion

Citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other.

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.

ARTICLE 10th.

Special protection to be given to the persons and property of the citizens of either party, in the territory of the other.

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.

ARTICLE 11th.

Security of conscience to be enjoyed by citizens of both the contracting parties, in the countries subject to the one and the other.

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 and suitable places, and shall be protected from violation or disturbance.

ARTICLE 12th.

Citizens of either party may sail with their ships from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties.

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 enmity 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 oposition 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. Is is also agreed, in like manner, that the same

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 posecion 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 posecion 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.

ART°. 10°.

Ambas partes contratantes se comprometen y obligan formalmente á dar su proteccion especial á las personas y propiedades 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 ò 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 de una u 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 Ciudadanos de la Republica de Colombia, 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 fueren 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 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 ú otra, eceptuando siempre los articulos de contrabando de guerra. Se conviene tambien del mismo modo, en que la misma libertad se

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 recognize 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.

ARTICLE 13th.

Neutral property found on board enemy's vessels, shall be held and considered as enemy's property.

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.

ARTICLE 14th.

Liberty of navigation and commerce to extend to all kinds of merchandise except the following.

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—

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.

ARTICLE 15th.

All other merchandise not comprehended in the articles above enumerated, to be held as free.

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 besieged or blocked up; 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.

ARTICLE 16th.

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

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 propiedades de los enemigos de la otra en virtud de lo estipulado arriba, deberá siempre entenderse, que las propiedades 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; eseptuando solamente aquellas propiedades que hubiesen sido puestas à bordo de tales buques antes de la declaracion de la guerra, y aun despues, si hubiesen sido embarcadas en dichos buques, sin tenér noticia de la guerra, y se conviene, que pasados dos meses despues de la declaracion, los ciudadanos de una y otra parte no podrán alegár que la ignoraban. Por el contrario, si la bandera neutral, no protegiese las propiedades enemigas, entonces serán libres los efectos y mercaderias de la parte neutrál embarcadas en buques enemigos.

ART°. 14°.

Esta libertad de navegacion y comercio se estenderá a todo genero de mercaderias, eceptuando aquellas solamente, que se distinguen con el nombre de contrabando, y bajo este nombre de *contrabando* ó efectos prohibidos se comprenderán:

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 estas 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°. 15°.

Todas las demas mercaderias, y efectos no comprendidos 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 á un enemigo de una ú otra, eceptuando solamente aquellos lugares ó plazas, que están al mismo tiempo sitiadas ó bloqueadas: y para evitar toda duda en el particulár, se declaran sitiadas ó bloqueadas áquellas plazas, que en la actualidad estuviesen átacadas por una fuerza de un beligerante capaz de impedir la entrada del neutral.

ART°. 16°.

Los articulos de contrabando antes enumerados y clasificados, que se hallen en un buque destinado á puerto enemigo estarán sujetos á deten-

Articles of contraband found in a vessel bound to an enemy's port, shall be subject to confiscation.

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.

ARTICLE 17th.

Vessels sailing for a port or place that is besieged, &c., without notice of the fact, may be turned away from such port or place.

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 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, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE 18th.

Regulation of visits at sea.

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 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.

ARTICLE 19th.

Agreement entered into, to avoid vexation in the examination of papers relative to the ownership of vessels, &c.

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 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

cion 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 contrabando, siempre que el Maestre, Capitan, ó Sobrecarga de dicho buque quiera entregár los articulos de contrabando al apresador, á menos que la 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 será enviado al puerto mas inmediato, comodo, y seguro, para ser juzgado y sentenciado conforme á las leyes.

ART°. 17°.

Y por cuanto frecuentemente sucede que los buques navegan para un puerto ó lugár perteneciente á un enemigo, sin saber que aquel esté sitiado, bloqueado ó envestido, se conviene en que todò buque en estas circumstancias se pueda hacer volver de dicho puerto, ó lugar; pero no serà detenido, ni confiscada parte alguna de su cargamento, no siendo contrabando; á menos que despues de la intimacion de semejante bloqueo ó ataque, por el comandante de las fuerzas bloqueadoras, intentase otra vez entrar; pero le será permitido ir á qualquiera otro puerto ó lugar que juzque 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, será impedido de dejar el tal lugar con su cargamento, ni si fuere hallado alli despues de la rendicion y entrega de semejante lugár, estará el tal buque ó su cargamento sujeto á confiscacion, sino que serán 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 emontrase con un neutral de la otra parte contratante, el primero permanecerá fuera de tiro de cañon, y podrá mandár su bote, con dos ó tres hombres solamente, para ejecutár el dicho examen de los papeles concernientes á la propiedad y carga del buque, sin ocasionár la menor estorcion, violencia ó, mal tratamiento, por lo que los comandantes del dicho buque armado serán responsables, con sus personas y bienes; á cuyo efecto los comandantes de buques armados, por cuenta de particulares, estarán obligados antes de entregarseles sus comisiones ó patentes, á dar fianza suficiente para respondér de los perjuicios que causen. Y se ha convenido espresamente, que en ningun caso se exigira á la parte neutrál, 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 á 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 á los ciudadanos, de la otra, serán provistos con letras de már, 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 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, estarán tambien provistos de certificatos, 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 certificatos serán hechos per los oficiales del lugár

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.

ARTICLE 20th.

Stipulations relative to the visiting of vessels, shall apply only to those which sail without convoy.

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.

ARTICLE 21st.

Prize courts alone to take cognizance of prize causes.

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.

ARTICLE 22d.

No citizen of either of the contracting parties shall accept a commission, &c.

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 party so at war, under the pain of being treated as a pirate.

ARTICLE 23d.

Six months allowed to merchants to remove, in case the two parties should be engaged in war.

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 designated 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.

ARTICLE 24th.

Debts of individuals, in any event of war, not to be sequestered.

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.

ARTICLE 25th.

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

de la procedencia del buque, en la forma acostumbrada, sin cuyos requisitos el dicho buque puede ser detenido, para ser juzgado por el Tribunal competente, 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 Ciudadanos de la otra parte, la sentencia ó decreto hará 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 èl 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 cooperar 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 goze 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°. 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 convienen en conceder á sus Enviados, Minis-

Same favors to be granted to envoys, &c., as are enjoyed by those of the most favored nations.

agents, the same favours, immunities, and exemptions, which those of the most favoured nation do or shall enjoy; it being understood that whatever favours, 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.

ARTICLE 26th.

The contracting parties agree to admit consuls into all the ports open to foreign commerce, &c.

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 favoured 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.

ARTICLE 27th.

Consuls, before entering on the exercise of their functions, shall exhibit their commission, &c.

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.

ARTICLE 28th.

Consuls, and persons attached to their service, shall be exempt from all public service, &c.

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 consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize, or in any way interfere with them.

ARTICLE 29th.

Consuls shall have power to require the assistance of the authorities for the arrest, &c. of deserters, &c.

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.

tros, 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 libertad cada parte contratante, para eceptuar 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, eceptuando 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°. 29°.

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 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, u 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 puedan 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 des de el dia de su arresto, serán puestos en libertad, y no volverán a ser presos por la misma causa.

ARTICLE 30th.

Further agreement of the contracting parties.

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.

ARTICLE 31st.

Contracting parties agree to the following points.

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:

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.

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 two nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

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.

4thly. Nothing in this Treaty contained shall, however, be construed, or operate contrary to former and existing public Treaties with other Sovereigns or States.

To be approved and ratified by the contracting parties, and ratifications exchanged, within eight months.

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.

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 of Colombia.

RICHARD CLOUGH ANDERSON Jr. (L. S.)
PEDRO GUAL, (L. S.)

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 inmunidades 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, navigacion y commercio, han declarado solennemente 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 á comercio y navegacion, y en todos los demas puntos que se refieren á paz y amistad, será permanente, y perpetuamente obligatorio para ambas potencias.

2°. Si alguno, ó algunos de los Ciudadanos de una ú 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 á no protegér de modo alguno al ofensor, ó sanctionár 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, verificada con pruebas y testimonios competentes, exigiendo justicia y satisfaccion, 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 Plenipotenciarios de la Republica de Colombia, y de los Estados Unidos de America hemos firmado y sellado las presentes.

Dadas en la Ciudad de Bogota el dia tres de Octubre del año del Señor mil ocho cientos veinticuatro, decimo cuarto de la independencia de la Republica de Colombia y cuadragesimo nono de la de los Estados-Unidos de America.

Firmado.

PEDRO GUAL, (L. S.)
RICHARD CLOUGH ANDERSON, JR. (L. S.)

GENERAL CONVENTION OF PEACE, AMITY, COMMERCE, AND NAVIGATION,

Dec. 5, 1825.

Between the United States of America, and the Federation of the Centre of America.

Ratified on the 2d Aug. 1826. Proclamation of the President of the U. S., Oct. 28, 1826.

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.

Persons appointed to conclude a 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 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:

ARTICLE 1st.

Peace and friendship.

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.

ARTICLE 2d.

Agree not to grant any particular favor to other nations, in respect of commerce, &c.

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 favour 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.

ARTICLE 3d.

The citizens of each may frequent all the coasts, &c. of the other, &c.

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.

CONVENCION GENERAL DE PAZ, AMISTAD, COMERCIO, Y NAVEGACION,

Entre la Federacion de Centro-America i los Estados-Unidos de America.

La Federacion de Centro-America i los Estados-Unidos de America, deseando hacer firme i permanente la paz i 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 Federacion de Centro-America, ha conferido plenos poderes à Antonio Jose Cañas, diputado de la Asemblea Nacional Constituyente por la Provincia de San Salvador, i Enviado Extraordinario i Ministro 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 i buena forma, han convenido en los articulos siguientes:

ART°. 1°.

Habra una paz, perfecta, firmé, inviolable y amistad sincera entre la Federacion de Centro-America i los Estados-Unidos de America, en toda la estencion de sus posesiones i territorios, i entre sus Pueblos i Ciudadanos respectivamente sin distincion de personas, ni lugares.

ART°. 2°.

La Federacion de Centro-America, i los Estados Unidos de America, deseando vivir en paz i harmonia con las demas Naciones de la tierra, por medio de una politica franca, é igualmente amistosa con todas, se obligan mutuamente à no conceder favores particulares à otras naciones, con respecto a comercio i 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°.

Las dos altas partes contratantes deseando tambien establecer el comercio y navagacion 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 i traficar en ellos con toda clase de producciones, manufacturas, i mercaderias, i gozeran de todos los derechos, privilegios y esempciones con respecto à navegacion i comercio que gozan ò gozaren los Ciudadanos nativos, sometiendose à las leyes, decretos è usos establecidos à que estan sujetos dichos Ciudadanos nativos. Pero debe entenderse que este articulo no comprende el comercio de costa de cada uno de los dos paises, cuya regulacion es reservada à las partes respectivamente, segun sus propias i peculiares leyes.

ARTICLE 4th.

Further agreement with regard to the produce, &c. of each other.

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 merchandize, 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 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 the Central Republic.

ARTICLE 5th.

Regulation of duties.

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.

ARTICLE 6th.

Further agreement.

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 merchandize, 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 favoured nation.

ARTICLE 7th.

Citizens of neither party to be liable to any embargo, &c.

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 pur-

ART°. 4°.

Igualmente convienen, que cualquiera clase de producciones, manufacturas ò 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; i que no se impondran ò cobraran otros ò mayores derechos de tonelada ò por el cargamento, ya sea que la importacion se haga en buques de la una ò de la otra. De la misma manera que cualesquiera clase de producciones, manufacturas ò mercaderias estrangeras que pueden 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; i que no se impondran ò cobraran otros ò mayores derechos de tonelada ò por el cargamento ya sea que la importacion se haga en buques de la una ò de la otra. Convienen ademas, que todo lo que pueda ser legalmente esportado ò re-esportado de uno de los dos paises, en sus buques propios para un pais estranjero pueda de la misma manera ser esportado ò re-esportado en los buques de el otro. Y los mismos derechos, premios ò descuentos se concederan i cobraran ya sea que tal exportacion, ò re-exportacion se haga en los buques de la Republica Central ò de los Estados-Unidos.

ART°. 5°.

No se impondran otros ò mayores derechos sobre la importacion de cualquier articulo, produccion ò manufactura de los Estados-Unidos en la Federacion de Centro-America, i no se impondran otros ò mayores derechos sobre la importacion de cualquier articulo, produccion ò manufactura de los Estados Unidos en la Federacion de Centro-America, i no se impondran otros ò mayores derechos sobre la importacion de cualquier articulo, produccion ò manufactura de la Federacion de Centro-America en los Estados Unidos, que los que se pagan ò pagaren en adelante por iguales articulos, produccion ò manufactura de cualquiera pais estrangero: ni se impondran otros ò mayores derechos ò cargas en cualquiera de los dos paises sobre la esportacion de cualesquiera articulos para la Federacion de Centro-America ò para los Estados-Unidos respectivamente, que los que se pagan ò pagaren en adelante por la esportacion de iguales articulos para cualquiera otro pais estrangero; ni se establecera prohivicion sobre la importacion ò esportacion de cualesquiera articulos, produccion ó manufactura de los territorios de la Federacion de Centro-America para los de los Estados Unidos, ò de los territorios de los Estados Unidos para los de la Federacion de Centro-America, que no sea igualmente estensiva á las otras naciones.

ART°. 6°.

Se conviene ademas, que serà enteramente libre i permitido, a los comerciantes, comandantes de buques i otros Ciudadanos de ambos paises el manejar sus negocios, por si mismos, en todos los puertos i lugares sujetos à la jurisdiccion de uno ù otro, asi respecto à las consignaciones i ventas por mayor i menor de sus efectos i mercaderias, como de la carga, descarga i despacho de sùs buques, debiendo en todos estos casos, ser tratados como Ciudadanos del pais en que residan, ò al menos puestos sobre un pie igual con los subditos ò Ciudadanos de las naciones mas favorecidas.

ART°. 7°.

Los Ciudadanos de una ù otra parte, no podràn ser embargados ni detenidos con sus embarcaciones, tripulaciones, mercaderias, i efectos comerciales de su pertenencia, para alguna espedicion militar, usos

pose whatever, without allowing to those interested a sufficient indemnification.

ARTICLE 8th.

Protection to be given to citizens of each other, when in distress.

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 favour 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.

ARTICLE 9th.

All ships, &c. belonging to either party, captured by pirates, &c. to be delivered up to the owners.

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 the respective governments.

ARTICLE 10th.

Assistance to be given to each other, in cases of wreck, &c.

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.

ARTICLE 11th.

Citizens of either party may dispose of their personal goods within the jurisdiction of the other, by sale, &c.

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, 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.

ARTICLE 12th.

Contracting parties promise to give their special protection to the persons, &c. of citizens of each other.

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

publicos, ò particulares cualesquiera que sean, sin conceder à los interesados una suficiente indemnizacion.

ART°. 8°.

Siempre que los Ciudadanos de alguna de las partes contratrantes se vieren precisados à buscàr refujio, ò asilo en los rios, bahias, puertos, ò dominios de la otra, con sus buques, ya sean mercantes, ò de guerra, publicos ò particulares, por mal tiempo, persecucion de piratas ò enemigos, seràn recibidos i tratados con humanidad, dandoles todo favor i proteccion, para reparar sus buques, procuràr viveres, i ponerse en situacion de continuar su viaje, sin obstaculo ò estorbo de ningun genero.

ART°. 9°.

Todos los buques, mercaderias i 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, ò en alta mar, i fueren llevados, ò hallados en los rios, radas, bahias, puertos, ò dominios de la otra, seràn entregados à sus dueños, probando estos en la forma propia i 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 ò Agentes de los respectivos Gobiernos.

ART°. 10°.

Cuando algun buque perteneciente à los ciudadanos de alguna de las partes contratantes, naufrague, encalle, ò sufra alguna averia, en las costas, ò dentro de los dominios de la otra, se les dara toda ayuda i proteccion, del mismo modo que es uso y costumbre, con los buques de la nacion en donde suceda la averia: permitiendoles descargar el dicho buque (si fuere necesario) de sus mercaderias i efectos, sin cobrar por esto hasta que sean esportados, ningun derecho, impuesto ò contribucion.

ART°. 11°.

Los ciudadanos de cada una de las partes contratantes, tendràn pleno poder para disponer de sus bienes personales dentro de la jurisdiccion de la otra, por venta, donacion, testamento, ò de otro modo; i sus representantes, siendo ciudadanos de la otra parte, succederàn à sus dichos bienes personales, ya sea por testamento ò *ab intestato*, i podran tomar posesion de ellos, ya sea por si mismos ò por otros, que obren por ellos, i disponer de los mismos, segun su voluntad, pagando aquellas cargas, solamente, que los habitantes del pais en donde estan los referidos bienes, estuvieren sujetos à pagar en iguales casos. Y si en el caso de bienes raices, los dichos herederos fuesen impedidos de entrar en la posesion de la herencia par razon de su caracter de estrangeros, se les dará el termino de tres años, para disponer de ella como juzguen conveniente, i para estraer el producto sin molestia, i esentos de todo derecho de deduccion, por parte del Gobierno de los respectivos Estados.

ART°. 12°.

Ambas partes contratantes se comprometen i obligan formalmente à dar su proteccion especial à las personas y propiedades de los ciudadanos de cada una reciprocamente transeuntes ò habitantes de todas ocupaciones, en los territorios sujetos à la jurisdiccion de una i otra, dejandoles abiertos i libres los tribunales de justicia, para sus recursos judiciales, en los mismos terminos que son de uso i costumbre para los naturales ò ciudadanos del pais en que residan: para lo cual, podràn emplear en defensa de sus derechos aquellos Abogados, Procuradores, Escribanos, Agentes, ò Factores que juzguen conveniente, en todos sus

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.

ARTICLE 13th.

Security of conscience to be enjoyed by citizens of both parties.

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 country 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 and suitable places, and shall be protected from violation or disturbance.

ARTICLE 14th.

Citizens of both parties to sail with their ships, with all manner of liberty and security.

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 enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandize before mentioned, 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, before mentioned, 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 enemy: 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.

Proviso.

ARTICLE 15th.

Further agreement.

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

asuntos i litigios; i dichos ciudadanos ò Agentes tendràn la libre facultad de estar presentes en las decisiones i sentencias de los Tribunales, en todos los casos que les conciernan, como igualmente al tomar todos los examenes i declaraciones que se ofrezcan en los dichos litigios.

ART°. 13°.

Se conviene igualmente en que los ciudadanos de ambas partes contratantes gozen la mas perfecta i entera seguridad de conciencia en los paises sujetos à la jurisdiccion de una ù otra, sin quedar por ello espuestos à ser inquietados ò molestados en razon de su creencia religiosa, mientras que respeten las leyes i 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, ò en otros lugares decentes, i adecuados, los cuales, seràn protejidos contra toda violacion ò trastorno.

ART°. 14°.

Sera licito a los ciudadanos de la Federacion de Centro-America, i de los Estados-Unidos de America, navegar con sus buques, con toda seguridad i libertad, de cualquiera puerto à las plazas ò lugares de los que son ò fueren en adelante enemigos de cualquiera de las dos partes contratantes, sin hacerse distincion de quienes son los dueños de las mercaderias cargados en ellos. Serà igualmente licito à los referidos ciudadanos navegar con sus buques i mercaderias mencionadas i traficar con la misma libertad i seguridad, de los lugares, puertos i enseñadas de los enemigos de ambas partes, ò de alguna de ellas, sin ninguna oposicion, ò disturbio cualquiera, no solo directamente de los lugares de enemigo arriba mencionados à lugares neutros, sino tambien de un lugar perteneciente à un enemigo, à otro enemigo, ya sea que esten bajo la jurisdiccion de una potencia, ò bajo la de diversas. Y queda aqui estipulado, que los buques libres, dan tambien libertad à las mercaderias, i que se ha de considerar libre i esento todo lo que se hallare à bordo de los buques pertenecientes à los ciudadanos de cualquiera de las partes contratantes, aunque toda la carga ò parte de ella pertenezca à enemigos de una ù otra, eceptuando siempre los articulos de contrabando de guerra. Se conviene tambien del mismo modo, en que la misma libertad se estienda à las personas que se encuentren à bordo de buques libres, con el fin de que aunque dichas personas sean enemigos de ambas partes ò de alguna de ellas, no deban ser estraidos de los buques libres, à memos que sean oficiales ò soldados en actual servicio de los enemigos: à condicion no obstante, i se conviene aqui en esto, que las estipulaciones contenidas en el presente articulo, declarando que el Pabellon cubre la propiedad, se entenderán applicables solamente à aquellas potencias que reconocen este principio; pero si alguna de las dos partes contratantes, estuviere en guerra con una tercera, i la otra permaneciese neutral, la bandera de la neutral cubrirà la propiedad de los enemigos, cuyos Gobiernos reconozcan este principio i no de otros.

ART°. 15°.

Se conviene igualmente que en el caso de que la bandera neutral de una de las partes contratantes protega las propiedades de los enemigos de la otra en virtud de lo estipulado arriba, deberà siempre entenderse, que las propiedades neutrales encontradas à bordo de tales buques enemigos, han de tenerse i considerarse como propiedades enemigas, i como tales, estaràn sujetas à detencion, i confiscacion, eseptuando solamente aquellas propiedades que hubiesen sido puestas à bordo de tales buques antes de la declaracion de la guerra, i aun despues, si hubiesen sido embarcadas en dichos buques, sin tener noticia de la guerra; i se conviene, que pasados dos meses despues de la declaracion, los ciuda-

the neutral does not protect the enemy's property, in that case the goods and merchandize of the neutral, embarked in such enemy's ships, shall be free.

ARTICLE 16th.

Liberty of navigation and commerce to extend to all kinds of merchandise except the following.

This liberty of navigation and commerce shall extend to all kinds of merchandize, excepting those only which 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.

ARTICLE 17th.

All other merchandise not comprehended in the articles above enumerated, to be held as free.

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 besieged 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.

ARTICLE 18th.

Articles of contraband to be subject to detention and confiscation.

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 judgment, according to law.

ARTICLE 19th.

Further agreement.

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 besieged, blockaded,

danos de una i otra parte no podràn alegar que la ignoraban. Por el contrario, si la bandera neutral, no protegiese las propiedades enemigas, entonces seran libres los efectos i mercaderias de la parte neutral, embarcados en buques enemigos.

ART°. 16°.

Esta libertad de navegacion i comercio se estenderà à todo genero de mercaderias, eceptuando aquellas solamente, que se distinguen con el nombre de contrabando, i bajo este nombre, de *contrabando* ò efectos prohibidos se comprenderàn:

1°. Cañones, morteros, obuces, pedreros, trabucos, mosquetes, fusiles, rifles, carabinas, pistolas, picas, espadas, sables, lanzas, chuzos, alabardas, i granadas, bombas, polvora, mechas, balas, con las demas cosas correspondientes al uso de estas armas.

2°. Escudos, casquetes, corazas, cotas de malla, fornituras, i vestidos hechos en forma, i á usanza militar.

3°. Bandoleras, i caballos junto con sus armas i arneses.

4°. Y generalmente toda especie de armas, è instrumentos de hierro, acero, bronce, cobre, i otras materias cualesquiera, manufacturadas, preparadas, i formadas espresamente para hacer la guerra por mar, ò tierra.

ART°. 17°.

Todas las demas mercaderias, i efectos no comprendidos en los articulos de contrabando esplicitamente enumerados, i clasificados en el articulo anterior, seràn tenidos, i reputados por libres, i de licito i libre comercio, de modo, que ellos puedan ser transportados, i llevados de la manera mas libre, por los ciudadanos de ambas partes contratantes, aun à los lugares pertenecientes à un enemigo de una ù otra, eceptuando solamente aquellos lugares ò plazas, que estan al mismo tiempo sitiadas ò bloqueadas; i para evitar toda duda en el particular, se declaran sitiadas ò bloqueadas aquellas plazas, que en la actualidad estuviesen atacadas por una fuerza de un beligerante capaz de impedir la entrada del neutral.

ART°. 18°.

Los articulos de contrabando antes enumerados i clasificados, que se hallen en un buque destinado à puerto enemigo estaran sujetos à detencion i confiscacion; dejando libre el resto del cargamento i el buque, para que los dueños puedan disponer de ellos como lo crean conveniente. Ningun buque de cualquiera de las dos Naciones, serà detenido, por tener à bordo articulos de contrabando, siempre que el Maestre, Capitan ò Sobrecargo de dicho buque quiera entregar los articulos de contrabando al apresador, à menos que la cantidad de estos articulos sea tan grande i de tanto volumen, que no puedan ser recibidos à bordo del buque apresador, sin grandes inconvenientes; pero en este, como en todos los otros casos de justa detencion, el buque detenido sera enviado al puerto mas inmediato, comodo, i seguro, para ser juzgado i sentenciado conforme à las leyes.

ART°. 19°.

Y por cuanto frecuentemente sucede que los buques navegan para un puerto ò lugar perteneciente à un enemigo, sin saber que aquel estè sitiado, bloqueado ò envestido, se conviene en que todo buque en estas circumstancias se pueda hacer volver de dicho puerto, ò lugar; pero no serà detenido, ni confiscada, parte alguna de su cargamento, no siendo contrabando; à menos que despues de la intimacion de semejante bloqueo ò ataque, por el comandante de las fuerzas bloqueadoras, intentase otra vez entrar; pero le sera permitido ir à cualquiera otro puerto ò lugar que juzgue conveniente. Ni ningun buque de una de las partes, que haya entrado en semejante puerto, ò lugar, antes que estuviese

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.

ARTICLE 20th.

Regulation of visits at sea.

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 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.

ARTICLE 21st.

Course to be pursued to avoid vexation in the examination of papers.

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 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 defects shall be satisfied or supplied by testimony entirely equivalent.

ARTICLE 22d.

Further agreement.

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.

ARTICLE 23d.

Prize causes.

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

sitiado, bloqueado, ò envestido por la otra, sera impedido de dejar el tal lugar con su cargamento, ni si fuere hallado alli despues de la rendicion i entrega de semejante lugar, estarà el tal buque ò su cargamento sujeto à confiscacion, sino que seràn restituidos à sus dueños.

ART°. 20°.

Para evitar todo genero de desorden en la visita, i examen de los buques i cargamentos de ambas partes contratantes en alta mar, han convenido mutuamente, que siempre que un buque de guerra, publico ò particular se encontrase con un neutral de la otra parte contratante, el primero permanecerà fuera de tiro de cañon, i podra mandar su bote, con dos ò tres hombres solamente, para ejecutar el dicho examen de los papeles concernientes á la propiedad i carga del buque, sin ocasionar la menor estorcion, violencia ò mal tratamiento, por lo que los comandantes del dicho buque armado seràn responsables, con sus personas i bienes; à cuyo efecto los comandantes de buques armados, por cuenta de particulares, estaràn obligados antes de entregarseles sus comisiones ò patentes, à dar fianza suficiente para responder de los perjuicios que causen. Y se ha convenido espresamente, que en ningun caso se exigira à la parte neutral, que vaya à bordo del buque examinador con el fin de exibir sus papeles, ò para cualquiera otro objeto sea el que fuere.

ART°. 21°.

Para evitar toda clase de vejamen i abuso en el examen de los papeles relativos à la propiedad de los buques pertenecientes à los ciudadanos de las dos partes contratantes, han convenido i convienen, que en caso de que una de ellas estuviere en guerra, los buques, i bajeles pertenecientes à los ciudadanos de la otra, seran provistos con letras de mar, ò pasaportes, espresando el nombre, propiedad i tamaño del buque, como tambien el nombre i lugar de la residencia del Maestre, ò comandante, à fin de que se vea que el buque, real i verdaderamente pertenece à los ciudadanos de una de las partes; i han convenido igualmente, que estando cargados los espresados buques, ademas de las letras de mar, ò pasaportes, estarán tambien provistos de certificatos, que contengan los por menores del cargamento, i el lugar de donde salió el buque, para que asi pueda saberse, si hay à su bordo algunos efectos prohibidos ò de contrabando, cuyos certificatos serán hechos por los oficiales del lugar de la procedentia del buque, en la forma acostumbrada, sin cuyos requisitos el dicho buque puede ser detenido, para ser juzgado por el Tribunal competente, i puede ser declarado buena presa, à menos que satisfagan, ò suplan el defecto con testimonios enteramente equivalentes.

ART°. 22°.

Se ha convenido ademas, que las estipulaciones anteriores relativas al examen i visita de buques, se aplicarán solamente à los que navegan sin conboy i que cuando los dichos buques, estuvieren bajo de conboy, serà bastante la declaracion verbal del Comandante del conboy, bajo su palabra de honor, de que los buques que estan bajo su proteccion pertenecen a la nacion, cuya bandera llevan, i cuando se dirijen à un puerto enemigo, que los dichos buques no tienen à su bordo articulos de contrabando de guerra.

ART°. 23°.

Se ha convenido ademas, que en todos los casos que ocurran, solo los Tribunales establecidos para causas de presas, en el pais à que las presas sean conducidas, tomaràn conocimiento de ellas. Y siempre que semejante Tribunal de cualquiera de las partes, pronunciase sentencia contra algun buque, ò efectos, ó propiedad reclamada por los ciudadanos de la otra parte, la sentencia ò decreto harà mencion de las razones

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.

ARTICLE 24th.

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 party so at war, under the pain of being treated as a pirate.

ARTICLE 25th.

Fatality.

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 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.

ARTICLE 26th.

Debts.

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.

ARTICLE 27th.

Official intercourse.

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 favours, immunities and exemptions, which those of the most favoured nation do or shall enjoy; it being understood that whatever favours, immunities or privileges, the United States of America or the Federation of the Centre of America, 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.

ARTICLE 28th.

Consuls and vice consuls.

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 favoured 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.

ò motivos en que aquella se haya fundado, y se entregarà sin demora alguna al comandante ò agente de dicho buque, si lo solicitase, un testimonio autentico de la sentencia, ò decreto, ò 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 aceptarà una comision ò letra de marca para el objeto de ayudar ò cooperar hostilmente con el dicho enemigo, contra la dicha parte que estè asi en guerra, bajo la pena de ser tratado como pirata.

ART°. 25°.

Si por alguna fatalidad, que no puede esperarse, i 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 concedera el termino de seis meses à los comerciantes residentes en las costas i en los puertos de entrambas, i el termino de un año à los que habitan en el interior, para arreglar sus negocios, i transportar 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 ò dominios de la Federacion de Centro-America, ò los Estados-Unidos de America, serân respetados, i mantenidos en el pleno goze de su libertad personal i propiedad, à menos que su conducta particular les haga perder esta proteccion, que en consideracion à la humanidad, las partes contratantes se conprometen à prestarles.

ART°. 26°.

Ni las deudas contraidas por los individuos de una Nacion, con los individuos de la otra, ni las acciones ò dineros, que puedan tener en los fondos publicos, ò en los bancos publicos, ò privados, seran jamas secuestrados ò confiscados en ningun caso de guerra, ò diferencia nacional.

ART°. 27°.

Deseando ambas partes contratantes, evitar toda diferencia, relativa à etiqueta en sus comunicaciones, i correspondencias diplomaticas han convenido asi mismo, i convienen en conceder à sus Enviados, Ministros, i otros Agentes Diplomaticos, los mismos favores, inmunidades, i esenciones da que gozan, ò gozaren en lo venidero los de las naciones mas favorecidas, bien entendido que cualquier favòr, inmunidad ò privilegio, que la Federacion de Centro-America, ò los Estados Unidos de America, tengan por conveniente dispensar à los Enviados, Ministros, y Agentes Diplomaticos de otras Potencias, se haga por el mismo hecho estensivo à los de una i otra de las partes contratantes.

ART°. 28°.

Para hacer mas efectiva la proteccion, que la Federacion de Centro-America, i los Estados-Unidos de America, daràn en adelante à la navegacion i comercio de los ciudadanos de una i otra, se convienen en recibir i admitir Consules, i Vice Consules en todos los puertos abiertos al comercio estrangero, quienes gozaràn en ellos todos los derechos, prerrogativas è inmunidades de los Consules, i Vice Consules de la nacion mas favorecida, quedando no obstante en libertad cada parte contratante, para eceptuar aquellos puertos i lugares en que la admision i residencia de semejantes Consules, i Vice Consules no parezca conveniente.

ARTICLE 29th.

Consuls, &c. to enjoy the rights, &c. belonging to them by their public character.

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.

ARTICLE 30th.

Persons attached to the service of consuls, &c.

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.

ARTICLE 31st.

Power of consuls respecting deserters.

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 vessels 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.

ARTICLE 32d.

Commerce and navigation.

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.

ARTICLE 33d.

Points agreed on.

The United States of America and the Federation of the Centre of America, 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:

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.

ART°. 29°.

Para que los Consules i Vice Consules de las dos partes contratantes, puedan gozar los derechos, prerrogativas, è inmunidades, que les corresponden por su caracter publico, antes de entrar en el ejercicio de sus funciones, presentaràn su comision ò patente en la forma debida, al Gobierno con quien estan acreditados, i habiendo obtenido el *exequatur*, seràn tenidos, i considerados como tales, por todas las autoridades, majistrados i habitantes del distrito Consular en que residan.

ART°. 30°.

Se ha convenido igualmente, que los Consules, sus Secretarios, oficiales i personas agregadas al servicio de los consulados (no siendo estas personas ciudadanos del pais en que el Consul reside) estaràn esentos de todo servicio publico, y tambien de toda especie de pechos, impuestos, i contribuciones, eceptuando aquellas que esten obligados à pagar por razon de comercio, ò propiedad, i à las cuales estan sujetos los Ciudadanos, i habitantes naturales, i estrangeros del pais en que residen, quedando en todo lo demas, sujetos à las leyes de los respectivos Estados. Los archivos i papeles de los consulados seràn respetados inviolablemente, i bajo ningun pretesto los ocuparà magistrado alguno, ni tendra en ellos ninguna intervencion.

ART°. 31°.

Los dichos Consules tendràn poder de requerir el auxilio de las autoridades locales, para la prision, detencion i custodia de los desertores de buques publicos i particulares de su pais, i para este objeto se dirigiràn à los Tribunales, Jueces, i oficiales competentes, y pediràn 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, i à esta demanda asi probada (menos no obstante cuando se probare lo contrario) no se reusarà la entrega. Semejantes desertores, luego que sean arrestados, se pondràn à disposicion de los dichos Consules, i pueden ser depositados en las prisiones publicas, à solicitud i espensas de los que los reclamen, para ser enviados à los buques à que corresponden ò à otros de la misma nacion. Pero si no fueren mandados dentro de dos meses contados desde el dia de su arresto, seràn puestos en libertad, y no volveràn a ser presos por la misma causa.

ART°. 32°.

Para proteger mas efectivamente su comercio y navegacion, las dos partes contratantes se convienen en formar luego que las circumstancias lo permitan, una Convencion Consular, que declare mas especialmente los poderes é inmunidades de los Consules i Vice Consules de las partes respectivas.

ART°. 33°.

La Federacion de Centro-America, i los Estados Unidos de America, deseando hacer tan duraderas i firmes, como las circumstancias lo permitan las relaciones, que han de establecerse entre las dos Potencias, en virtud del presente Tratádo ó Convencion General de Paz, Amistad, Comercio, i Navegacion, han declarado solennemente i convienen en los puntos siguientes:

1°. El presente tratado permanecerà en su fuerza i vigor por el termino de doce años contados desde el dia del cange de las ratificaciones, en todos los puntos concernientes à comercio i navegacion, i en todos los demas puntos que se refieren à paz i amistad, serà permanente, i perpetuamente obligatorio para ambas potencias.

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 two nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

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.

4thly. Nothing in this Treaty contained shall, however, be construed or operate contrary to former and existing Public Treaties with other Sovereigns or States.

Treaty to be approved, &c. by the President, &c.

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.

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.

H. CLAY, (L. S.)
ANTONIO JOSE CANAS, (L. S.)

2°. Si alguno, ó algunos de los Ciudadanos de una ú otra parte infringiesen alguno de los articulos contenidos en el presente tratado, dichos ciudadanos seran personalmente responsables, sin que por esto se interrumpa la harmonia i buena correspondencia entre las dos Naciones, comprometiendose cada una á no proteger de modo alguno al ofensor, ó sancionar 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, verificada con pruebas i testimonios competentes, exigiendo justicia i satisfaccion, i 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, i 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, i consentimiento del Senado de los mismos; i las ratificaciones seran cangeadas en la Ciudad de Guatemala dentro de ochos meses contados desde este dia, ó antes si fuese posible.

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.

Dadas en la Ciudad de Washington, el dia cinco de Deciembre del año del Señor mil ocho cientos veinticinco, quinto de la independencia de la Federacion de Centro-America i quinquagesimo de la de los Estados Unidos de America, per duplicado.

ANTONIO JOSE CANAS, (L. S.)
H. CLAY, (L. S.)

GENERAL CONVENTION OF FRIENDSHIP, COMMERCE, AND NAVIGATION,

April 26, 1826.

Between the United States of America and his Majesty the King of Denmark. (*a*)

Ratified Aug. 10, 1826.
Proclamation of the President of the United States, Oct. 14, 1826.

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:

ARTICLE 1.

Commerce and navigation.

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 favour 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 were freely made, or on allowing the same compensation, if the concession were conditional.

ARTICLE 2.

Navigation, equality, and reciprocity.

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 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.

ARTICLE 3.

Produce and manufactures.

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 citi-

(*a*) The treaties and conventions between the United States and Denmark have been:
General Convention of Friendship, Commerce and Navigation, between the United States of America and his Majesty the King of Denmark, April 26, 1826.
Convention between the United States of America and his Majesty the King of Denmark, March 28, 1830. Post, 402.

zens 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 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, on vessels of the other, than are, or shall be, payable in the same ports by native vessels.

ARTICLE 4.

Duties.

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.

ARTICLE 5.

Same.

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 favoured nation.

ARTICLE 6.

Possessions

The present Convention shall not apply to the Northern possessions of his Majesty the King of Denmark; that is to say, Iceland, the Ferroé 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.

ARTICLE 7.

Taxes.

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 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.

ARTICLE 8.

Consuls and vice-consuls.

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 favoured 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.

ARTICLE 9.

Rights, privileges, &c. of the same.

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 exequater, 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.

ARTICLE 10.

Concerning consuls.

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.

ARTICLE 11.

Convention to be in force for ten years.

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 by either, from the other party, this convention, and all the provisions thereof, shall altogether cease and determine.

ARTICLE 12.

Convention to be approved of by the President, &c.

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.

ADDENDUM.

Addendum.

Mr. Clay to Mr. Pedersen.

DEPARTMENT OF STATE,
Washington, April 25, 1826.

April 25, 1826.

The undersigned, Secretary of State of the United States, by direction of the President thereof, has the honour to state to Mr. Pedersen, 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 the 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, *25th April*, 1826.

April 25, 1826.

The undersigned, Minister resident of his Majesty the King of Denmark, has the honour, 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.

CONVENTION

Between the United States of America and Great Britain.

Nov. 13, 1826.

Ratifications exchanged, Feb. 6, 1827.

Proclamation of the President of the U. S., March 19, 1827.

DIFFICULTIES having arisen in the execution of the Convention concluded at St. Petersburgh, 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 Britannick Majesty, being equally desirous to obviate such difficulties, have respectively named Plenipotentiaries to treat and agree respecting the same; that is to say:

The President of the United States of America has appointed ALBERT GALLATIN, their Envoy Extraordinary and Minister Plenipotentiary to his Britannick Majesty:

And his Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable WILLIAM HUSKISSON, a member of his said Majesty's most honourable 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 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:

ARTICLE I.

$1,204,960 to be paid by Great Britain to the U. S., to carry into effect the decision of the Emperor of Russia.

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 satisfaction for, all sums claimed or claimable from Great Britain, by any person or persons whatsoever, under the said decision and Convention.

ARTICLE II.

The convention being fulfilled, annulled, except part of the third article.

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.

ARTICLE III.

When and where payable.

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 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 Britannick 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.

And the payment of the second half to be made on the first day of August, 1827.

ARTICLE IV.

The sums to be in full of all claims under the convention.

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.

ARTICLE V.

Papers of the commission.

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. Petersburgh, 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 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.

ARTICLE VI.

Ratification of this convention.

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.

ALBERT GALLATIN, (L. S.)
WILLIAM HUSKISSON, (L. S.)
HENRY UNWIN ADDINGTON, (L. S.)

July 4, 1827.

TREATY WITH SWEDEN AND NORWAY. (a)

Ratifications exchanged, Jan. 18, 1828.
Proclamation of the President of the U. S., Jan. 19, 1828.
Plenipotentiaries.

In the name of the Most Holy and Indivisible Trinity.

THE United States of America and His Majesty, the King of Sweden and Norway, equally animated with the desire of extending and consolidating the commercial relations subsisting between their respective Territories, and convinced that this object cannot better be accomplished than by placing them on the basis of a perfect equality and reciprocity, have, in consequence, agreed to enter into negotiation for a New Treaty of Commerce and Navigation; and, to this effect, have appointed Plenipotentiaries, to wit: The President of the United States of America, John James Appleton, Chargé d'Affaires of the said States at the Court of His Majesty the King of Sweden and Norway; and His Majesty the King of Sweden and Norway, the Sieur Gustave Count de Wetterstedt, his Minister of State and of Foreign Affairs, Knight Commander of his orders, Knight of the Orders of St. Andrew, St. Alexander Newsky, and St. Ann, of the first class, of Russia; Knight of the Order of the Red Eagle, of the first class, of Prussia; Grand Cross of the Order of Leopold, of Austria; one of the Eighteen of the Swedish Academy; who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Navigation and commerce.

The citizens and subjects of each of the two high contracting parties may, with all security for their persons, vessels, and cargoes, freely enter the ports, places, and rivers, of the territories of the other, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories; to rent and occupy houses and warehouses for their commerce; and they shall enjoy, generally, the most entire security and protection in their mercantile transactions, on condition of their submitting to the laws and ordinances of the respective countries.

ARTICLE II.

Swedish and Norwegian vessels, &c. to be treated as national vessels, &c.

Swedish and Norwegian vessels, and those of the Island of St. Bartholomew, arriving either laden or in ballast, into the ports of the United States of America, from whatever place they may come, shall be treated on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light houses, pilotage, and port charges, as well as to the perquisites of public officers, and all other duties or charges of whatever kind or denomination, levied in the name, or to the profit, of the Government, the local authorities, or of any private establishment whatsoever.

Reciprocal as to American vessels.

And, reciprocally the vessels of the United States of America, arriving either laden, or in ballast, in the ports of the kingdoms of Sweden and Norway, from whatever place they may come, shall be treated on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light houses, pilotage, and port charges, as well as to the perquisites of public officers, and all other

(a) See notes of the treaties between the United States and Sweden, ante, page 60.

TRAITÉ À SUÈDE ET NORVÈGE.

Au nom de la très Sainte et Indivisible Trinité.

Les Etats Unis d'Amérique, et sa Majesté le Roi de Suède et de Norvège, également animés du désir d'étendre et de consolider les relations commerciales qui subsistent entre leurs territoires respectifs, et convaincus que ce but ne sauroit être mieux rempli, qu'en les plaçant sur la base d'une parfaite égalité et réciprocité sont convenus, en conséquence, d'entrer en négotiation pour un nouveau Traité de Commerce et de Navigation, et ont nommé, à cet effet, des Plénipotentiaires, savoir: le Président des Etats Unis d'Amérique, John James Appleton, Chargé d'Affaires desdits Etats à la cour de Sa Majesté le Roi de Suède et de Norvège; et Sa Majesté le Roi de Suède et de Norvège, le Sieur Gustave, Comte de Wetterstedt, Son Ministre d'Etat et des Affaires Etrangères, Chevalier Commandeur de ses Ordres, Chevalier des Ordres de Russie, de St. André de St. Alexandre Newsky, et de Ste. Anne de la première classe, Chevalier de l'Ordre de l'Aigle Rouge de Prusse de la première classe, Grand Croix de l'Ordre de Léopold d'Autriche, un des Dix-huit de l'Académie Suédoise, lesquels, après avoir échangé leurs Pleins Pouvoirs, trouvés en bonne et due forme, ont arrêté les articles suivans.

ARTICLE I.

Les citoyens et sujets de chacune des deux Hautes Parties Contractantes, pourront avec toute surêté, pour leurs personnes, vaisseaux et cargaisons, aborder librement dans les ports, places, et rivières, des territoires de l'autre, partout où le commerce étranger est permis. Ils pourront s'y arrêter et résider dans quelque partie que ce soit desdits territoires, y louer et occuper des maisons et des magasins pour leur commerce et jouiront, généralement de la plus entière sécurité et protection pour les affaires de leur négoce, à charge de se soumettre aux lois et ordonnances des pays respectifs.

ARTICLE II.

Les bâtimens Suédois et Norvégiens et ceux de l'île de St. Barthélemy qui arriveront sur leur lest ou chargés dans les ports des Etats Unis d'Amerique, de quelque lieu qu'ils viennent, seront traités à leur entrée, pendant leur séjour et à leur sortie, sur le même pied que les batimens nationaux venant du même lieu, par rapport aux droits de tonnage, de fanaux, de pilotage, et de port, ainsi qu'aux vacations des officiers publics, et à tout autre droit ou charge, de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du Gouvernement, des administrations locales, ou d'établissemens particuliers quelconques.

Et réciproquement, les batimens des Etats Unis d'Amérique qui arriveront sur leur lest ou chargés dans les ports des Royaumes de Suède et de Norvège, de quelque lieu qu'ils viennent, seront, traités à leur entrée, pendant leur séjour et à leur sortie, sur le même pied que les bâtimens nationaux venant du même lieu, par rapport aux droits de tonnage, de fanaux, de pilotage et de port, ainsi qu'aux vacations des officiers publics et à tout autre droit ou charge de quelque espèce ou dé-

duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever.

ARTICLE III.

Imports.

All that may be lawfully imported into the United States of America, in vessels of the said States, may also be thereinto imported in Swedish or Norwegian vessels, and in those of the Island of St. Bartholomew, from whatever place they may come, without paying other or higher duties, or charges, of whatever kind or denomination, levied in the name, or to the profit, of the Government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels.

And, reciprocally, all that may be lawfully imported into the Kingdoms of Sweden and Norway, in Swedish and Norwegian vessels, or in those of the Island of St. Bartholomew, may also be thereinto imported in vessels of the United States of America, from whatever place they may come, without paying other or higher duties, or charges, of whatever kind or denomination, levied in the name, or to the profit, of the Government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels.

ARTICLE IV.

Exports.

All that may be lawfully exported from the United States of America, in vessels of the said States, may also be exported therefrom in Swedish and Norwegian vessels, or in those of the Island of St. Bartholomew, without paying other or higher duties, or charges, of whatever kind or denomination, levied in the name, or to the profit, of the Government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

And, reciprocally, all that may be lawfully exported from the kingdoms of Sweden and Norway, in Swedish and Norwegian vessels, or in those of the Island of St. Bartholomew, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties, or charges, of whatever kind or denomination, levied in the name, or to the profit, of the government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

ARTICLE V.

Above stipulations applicable to American vessels proceeding to St. Bartholomew.

The stipulations contained in the three preceding articles, are, to their full extent, applicable to the vessels of the United States of America, proceeding, either laden, or not laden, to the colony of St. Bartholomew, in the West Indies, whether from the ports of the kingdoms of Sweden and Norway, or from any other place whatsoever; or proceeding from the said colony either laden or not laden, whether bound for Sweden or Norway, or for any other place whatsoever.

ARTICLE VI.

Not applicable to coastwise navigation.

It is expressly understood that the foregoing second, third, and fourth articles, are not applicable to the coastwise navigation from one port of the United States of America, to another port of the said States; nor to the navigation from one port of the kingdoms of Sweden or of Norway to another, nor to that between the two latter countries; which navigation each of the two high contracting parties reserves to itself.

ARTICLE VII.

Each of the two high contracting parties engages not to grant, in its purchases, or in those which might be made by companies or agents,

nomination que ce soit, perçus au nom, ou au profit, du Gouvernement, des administrations locales, ou d'établissemens particuliers quelconques.

ARTICLE III.

Tout ce qui pourra légalement être importé dans les Etats Unis d'Amérique, par bâtimens desdits Etats, pourra également y être importé par bâtimens Suédois et Norvégiens, ou de l'île de St. Barthélemy, de quelque lieu qu'ils viennent, sans payer d'autres ou plus hauts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom, ou au profit du Gouvernement, des administrations locales, ou d'establissemens particuliers quelconques, que si l'importation avoit lieu en bâtimens nationaux.

Et réciproquement, tout ce qui pourra légalement être importé dans les Royaumes de Suède et de Norvège, par bâtimens Suédois ou Norvégiens, ou de l'île de St. Barthélemy, pourra également y être importé par bâtimens des Etats Unis d'Amérique, de quelque lieu qu'ils viennent, sans payer d'autres ou plus hauts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom, ou au profit du Gouvernement, des administrations locales, ou d'établissemens particuliers quelconques, que si l'importation avoit lieu en bâtimens nationaux.

ARTICLE IV.

Tout ce qui pourra légalement être exporté des Etats Unis d'Amérique, par bâtimens desdits Etats, pourra également en être exporté par bâtimens Suédois et Norvégiens, ou de l'île de St. Barthélemy, sans payer d'autres ou plus hauts droits ou charges, de quelque espèce ou dénomination que ce soit perçus au nom, ou au profit, du Gouvernement, des administrations locales, ou d'établissemens particuliers quelconques, que si l'exportation avoit eu lieu en bâtimens nationaux.

Et réciproquement, tout ce qui pourra légalement être exporté des Royaumes de Suède et de Norvège, par bâtimens Suédois et Norvégiens, ou de l'île de St. Barthélemy, pourra également en être exporté par bâtimens des Etats Unis d'Amérique, sans payer d'autres ou plus hauts droits ou charges, de quelque espèce ou denomination que ce soit, perçus au nom, ou au profit, du Gouvernement, des administration locales, ou d'établissemens particuliers quelconques, que si l'exportation avait lieu en bâtimens nationaux.

ARTICLE V.

Les stipulations des trois articles précédens sont dans toute leur plénitude, applicables aux bâtimens des Etats Unis d'Amérique qui se rendront chargés ou non chargés, dans la colonie de St. Barthélemy, aux Indes Occidentales, soit des ports des Royaumes de Suède et de Norvège soit de tout autre lieu quelconque, ou qui sortiront de la dite colonie, chargés ou non chargés, pour se rendre, soit en Suède ou en Norvège, soit en tout autre lieu quelconque.

ARTICLE VI.

Il est expressément entendu que les articles précédens, deux, trois, et quatre, ne sont point applicables à la navigation de côte ou de cabotage d'un port des Etats Unis d'Amérique, à un autre port desdits Etats, ni à la navigation d'un port des royaumes de Suède ou de Norvège à un autre, ou à celle entre ces deux derniers pays, navigation que chacune des deux Hautes Parties Contractantes se réserve.

ARTICLE VII.

Chacune des deux Hautes Parties Contractantes s'engage à ne donner dans ses achats, ou dans ceux qui seroient faits par des compagnies ou

No preference to be granted in regard to importations.

acting in its name, or under its authority, any preference to importations made in its own vessels, or in those of a third Power, over those made in the vessels of the other contracting party.

ARTICLE VIII.

No tonnage duties to be imposed, except, &c.

The two high contracting parties engage not to impose upon the navigation between their respective territories, in the vessels of either, any tonnage or other duties of any kind or denomination, which shall be higher, or other than those which shall be imposed on every other navigation, except that which they have reserved to themselves, respectively, by the sixth article of the present treaty.

ARTICLE IX.

No restriction to be imposed, by either party, upon importations of the products of the soil.

There shall not be established, in the United States of America, upon the products of the soil or industry of the kingdoms of Sweden and Norway, or of the island of St. Bartholomews, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties, shall, likewise, be established upon articles of like nature, the growth of any other country.

And, reciprocally, there shall not be established in the Kingdoms of Sweden and Norway, nor in the Island of St. Bartholomews, on the products of the soil or industry of the United States of America, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties, be likewise established upon articles of like nature, the growth of the Island of St. Bartholomew, or of any other place, in case such importation be made into, or from, the Kingdoms of Sweden and Norway; or of the Kingdoms of Sweden and Norway or of any other place, in case such importation or exportation be made into, or from, the Island of St. Bartholomew.

ARTICLE X.

All privileges of transit, drawback, &c. to be mutual.

All privileges of transit, and all bounties and drawbacks which may be allowed within the territories of one of the high contracting parties, upon the importation or exportation of any article whatsoever, shall, likewise, be allowed on the articles of like nature, the products of the soil or industry of the other contracting party, and on the importations and exportations made in its vessels.

ARTICLE XI.

Vessels entering a port, and not wishing to unload, may depart without paying any duties, other than, &c.

The citizens or subjects of one of the high contracting parties, arriving with their vessels on the coasts belonging to the other, but not wishing to enter the port, or after having entered therein, not wishing to unload any part of their cargo, shall be at liberty to depart and continue their voyage, without paying any other duties, imposts, or charges, whatsoever, for the vessel and cargo, than those of pilotage, wharfage, and for the support of light-houses, when such duties shall be levied on national vessels in similar cases. It is understood, however, that they shall always conform to such regulations and ordinances concerning navigation, and the places and ports which they may enter, as are, or shall be, in force with regard to national vessels; and that the custom-house officers shall be permitted to visit them, to remain on board, and to take all such precautions as may be necessary to prevent all unlawful commerce, as long as the vessels shall remain within the limits of their jurisdiction.

ARTICLE XII.

It is further agreed, that the vessels of one of the high contracting parties, having entered into the ports of the other, will be permitted to

des agens agissant en son nom ou sous son autorité aucune préférence aux importations faites par ses bâtimens ou par ceux d'une nation tierce, sur celles faites dans les bâtimens de l'autre Partie Contractante.

ARTICLE VIII.

Les deux Hautes Parties Contractantes s'engagent à ne pas établir sur la navigation entre leurs territoires respectifs, par les bâtimens de l'une ou de l'autre, des droits de tonnage ou autres, de quelque espèce ou dénomination que ce soit, plus hauts ou autres que ceux qui seront établis sur toute autre navigation, excepté celle qu'elles se sont respectivement réservée par le sixième article du présent traité.

ARTICLE IX.

Il ne pourra pas être établi dans les Etats Unis d'Amérique, sur les productions du sol ou de l'industrie des royaumes de Suède et de Norvège, et de l'île de St. Barthélemy, aucune prohibition ou restriction d'importation ou d'exportation, ni aucuns droits, de quelque espèce ou dénomination que ce soit, qu'autant que ces prohibitions, ces restrictions et ces droits seroient également établis sur les objets de même nature provenant de toute autre contrée.

Et réciproquement, il ne pourra pas être établi dans les royaumes de Suède et de Norvège, ni dans l'île de St. Barthélemy, sur les productions du sol ou de l'industrie des Etats Unis d'Amérique, aucune prohibition ou restriction d'importation ou d'exportation, ni aucuns droits, de quelque espèce ou dénomination que ce soit, qu'autant que ces prohibitions, ces restrictions et ces droits, seroient également établis sur les objets de même nature provenant, dans le cas où l'importation ou l'exportation auroit lieu dans ou hors des royaumes de Suède et de Norvège, de l'île de St. Barthélemy ou de tout autre endroit; et dans le cas où l'importation ou l'exportation aurait lieu dans ou hors l'île de St. Barthélemy, des royaumes de Suède et de Norvège ou de tout autre endroit.

ARTICLE X.

Toute faculté d'entrepôt et toutes primes et remboursemens de droits, qui seroient accordés dans les territoires d'une des Hautes Parties Contractantes, à l'importation ou à l'exportation de quelque objet que ce soit, seront également accordés aux objets de même nature produits du sol ou de l'industrie de l'autre Partie Contractante, et aux importations et exportations faites dans ses bâtimens.

ARTICLE XI.

Les citoyens ou sujets de l'une des Hautes Parties Contractantes, arrivant avec leurs bâtimens à l'une des côtes appartenant à l'autre, mais ne voulant pas entrer dans le port, ou, après y être entrés, ne voulant décharger aucune partie de leur cargaison, auront la liberté de partir et de poursuivre leur voyage, sans payer d'autres droits, impôts ou charges quelconques, pour le bâtiment ou la cargaison, que les droits de pilotage, de quayage, et d'entretien de fanaux, quand ces droits sont perçus sur les nationaux dans les mêmes cas. Bien entendu, cependant qu'ils sa conformeront toujours aux réglemens et ordonnances concernant la navigation et les places ou ports dans lesquels ils pourront aborder, qui sont, ou seront en vigueur pour les nationaux, et qu'il sera permis aux officiers des douanes de les visiter, de rester à bord, et de prendre telles précautions, qui pourroient être nécessaires pour prévenir tout commerce illicite, pendant que les bâtimens resteront dans l'enceinte de leur jurisdiction.

ARTICLE XII.

Il est aussi convenu que les bâtimens de l'une des Hautes Parties Contractantes, étant entrés dans les ports de l'autre, pourront se borner

Vessels unloading a part of their cargoes, to pay no duties on the remainder.

confine themselves to unloading such part only of their cargoes, as the Captain or owner may wish, and that they may freely depart with the remainder, without paying any duties, imposts, or charges, whatsoever, except for that part which shall have been landed, and which shall be marked upon, and erased from, the manifest exhibiting the enumeration of the articles with which the vessel was laden; which manifest shall be presented entire at the Custom House of the place where the vessel shall have entered. Nothing shall be paid on that part of the cargo which the vessel shall carry away, and with which it may continue its voyage, to one, or several other ports of the same country, there to dispose of the remainder of its cargo, if composed of articles whose importation is permitted, on paying the duties chargeable upon it; or it may proceed to any other country. It is understood, however, that all duties, imposts, or charges whatsoever, which are, or may become chargeable upon the vessels themselves, must be paid at the first port where they shall break bulk, or unlade part of their cargoes; but that no duties, imposts, or charges, of the same description, shall be demanded anew in the ports of the same country, which such vessels might, afterwards, wish to enter, unless national vessels be, in similar cases, subject to some ulterior duties.

ARTICLE XIII.

Consuls, &c. to be admitted into the ports of the contracting parties.

Each of the high contracting parties grants to the other, the privilege of appointing, in its commercial ports and places, Consuls, Vice Consuls, and Commercial agents, who shall enjoy the full protection, and receive every assistance necessary for the due exercise of their functions; but it is expressly declared, that, in case of illegal or improper conduct, with respect to the laws or Government of the country in which said Consuls, Vice consuls, or Commercial Agents shall reside, they may be prosecuted and punished conformably to the laws, and deprived of the exercise of their functions by the offended Government, which shall acquaint the other with its motives for having thus acted; it being understood however, that the archives and documents relative to the affairs of the consulate shall be exempt from all search, and shall be carefully preserved under the seals of the Consuls, Vice Consuls, or Commercial Agents, and of the authority of the place where they may reside.

Consuls, &c. to act as arbitrators in certain cases.

The consuls, vice consuls, or commercial agents, or the persons duly authorized to supply their places, shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captain, should disturb the order or tranquillity of the country; or the said consuls, vice consuls, or commercial agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment, or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

ARTICLE XIV.

Consuls, &c. authorized to require the assistance of the local authorities.

The said consuls, vice consuls, or commercial agents, are authorized to require the assistance of the local authorities for the arrest, detention, and imprisonment, of the deserters from the ships of war and merchant vessels of their country; and, for this purpose, they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such indi-

à ne décharger qu'une partie de leur cargaison, selon que le capitaine ou propriétaire le desirera, et qu'ils pourront s'en aller librement avec le reste, sans payer de droits, impôts ou charges quelconques, que pour la partie qui aura été mise à terre, et qui sera marquée et biffée sur le manifeste, qui contiendra l'énumération des effets dont le bâtiment était chargé, lequel manifeste devra être présenté en entier à la douane du lieu où le bâtiment aura bordé. Il ne sera rien payé pour la partie de la cargaison que le bâtiment remportera, et avec la quelle il pourra continuer sa route pour un ou plusieurs autres ports du même pays, et y disposer du reste de sa cargaison, si elle est composée d'objets dont l'importation est permise, en payant les droits qui y sont applicables, ou bien il pourra s'en aller dans tout autre pays. Il est cependant entendu que les droits, impôts ou charges quelconques, qui sont ou seront payables pour les bâtimens mêmes, doivent être acquittés au premier port ou ils romproient le chargement, ou en déchargeroient une partie, mais qu'aucuns droits, impôts ou charges pareils ne seront demandés de nouveau dans les ports du même pays où lesdits bâtimens pourroient vouloir entrer après, à moins que les nationaux ne soient sujets à quelques droits ultérieurs dans le même cas.

ARTICLE XIII.

Chacune des Hautes Parties Contractantes accorde à l'autre la faculté d' entretenir dans ses ports et places de commerce, des Consuls, Vice Consuls, ou Agens de Commerce, qui jouiront de toute la protection, et recevront toute l'assistance nécessaire pour remplir duement leurs fonctions; mais il est expressément déclaré que dans le cas d'une conduite illégale ou impropre envers les lois ou le gouvernement du pays dans lequels lesdits Consuls, Vice Consuls, ou Agens Commerciaux, résideroient ils pourront être poursuivis et punis conformément aux lois et privés de l'exercice de leurs fonctions par le Gouvernement offensé qui fera connoître à l'autre ses motifs pour avoir agi ainsi, 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 sous le scellé des Consuls, Vice Consuls, ou Agens Commerciaux, et de l'autorité de l'endroit où ils résideroient.

Les Consuls, Vice Consuls, et Agens Commerciaux, ou ceux qui seroient duement autorisés à les suppléer auront le droit, comme tels, de servir de juges et d'arbitres dans les différéns qui pourroient s'élever entre les capitaines et les équipages des bâtimens de la nation dont ils soignent les intérêts, sans que les autorités locales puissent y entervenir, à moins que la conduite des équipages ou du capitaine ne troublât l'ordre ou la tranquillité du pays, ou que lesdits Consuls, Vice Consuls, ou Agens Commerciaux ne réquissent leur intervention pour faire éxécuter ou maintenir leurs décisions. Bien entendu que cette espèce de jugement ou d'arbitrage ne sauroit pourtant priver les parties contendantes du droit qu'elles ont, à leur retour de recourir aux autorités judiciares de leur patrie.

ARTICLE XIV.

Les dits Consuls, Vice Consuls, ou Agens, Commerciaux, seront autorisés à requérir l'assistance des autorités locales pour l'arrestation, la détention, et l'emprisonnement de déserteurs des navires de guerre et marchands de leur pays, et ils s'adresseront, pour cet objet, aux tribunaux, juges et officiers compétens, et réclameront, par écrit, les déserteurs sus mentionnés, en prouvant, par la communication des registres des navires, ou rôles de l'équipage, ou par d'autres documens

viduals formed part of the crews, and on this reclamation being thus substantiated, the surrender shall not be refused.

Deserters to be placed at the disposition of the consuls, &c.

Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice consuls, or commercial agents, and may be confined in the public prisons, at the request and cost of those who claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But, if not sent back within the space of two months, reckoning from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

In case of crime on the part of the deserter.

It is understood, however, that, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE XV.

In case of shipwreck, &c.

In case any vessel of one of the high contracting parties shall have been stranded or shipwrecked, or shall have suffered any other damage on the coasts of the dominions of the other, every aid and assistance shall be given to the persons shipwrecked or in danger, and passports shall be granted to them to return to their country. The shipwrecked vessels and merchandize, or their proceeds, if the same shall have been sold, shall be restored to their owners, or to those entitled thereto, if claimed within a year and a day, upon paying such costs of salvage as would be paid by national vessels in the same circumstances; and the salvage companies shall not compel the acceptance of their services, except in the same cases, and after the same delays, as shall be granted to the captains and crews of national vessels. Moreover, the respective governments will take care that these companies do not commit any vexatious or arbitrary acts.

ARTICLE XVI.

Quarantine.

It is agreed that vessels arriving directly from the United States of America, at a port within the dominions of His majesty the King of Sweden and Norway, or from the territories of his said Majesty in Europe, at a port of the United States, and provided with a bill of health granted by an officer having competent power to that effect, at the port whence such vessels shall have sailed, setting forth that no malignant or contagious diseases prevailed in that port, shall be subjected to no other quarantine than such as may be necessary for the visit of the health-officer of the port where such vessel shall have arrived; after which said vessels shall be allowed immediately to enter and unload their cargoes; provided always, that there shall be on board no person who, during the voyage, shall have been attacked with any malignant or contagious diseases; that such vessels shall not, during their passage, have communicated with any vessel liable, itself, to undergo a quarantine; and that the country whence they came shall not, at that time, be so far infected or suspected, that, before their arrival, an ordinance had been issued, in consequence of which all vessels coming from that country should be considered as suspected, and consequently subject to quarantine.

ARTICLE XVII.

Certain articles of the treaty of April 3, 1783, revived.

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 Treaty of Amity and Commerce concluded at Paris on the third of April, one thousand seven hundred eighty-three, by the Plenipotentiaries of the United States of America, and of His Majesty the King of Sweden, together with the first, second, fourth, and fifth separate articles, signed on the same day by the same Plenipotentiaries, are revived,

officiels, que de tels individus ont fait partie desdits équipages, et cette réclamation ainsi prouvée l'extradition ne sera pas refusée.

De tels déserteurs, lorsqu'ils auront été arrêtés, seront mis à la disposition desdits consuls, vice consuls, ou agens commerciaux, et pourront être enfermés dans les prisons publiques, à la réquisition et aux frais de ceux qui les reclament, pour être envoyés aux navires aux quels ils appartenoient, ou à d'autres de la même nation. Mais s'ils ne sont pas renvoyés dans l'espace de deux mois, à compter du jour de leur arrestation, ils seront mis en liberté, et ne seront plus arrêtés pour la même cause.

Il est entendu, toutefois, que si le déserteur se trouvoit avoir commis quelque crime ou délit, il pourra être sursis à son extradition, jusqu'à ce que le tribunal nanti de l'affaire, aura rendu sa sentence, et que celle-ci ait reçu son exécution.

ARTICLE XV.

Dans le cas où quelque bâtiment de l'une des Hautes Parties Contractantes, aura échoué, fait naufrage, ou souffert quelqu' autre dommage sur les côtes de la domination de l'autre, il sera donné tout aide et assistance aux personnes, naufragées, ou qui se trouveroient en danger, et il leur sera accordé des passeports pour retourner dans leur patrie. Les bâtimens et les marchandises naufragés, ou leur produit, s'ils ont été vendus, seront restitués à leurs propriétaires ou ayant cause, s'ils sont reclamés dans l'an et jour, en payant les frais de sauvetage que payeroient les nationaux dans les mêmes cas. Et les compagnies de sauvetage ne pourront faire accepter leurs services que dans les mêmes cas, et après les mêmes délais qui seroient accordés aux capitaine et aux équipages nationaux. Les Gouvernemens respectifs veilleront d'ailleurs à ce que ces compagnies ne se permettent point de vexations ou d'actes arbitraires.

ARTICLE XVI.

Il est convenu que les bâtimens qui arriveront directement des Etats Unis d'Amérique, à un port de la domination de Sa Majesté le Roi de Suède et de Norvège, ou des territoires de sa dite Majesté en Europe, à un port des Etats Unis, et qui seroient pourvus d'un certificat de santé, donné par l'officier compétent à cet égard du port d'où les bâtimens sont sortis, et assurant qu'aucune maladie maligne ou contagieuse n'existoit dans ce port, ne seront soumis à aucune autre quarantaine que celle qui sera nécessaire pour la visite de l'officier de santé du port où les bâtimens seroient arrivés, après laquella il sera permis a ces bâtimens d'entrer immédiatement, et de décharger leurs cargaisons, bien entendu, toutefois, qu'il n'y ait eu personne à leur bord qui ait été attaqué pendant le voyage d'une maladie, maligne ou contagieuse, que les bâtimens n'aient point communiqué dans leur traversée avec un bâtiment qui seroit lui-même dans le cas de subir une quarantaine, et que la contrée d'où ils viendroient ne fut pas, à cette époque si généralement infectée ou suspecte, qu'on ait rendu, avant leur arrivée, une ordannance, d'après laquelle tous les bâtimens venant de cette contrée seroient regardés comme suspects, et en conséquence, assujetis à une quarantaine.

ARTICLE XVII.

Les articles deux, cinq, six, sept, huit, neuf, dix, onze, douze, treize, quartorze, quinze, seize, dix-sept, dix-huit, dix-neuf, vingt-un, vingt-deux, vingt-trois, et vingt-cinq, du Traité d'Amitié et de Commerce conclu à Paris le trois Avril, mil sept cent quatre-vingt-trois, par les Plénipotentiaires des Etats Unis d'Amérique, et de Sa Majesté le Roi de Suède, ainsi que les articles séparés un, deux, quatre et cinq qui furent signés le même jour par les mêmes Plénipotentiaires, sont remis en vigueur et rendus applicables à tous les pays sous la domination des

and made applicable to all the countries under the dominion of the present high contracting parties, and shall have the same force and value as if they were inserted in the context of the present treaty; it being understood that the stipulations contained in the articles above cited, shall always be considered as in no manner affecting the conventions concluded by either party with other nations, during the interval between the expiration of the said treaty of one thousand seven hundred eighty-three, and the revival of said articles by the Treaty of Commerce and Navigation, concluded at Stockholm by the present high contracting parties, on the fourth of September, one thousand eight hundred and sixteen.

ARTICLE XVIII.

In case of a vessel attempting to enter a blockaded port, &c.

Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom with respect to the various events which may take place, it is agreed that a merchant vessel belonging to either of them, which may be bound to a port supposed, at the time of its departure, to be blockaded, shall not, however, be captured or condemned for having attempted, a first time, to enter said port, unless it can be proved that said vessel could, and ought to have learned, during its voyage, that the blockade of the place in question still continued. But all vessels which, after having been warned off once, shall, during the same voyage, attempt a second time to enter the same blockaded port, during the continuance of said blockade, shall then subject themselves to be detained and condemned.

ARTICLE XIX.

The present treaty shall continue in force for ten years.

The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications; and if before the expiration of the first nine years, neither of the high contracting parties shall have announced, by an official notification, to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

ARTICLE XX.

To be ratified within nine months.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate, and by His Majesty the King of Sweden and Norway, and the ratifications shall be exchanged at Washington within the space of nine months from the signature, or sooner, if possible.

In faith whereof, the respective Plenipotentiaries have signed the present treaty, by duplicates, and have affixed thereto the seals of their arms. Done at Stockholm, the fourth of July, in the year of Grace, one thousand eight hundred and twenty-seven.

J. J. APPLETON, (L. S.)
G. COUNT DE WETTERSTEDT, (L. S.)

July 4, 1827.

Separate article.

SEPARATE ARTICLE.

Certain relations of proximity and ancient connections having led to regulations for the importation of the products of the Kingdoms of Sweden and Norway into the Grand Duchy of Finland, and that of the products of Finland into Sweden and Norway, in vessels of the respective countries, by special stipulations of a treaty still in force, and whose

Hautes Parties, actuellement Contractantes, et auront la même force et valeur que s'ils étoient insérés textuellement dans le présent Traité. Bien entendu que les stipulations contenues dans les articles précités seront toujours, censées ne rien changer aux conventions conclues de part et d'autre, avec d'autres nations dans l'intervalle écoulé entre l'expiration dudit Traité de mil sept-cent quatre-vingt-trois, et la remise, en vigueur, des dits articles par le Traité de Commerce et de Navigation, conclu par les Hautes Parties actuellement Contractantes, à Stockholm, le quatre Septembre, mil-huit-cent seize.

ARTICLE XVIII.

Vû 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 d'elles, qui se trouveroit destiné pour un port supposé bloqué au moment du départ de ce batiment, ne sera cependant pas capturé ou condamné pour avoir essayé une première fois d'entrer dans ledit port, à moins qu'il ne puisse être prouvé que ledit bâtiment avoit pû et dû apprendre en route que l'état de blocus de la place en question duroit encore: mais les bâtimens qui après avoir été renvoyés une fois, essayeroient pendant le même voyage d'entrer une seconde fois dans le même port bloqué, durant la continuation de ce blocus, se trouveront alors sujets à être détenus et condamnés.

ARTICLE XIX.

Le present traité sera en vigueur pendant dix années, à partir du jour de l'échange des ratifications, et, si avant l'expiration des neuf premières années, l'une ou l'autre des Hautes Parties Contractantes n'avoit pas annoncé à l'autre, par une notification officielle, son intention d'en faire cesser l'effet, ce traité restera obligatoire une année au delà et ainsi de suite jusqu' à l'expiration des douze mois qui suivront une semblable notification, à quelque époque quelle ait lieu.

ARTICLE XX.

Le présent traité sera ratifié par le Président des Etats Unis d'Amérique, par et avec l'avis et le consentement du Senat, et par Sa Majesté le Roi de Suède et de Norvège, et les ratifications en seront échangées à Washington, dans l'espace de neuf mois après la signature, ou plutôt, si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent traité en duplicata, et y ont apposé le cachet de leurs armes. Fait à Stockholm, le quatre Juillet, l'an de Grace mil huit cent vingt-sept.

J. J. APPLETON, (L. S.)
G. COMTE DE WETTERSTEDT, (L. S.)

ARTICLE SEPARE.

Des rapports de proximité et d'anciennes relations ayant fait régler l'importation des productions des Royaumes des Suède et de Norvège dans le Grand Duché de Finlande, et celle des productions de la Finlande en Suède et en Norvège sur les bâtimens des pays respectifs, par des stipulations spéciales d'un traité encore en vigueur, et dont le renouvellement forme un objet de négociation actuelle, entre les cours de

renewal forms, at this time, the subject of a negotiation between the Courts of Sweden and Norway and Russia, said stipulations being, in no manner, connected with the existing regulations for foreign commerce in general, the two high contracting parties, anxious to remove from their commercial relations all kinds of ambiguity or motives of discussion, have agreed that the eighth, ninth, and tenth articles of the present treaty shall not be applicable either to the navigation and commerce above mentioned, nor, consequently, to the exceptions in the general tariff of custom house duties, and in the regulations of navigation resulting therefrom, nor to the special advantages which are, or may be granted to the importation of tallow and candles from Russia, founded upon equivalent advantages granted by Russia on certain articles of importation from Sweden and Norway.

The present Separate Article shall have the same force and value as if it were inserted, word for word, in the treaty signed this day, and shall be ratified at the same time.

In faith whereof, we, the undersigned, by virtue of our respective full powers, have signed the present Separate Article, and affixed thereto the seals of our arms.

Done at Stockholm, the fourth of July, one thousand eight hundred and twenty-seven.

J. J. APPLETON, (L. S.)
G. COUNT DE WETTERSTEDT, (L. S.)

Suède et de Norvège et de Russie, sans que lesdites stipulations soient liées aux réglemens existants pour le commerce étranger en général, les deux Hautes Parties Contractantes voulant écarter de leurs relations commerciales toute espèce d'équivoque ou de motif de discussion, sont tombées d'accord que les articles huit, neuf et dix du présent traité, ne seront point applicables ni à la navigation et au commerce susmentionnés, et par conséquent aux exceptions dans les tarifs généraux des douanes, et dans les réglemens de navigation qui en résultent, ni aux avantages speciaux qui sont ou pourroient être donnés à l'importation du suif et des chandelles de Russie, motivés par des avantages équivalens accordés en Russie à des articles d'importation de Suède et de Norvège.

Le présent Article Séparé aura le même force et valeur que s'il etoit insére mot à mot dans le traité signé aujourd'hui, et sera ratifié en même tems.

En foi de quoi, nous soussignés, en vertu de nos pleins pouvoirs respectifs, avons signé le présent Article Séparé, et y avons apposé le cachet de nos armes.

Fait à Stockholm, le quatre Juillet, mil huit cent vingt sept.

J. J. APPLETON, (L. S.)
G. COMTE DE WETTERSTEDT, (L. S.)

Aug. 6, 1827.

CONVENTION WITH GREAT BRITAIN.

Ratifications exchanged, April 2, 1828.

Proclamation of the President of the U. S., May 15, 1828.

Object of the treaty.

THE United States of America, and His Majesty the King of the United Kingdom of Great Britain and Ireland, being equally desirous to prevent, as far as possible, all hazard of misunderstanding between the two nations, with respect to the Territory on the North-West Coast of America, West of the Stoney or Rocky Mountains, after the expiration of the Third Article of the Convention concluded between them on the 20th of October, 1818, and, also, with a view to give further time for maturing measures which shall have for their object a more definite settlement of the claims of each party to the said Territory, have respectively named their Plenipotentiaries to treat and agree concerning a temporary renewal of the said Article, that is to say:

Ante, p. 249.

Negotiators.

The President of the United States of America, Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to His Britannick Majesty.

And His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Charles Grant, a member of His said Majesty's Most Honourable Privy Council, a member of Parliament, and Vice President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations; and Henry Unwin Addington, Esquire,

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:

Third article of convention of 20th Oct. 1818, (ante, p. 249,) indefinitely extended.

Art. 1. All the provisions of the third article of the Convention concluded between the United States of America, and His Majesty the King of the United Kingdom of Great Britain and Ireland, on the 20th of October, 1818, shall be, and they are, hereby, further indefinitely extended and continued in force, in the same manner as if all the provisions of the said Article were herein specifically recited.

Convention may be annulled.

Art. 2. It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the 20th of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this Convention; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

Certain claims not to be affected by this treaty.

Art. 3. Nothing contained in this Convention, or in the Third Article of the Convention of the 20th of October, 1818, hereby continued in force, shall be construed to impair, or in any manner affect, the claims

which either of the contracting parties may have to any part of the country westward of the Stoney or Rocky Mountains.

Art. 4. The present Convention shall be ratified, and the ratifications shall be exchanged in nine months, or sooner, if possible. Ratifications to be exchanged in nine months.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the sixth day of August in the year of our Lord one thousand eight hundred and twenty-seven.

ALBERT GALLATIN, (L. S.)
CHARLES GRANT, (L. S.)
HENRY UNWIN ADDINGTON, (L. S.)

RENEWAL OF COMMERCIAL CONVENTION WITH GREAT BRITAIN.

Aug. 6, 1827.

Ratifications exchanged, April 2, 1828.

Proclamation of the President of the U. S., May 15, 1828.

Object of the convention.

Ante, p. 228.

Ante, p. 249.

THE United States of America, and His Majesty the King of the United Kingdom of Great Britain and Ireland, being desirous of continuing in force the existing commercial regulations between the two countries, which are contained in the Convention concluded between them on the 3d of July, 1815, and further renewed by the Fourth Article of the Convention of the 20th October, 1819, have, for that purpose, named their respective Plenipotentiaries, that is to say:

The President of the United States of America, Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to His Britannick Majesty, On the part of the U. S.

And His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Charles Grant, a member of His said Majesty's Most Honourable Privy Council, a member of Parliament, and Vice President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations; and Henry Unwin Addington, Esquire, On the part of His Majesty.

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: Articles agreed on.

Art. 1. All the provisions of the Convention concluded between the United States of America, and His Majesty the King of the United Kingdom of Great Britain and Ireland, on the 3d of July, 1815, and further continued for the term of ten years by the Fourth Article of the Convention of the 20th of October, 1818—with the exception therein contained, as to St. Helena, are hereby further indefinitely, and without the said exception, extended and continued in force, from the date of the expiration of the said ten years, in the same manner as if all the First.

provisions of the said Convention of the 3d of July, 1815, were herein specifically recited.

Second. Art. 2. It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the expiration of the said ten years; that is, after the 20th of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this Convention; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

Third. Art. 3. The present Convention shall be ratified, and the ratifications shall be exchanged in nine months, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the sixth day of August, in the year of our Lord one thousand eight hundred and twenty-seven.

ALBERT GALLATIN, (L. S.)
CHARLES GRANT, (L. S.)
HENRY UNWIN ADDINGTON. (L. S.)

CONVENTION

Sept. 29, 1827.

Between the United States of America and Great Britain.

Ratifications exchanged, April 2, 1828. Proclamation of the President of the U. S., May 15, 1828.

Ante, p. 220. Commissioners appointed as provided by the treaty of Ghent.

WHEREAS it is provided by the fifth article of the Treaty of Ghent, that, in case the Commissioners appointed under that article, for the settlement of the boundary line therein described, should not be able to agree upon such boundary line, the report or reports of those Commissioners, stating the points on which they had differed, should be submitted to some friendly Sovereign or State, and that the decision given by such Sovereign or State, on such points of difference, should be considered by the contracting Parties as final and conclusive: that case having now arisen, and it having, therefore, become expedient to proceed to and regulate the reference, as above described, the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, have, for that purpose, named their Plenipotentiaries, that is to say: the President of the United States has appointed Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary at the Court of His Britannick Majesty; and his said Majesty, on his part, has appointed the Right Honorable Charles Grant, a member of Parliament, a member of His said Majesty's most Honorable Privy Council, and President of the Committee of the Privy Council for affairs of trade and foreign plantations, and Henry Unwin Addington, Esq. who, after having exchanged their respective full powers,

found to be in due and proper form, have agreed to, and concluded the following articles.

Reference of differences to a friendly power.

Art. 1. It is agreed, that the points of difference which have arisen in the settlement of the boundary between the American and British dominions, as described in the fifth article of the Treaty of Ghent, shall be referred, as therein provided, to some friendly Sovereign or State, who shall be invited to investigate, and make a decision upon, such points of difference.

The two contracting Powers engage to proceed in concert, to the choice of such friendly Sovereign or State, as soon as the ratifications of this Convention shall have been exchanged, and to use their best endeavours to obtain a decision, if practicable, within two years after the Arbiter shall have signified his consent to act as such.

Statements of the respective cases to be drawn up.

Art. 2. The reports and documents, thereunto annexed, of the Commissioners appointed to carry into execution the fifth article of the Treaty of Ghent, being so voluminous and complicated, as to render it improbable that any Sovereign or State should be willing or able to undertake the office of investigating and arbitrating upon them, it is hereby agreed to substitute for those reports, new and separate statements of the respective cases, severally drawn up by each of the contracting Parties, in such form and terms as each may think fit.

The said statements, when prepared, shall be mutually communicated to each other by the contracting Parties, that is to say: by the United States to His Britannick Majesty's Minister or Chargé d'Affaires at Washington, and by Great Britain to the Minister or Chargé d'Affaires of the United States at London, within fifteen months after the exchange of the ratifications of the present Convention.

After such communication shall have taken place, each Party shall have the power of drawing up a second and definitive statement, if it thinks fit so to do, in reply to the statement of the other Party, so communicated; which definitive statements shall also be mutually communicated, in the same manner as aforesaid, to each other, by the contracting Parties, within twenty-one months after the exchange of the ratifications of the present Convention.

Each of the contracting parties shall communicate to the other, the evidence intended to be offered.

Art. 3. Each of the contracting Parties shall, within nine months after the exchange of ratifications of this Convention, communicate to the other, in the same manner as aforesaid, all the evidence intended to be brought in support of its claim, beyond that which is contained in the reports of the Commissioners, or papers thereunto annexed, and other written documents laid before the Commission, under the fifth article of the Treaty of Ghent.

Each of the contracting Parties shall be bound, on the application of the other Party, made within six months after the exchange of the ratifications, of this Convention, to give authentick copies of such individually specified acts of a publick nature, relating to the territory in question, intended to be laid as evidence before the Arbiter, as have been issued under the authority, or are in the exclusive possession, of each Party.

No maps, surveys, or topographical evidence of any description, shall be adduced by either Party, beyond that which is hereinafter stipulated, nor shall any fresh evidence of any description, be adduced or adverted to, by either Party, other than that mutually communicated or applied for, as aforesaid.

Each Party shall have full power to incorporate in, or annex to, either its first or second statement, any portion of the reports of the Commissioners, or papers thereunto annexed, and other written documents laid

before the Commission under the fifth article of the Treaty of Ghent, or of the other evidence mutually communicated or applied for as above provided, which it may think fit.

Maps to be annexed to the statements.

Art. 4. The map called Mitchell's map, by which the framers of the Treaty of 1783 are acknowledged to have regulated their joint and official proceedings, and the map A, which has been agreed on by the contracting Parties, as a delineation of the water courses, and of the boundary lines in reference to the said water courses, as contended for by each Party respectively, and which has accordingly been signed by the above named Plenipotentiaries, at the same time with this Convention, shall be annexed to the statements of the contracting Parties, and be the only maps that shall be considered as evidence, mutually acknowledged by the contracting Parties, of the topography of the country.

It shall, however, be lawful for either Party, to annex to its respective first statement, for the purposes of general illustration, any of the maps, surveys, or topographical delineations, which were filed with the Commissioners under the fifth article of the Treaty of Ghent, any engraved map heretofore published, and also a transcript of the above mentioned map A, or of a section thereof, in which transcript each party may lay down the highlands, or other features of the country, as it shall think fit; the water courses and the boundary lines, as claimed by each party, remaining as laid down in the said map A.

But this transcript, as well as all the other maps, surveys, or topographical delineations, other than the map A, and Mitchell's map, intended to be thus annexed, by either Party, to the respective statements, shall be communicated to the other Party, in the same manner as aforesaid, within nine months after the exchange of the ratifications of this Convention, and shall be subject to such objections and observations, as the other contracting Party may deem it expedient to make thereto, and shall annex to his first statement, either in the margin of such transcript, map or maps, or otherwise.

Statements, &c. to be delivered to the arbitrating power within two years.

Art. 5. All the statements, papers, maps, and documents, above mentioned, and which shall have been mutually communicated as aforesaid, shall, without any addition, subtraction, or alteration, whatsoever, be jointly and simultaneously delivered in to the arbitrating Sovereign or State, within two years after the exchange of ratifications of this Convention, unless the Arbiter should not, within that time, have consented to act as such; in which case all the said statements, papers, maps, and documents, shall be laid before him within six months after the time when he shall have consented so to act. No other statements, papers, maps, or documents, shall ever be laid before the Arbiter, except as hereinafter provided.

In case the arbiter should desire further evidence, &c.

Art. 6. In order to facilitate the attainment of a just and sound decision on the part of the Arbiter, it is agreed that, in case the said Arbiter should desire further elucidation or evidence in regard to any specifick point contained in any of the said statements submitted to him, the requisition for such elucidation or evidence shall be simultaneously made to both Parties, who shall thereupon be permitted to bring further evidence, if required, and to make, each, a written reply to the specifick questions submitted by the said Arbiter, but no further; and such evidence and replies shall be immediately communicated by each Party to the other.

And in case the Arbiter should find the topographical evidence, laid as aforesaid before him, insufficient for the purposes of a sound and just decision, he shall have the power of ordering additional surveys to be made of any portions of the disputed boundary line or territory, as he

may think fit; which surveys shall be made at the joint expence of the contracting Parties, and be considered as conclusive by them.

Art. 7. The decision of the Arbiter, when given, shall be taken as final and conclusive; and it shall be carried, without reserve, into immediate effect, by Commissioners appointed for that purpose by the contracting Parties.

The decision of the arbiter shall be final.

Art. 8. This Convention shall be ratified, and the ratifications shall be exchanged in nine months from the date hereof, or sooner, if possible.

In witness whereof, we, the respective Plenipotentiaries, have signed the same, and have affixed thereto the seals of our arms.

Done at London, the twenty-ninth day of September, in the year of our Lord one thousand eight hundred and twenty-seven.

ALBERT GALLATIN, (L. S.)
CHARLES GRANT, (L. S.)
HENRY UNWIN ADDINGTON, (L. S.)

CONVENTION OF FRIENDSHIP, COMMERCE, AND NAVIGATION,

Dec. 20, 1827.

Between the United States of America, and the Free Hanseatic Republics of Lubeck, Bremen, and Hamburg. (a)

Ratifications exchanged, June 2, 1828.
Proclamation of the President of the U. S., June 2, 1828.

THE United States of America, on the one part, and the Republic and Free Hanseatic City of Lubeck, the Republic and Free Hanseatic City of Bremen, and the Republic and Free Hanseatic City of Hamburg, (each state for itself separately,) on the other part, being desirous to give greater facility to their commercial intercourse, and to place the privileges of their navigation on a basis of the most extended liberality, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall be observed between the one and the other, by means of a Convention of Friendship, Commerce, and Navigation.

Object of said treaty.

Negotiators.

For the attainment of 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 Senate of the Republic and Free Hanseatic City of Lubeck, the Senate of the Republic and Free Hanseatic City of Bremen, and the Senate of the Republic and Free Hanseatic City of Hamburg, have conferred full powers on Vincent Rumpff, their Minister Plenipotentiary near the United States of America, who, after having exchanged their said full powers, found in due and proper form, have agreed to the following articles:

ARTICLE I.

Imports.

The contracting parties agree, that whatever kind of produce, manufacture, or merchandise 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 said Free Hanseatic Republics of Lubec, Bremen, and Hamburg, and that no higher or other duties upon the tonnage or cargo of the vessel, shall be levied or collected, whether the importation be made in vessels of the United States, or of either of the said Hanseatic Republics. And, in like manner, that whatever kind of produce, manufacture, or merchandise of any foreign country, can be, from time to time, lawfully imported into either of the said Hanseatic Republics, in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage or cargo of the vessel, shall be levied or collected, whether the importation be made in vessels of the one party, or of the other. And they further agree, that whatever may be lawfully exported, or re-exported, by one party in its own vessels, to any foreign country, may, in like manner, be exported, or re-exported in the vessels of the other party. And the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the one party, or of the other. Nor shall higher, or other charges of any kind, be imposed in the ports of the one party, on vessels of the other, than are, or shall be, payable in the same ports by national vessels.

(a) Additional articles to the convention, agreed upon June 4, 1828, post 386.

CONVENTION D'AMITIÉ, DE COMMERCE, ET DE NAVIGATION,

Entre les Républiques libres et Anséatiques, de Lubeck, Bremen, et Hambourg, et les Etats Unis d'Amérique.

La République et Ville libre et Anséatique de Lubeck, la République et Ville libre et Anséatique de Bremen, et la République et Ville libre et Anséatique de Hambourg, (chacun de ces Etats pour soi séparément) d'une part; et les Etats Unis d'Amérique, d'autre part; désirant accorder plus de facilités à leurs relations commerciales, et établir les privileges de leur navigation sur les bases de la liberalité la plus étendue; sont convenus d'arrêter d'une maniere claire, distincte, et positive, par une Convention d'amitié, de commerce, et de navigation, les règles qui doivent être observées entre eux.

Pour atteindre ce but désirable, le Sénat de la République et Ville libre et Anséatique de Lubeck, le Sénat de la République et Ville libre et Anséatique de Bremen, et le Sénat de la République et Ville libre et Anséatique de Hambourg, ont muni de pleins pouvoirs, Vincent Rumpff, leur Ministre Plénipotentiaire près les Etats Unis d'Amérique; et le Président des Etats Unis d'Amérique a muni de pleins pouvoirs Henri Clay, leur Secrétaire d'Etat; lesquels, après avoir echangé leurs dits pleins pouvoirs, trouvés en bonne et due forme, ont arrêté les articles suivans:

ARTICLE I.

Les parties contractantes conviennent que toutes sortes de productions, manufactures, ou marchandises, provenant de quelque pays étranger que ce soit, qui, de temps à autre pourront être légalement importées dans l'une desdites Républiques Anséatiques de Lubeck, Bremen, et Hambourg par leurs propres bâtimens, pourront aussi y être importées par les bâtimens des Etats Unis; et qu'il ne sera imposé ni perçu sur le tonnage ou la cargaison du bâtiment, d'autres, ni de plus forts droits, soit que l'importation ait lieu par bâtimens de l'une desdites Républiques, soit par ceux des Etats Unis. Et pareillement, que toutes sortes de productions, manufactures, ou marchandises, provenant de quelque pays étranger que ce soit, qui, de temps à autre, pourront être légalement importées dans les Etats Unis, par bâtimens desdits Etats, pourront également y être importées par les bâtimens desdites Républiques Anseatiques; et qu'il ne sera imposé ni perçu, sur le tonnage ou la cargaison du bâtiment, d'autres, ni de plus forts droits, soit que l'importation ait lieu par bâtimens de l'une des parties, soit par ceux de l'autre. Elles conviennent en outre, que tout ce qui pourra être légalement exporté ou ré-exporté, pour quelque pays étranger que ce soit, par les bâtimens de l'une des parties contractantes, pourra également en être exporté ou ré-exporté, par ceux de l'autre partie; et les mêmes droits, primes et remboursemens de droits seront perçus et alloués soit que l'exportation ou la ré-exportation ait lieu par bâtimens de l'une des parties, soit par ceux de l'autre. Il ne sera imposé dans les ports de l'une des deux parties, sur les bâtimens de l'autre, aucuns droits ou charges, de quelque nature, qu'ils puissent être, plus forts ou autres que ceux qui seront imposés dans les mêmes ports sur les bâtimens nationaux.

ARTICLE II.

No higher duties to be paid by either of the contracting parties, than are paid by other powers.

No higher or other duties shall be imposed on the importation, into the United States, of any article, the produce or manufacture of the Free Hanseatic Republics of Lubeck, Bremen, and Hamburg; and no higher or other duties shall be imposed on the importation, into either of the said republics, of any article, the produce or manufacture of the United States, than are, or shall be, payable on the like article, being the produce or manufacture of any other foreign country; nor shall any other, or higher duties or charges, be imposed by either party on the exportation of any articles to the United States, or to the Free Hanseatic Republics of Lubeck, Bremen, or Hamburg, respectively, than such as are, or shall be, payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the importation or exportation of any article, the produce or manufacture of the United States, or of the Free Hanseatic Republics of Lubeck, Bremen, or Hamburg, to, or from, the ports of the United States, or to, or from, the ports of the other party, which shall not equally extend to all other nations.

ARTICLE III.

No priority or preference to be given by either party.

No priority or preference shall be given, directly or indirectly, by any or either of the contracting parties, nor by any company, corporation, or agent, acting on their behalf, or under their authority, in the purchase of any article, the growth, produce, or manufacture of their States, respectively imported into the other, on account of, or in reference to, the character of the vessel, whether it be of the one party or of the other, in which such article was imported; it being the true intent and meaning of the contracting parties, that no distinction or difference whatever shall be made in this respect.

ARTICLE IV.

In consideration of the limited extent of the territories of the republics of Lubeck, &c.

In consideration of the limited extent of the Territories of the Republics of Lubeck, Bremen, and Hamburg, and of the intimate connection of trade and navigation subsisting between these Republics, it is hereby stipulated and agreed, that any vessel which shall be owned exclusively by a citizen or citizens of any or either of them, and of which the master shall also be a citizen of any or either of them, and provided that three-fourths of the crew shall be citizens or subjects of any or either of the said Republics, or of any or either of the States of the confederation of Germany, such vessel, so owned and navigated, shall, for all the purposes of this Convention, be taken to be, and considered as, a vessel belonging to Lubeck, Bremen, or Hamburg.

ARTICLE V.

Any vessel belonging to either of the Hanseatic republics, and coming to the U. S., &c.

Any vessel, together with her cargo, belonging to either of the Free Hanseatic Republics of Lubeck, Bremen, or Hamburg, and coming from either of the said ports to the United States, shall for all the purposes of this convention, be deemed to have cleared from the Republic to which such vessel belongs; although, in fact, it may not have been the one from which she departed; and any vessel of the United States, and her cargo, trading to the ports of Lubeck, Bremen, or Hamburg, directly, or in succession, shall, for the like purposes, be on the footing of a Hanseatic vessel, and her cargo, making the same voyage.

ARTICLE VI.

Further agreement.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both parties, to manage,

ARTICLE II.

Il ne sera imposé d'autres, ni de plus forts droits sur l'importation dans les Républiques libres et Anséatiques de Lubeck, Bremen, et Hambourg des articles provenant du sol ou des manufactures des Etats Unis; et il ne sera imposé d'autres ni de plus forts droits sur l'importation dans les Etats Unis des articles provenant du sol ou des manufactures desdites Républiques, que ceux qui sont, ou seront imposés sur les mêmes articles provenant du sol ou des manufactures de tout autre pays étranger. De même, il ne sera imposé, par l'une des parties, sur l'exportation de quelque article que ce soit, pour les Républiques libres et Anséatiques, de Lubeck, Bremen, et Hambourg, ou pour les Etats Unis, respectivement, d'autres, ni de plus forts droits que ceux qui sont ou seront imposés sur l'exportation des mêmes articles pour tout autre pays étranger. De même, il ne sera imposé sur l'importation ou sur l'exportation des articles provenant du sol ou des manufactures des Républiques libres et Anséatiques de Lubeck, Bremen, et Hambourg, ou des Etats Unis á l'entrée ou à la sortie des ports des Républiques Anséatiques, ou de ceux de l'autre partie, aucune prohibition qui ne soit pas également applicable à toute autre nation.

ARTICLE III.

Il ne sera accordé, ni directement, ni indirectement, par l'une ou par l'autre des parties contractantes, ni par aucune compagnie, corporation, ou agent agissant en son nom, ou par son autorité, aucune priorité ou préférence quelconque, pour l'achat d' aucune production du sol ou de l' industrie deleurs Etats respectifs, importée, dans le territoire de l'autre à cause, ou en considération de la nationalité du navire qui aurait transporté cette production, soit qu'il appartienne à l'une des parties, soit à l'autre: l'intention bien positive des deux parties contractantes étant qu' aucune différence ou distinction quelconque n'ait lieu à cet égard.

ARTICLE IV.

En considération de l'étendue limitée des territoires des Républiques de Lubeck, Bremen, et Hambourg, et de l'intime liaison de commerce et de navigation subsistante entre ces Républiques; il est ici stipulé et convenu, que tout navire appartenant exclusivement à un ou plusieurs citoyens de l'une ou des autres desdites Républiques, et dont le capitaine sera aussi citoyen de l'une desdites Républiques; pourvu que les trois quarts de l'équipage se composent de citoyens ou sujets de l'une ou de plusieurs desdites Républiques, ou d'un ou de plusieurs des Etats de la Confedération Germanique; ledit navire sera considéré pour tous les objets de cette Convention, comme navire appartenant à Lubeck, Bremen, ou Hambourg.

ARTICLE V.

Tout bâtiment, ainsi que sa cargaison appartenant à l'une des Républiques Anséatiques de Lubeck, Bremen, et Hambourg, et venant de l'un des ports des susdites Républiques aux Etats Unis, sera considéré, pour tous les objets de cette Convention, comme venant de la République á laquelle il appartient, quoique, dans le fait, ce port ne soit pas celui d'où il aurait fait voile; et tout bâtiment des Etats Unis, ainsi, que sa cargaison, trafiquant, directement, ou successivement, avec les ports de Lubeck, Bremen, et Hambourg, sera placé, pour ces mêmes objets, sur le même pied qu'un bâtiment Anséatique et sa cargaison, faisant le même voyage.

ARTICLE VI.

Il est, en outre, convenu, que les négocians, capitaines de navires, et autres citoyens des deux parties, pourront, eux-mêmes, diriger librement

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 merchandize, by wholesale or retail, as with respect to the loading, unloading and sending off their ships; submitting themselves to the laws, decrees, and usages there established, to which native citizens are subjected; they being, in all these cases, to be treated as citizens of the Republic in which they reside, or at least to be placed on a footing with the citizens or subjects of the most favored nation.

ARTICLE VII.

Power to dispose of personal goods.

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, 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.

ARTICLE VIII.

Special protection to persons and property.

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 as free opportunity as native citizens 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.

ARTICLE IX.

No favor to be granted to other nations, which shall not immediately become common.

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 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.

ARTICLE X.

Convention to be in force for twelve years.

The present convention shall be in force for the term of twelve years from the date hereof: and further, until the end of twelve months after the Government of the United States, on the one part, or the free Hanseatic Republics of Lubeck, Bremen, or Hamburg, or either of them, on the other part, shall have given notice of their intention to terminate the same; each of the said contracting parties reserving to itself the right of giving such notice to the other, at the end of the said term of twelve years; and it is hereby agreed between them, that, at

leurs propres affaires, dans tous les ports et places soumis à la juridiction de chacune d'elles, tant pour se qui a rapport à la consignation et à la vente en gros et en détail de leurs denrées et marchandises, que pour ce qui regarde le chargement, déchargement, et expédition de leurs bâtimens, en se conformant aux lois, décrets et usages y établis, auxquels les citoyens de l'etat sont assujettis; ils seront, dans tous ces cas, traités comme sujets de la République dans laquelle ils résideront; ou, du moins, ils seront placés sur le même pied que les citoyens ou sujets de la nation la plus favorisée.

ARTICLE VII.

Les citoyens de chacune des parties contractantes pourront disposer de leurs biens personnels, dans les limites de la jurisdiction de l'autre, par vente, donation, testament ou autrement; et leurs héritiers, etant citoyens de l'autre partie, succéderont auxdits biens personnels, soit en vertu d'un testament, soit *ab intestato;* ils pourront en prendre possession, soit en personne, soit par d'autres agissant en leur place; et ils en disposeront, à leur volonté, en ne payant d'autres droits que ceux auxquels les habitans du pays où se trouvent lesdit biens, sont assujettis en pareille occasion. Et si, dans le cas de biens immeubles, lesdits héritiers ne pouvaient entrer en jouissance de l'héritage, à cause de leur qualité d'étrangers, il leur sera accordé un délai de trois ans, pour en disposer à leur gré, et pour en retirer le produit sans obstacle, et exempt de tous droits de détraction, de la part des gouvernemens des Etats respectifs.

ARTICLE VIII.

Les deux parties contractantes promettent, et s'engagent formellement d'accorder leur protection spéciale aux personnes et propriétés des citoyens de chacune d'elles, quelles que soient leurs occupations, qui pourraient se trouver dans les territoires soumis à leur jurisdiction, soit pour y voyager soit pour y séjourner; leur accordant pleine liberté de recourir aux cours de justice, pour leurs affaires litigieuses, aux mêmes conditions qui seront accordées, par l'usage, aux citoyens du pays où ils se trouveront; et d'employer, dans leur procès, pour la défense de leurs droits, tels avocats, avoués, notaires, agens ou mandataires qu'ils trouveront convenable de choisir; et lesdits citoyens, et leurs agens, jouiront de la même liberté que ceux du pays d'assister aux décisions, et sentences des tribunaux, dans tous les cas où ils s'y trouveront intéressés, ainsi qu' à l'examen des témoins qui seraient appelés dans lesdits procès.

ARTICLE IX.

Les parties contractantes désirant vivre en paix et harmonie avec toutes les nations de la terre, en observant envers chacune, également, une politique franche et amicale; 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-ci jouira de cette faveur gratuitement, si la concession est gratuite, ou en accordant la même compensation, si la concession est conditionelle.

ARTICLE X.

La présente Convention sera en vigueur pendant douze ans à dater de ce jour; et audelà de ce terme, jusqu'à l'expiration de douze mois après que l'un ou l'autre des Gouvernemens des Républiques Anséatiques de Lubeck, Bremen, et Hamburg, d'une part, ou le Gouvernement des Etats Unis, d'autre part, aura annoncé à l'autre son intention de la terminer; chacune des parties contractantes se réservant le droit de faire à l'autre une telle déclaration, au bout des douze ans susmentionnés; et il est convenu entre elles, qu'à l'expiration de douze mois

the expiration of twelve months after such notice shall have been received by either of the parties from the other, this Convention, and all the provisions thereof, shall, altogether, cease and determine, as far as regards the States giving and receiving such notice; it being always understood and agreed, that, if one or more of the Hanseatic Republics aforesaid, shall, at the expiration of twelve years from the date hereof, give or receive notice of the proposed termination of this Convention, it shall nevertheless, remain in full force and operation, as far as regards the remaining Hanseatic Republics or Republic, which may not have given or received such notice.

ARTICLE XI.

To be ratified within nine months.

The present Convention being approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof; and by the Senates of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, the ratifications shall be exchanged at Washington within nine months from the date hereof, or sooner, if possible.

In faith whereof, we, the Plenipotentiaries of the contracting parties, have signed the present Convention; and have, thereto, affixed our seals.

Done, in quadruplicates, at the City of Washington, on the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, in the fifty-second year of the Independence of the United States of America.

(Signed) H. CLAY, (L. S.)
V. RUMPFF, (L. S.)

TREATY OF LIMITS,

Between the United States of America and the United Mexican States.

Jan. 12, 1828.

Ratifications exchanged, April 5, 1832.
Proclamation of the President of the U. S., April 5, 1832.

THE limits of the United States of America with the bordering Territories of Mexico having been fixed and designated by a solemn treaty, concluded and signed at Washington, on the twenty-second day of February, in the year of our Lord one thousand eight hundred and nineteen, between the respective Plenipotentiaries of the Government of the United States of America, on the one part, and of that of Spain on the other: And whereas, the said treaty having been sanctioned at a period when Mexico constituted a part of the Spanish Monarchy, it is deemed necessary now to confirm the validity of the aforesaid treaty of limits, regarding it as still in force and binding between the United States of America and the United Mexican States:

With this intention, the President of the United States of America has appointed Joel Roberts Poinsett their Plenipotentiary; and the President of the United Mexican States their Excellencies Sebastian Camacho and José Ygnacio Esteva:

And the said Plenipotentiaries having exchanged their full powers, have agreed upon and concluded, the following articles:

après qu'une telle déclaration de l'une des parties aura été reçue par l'autre, cette Convention, et toutes les stipulations y contenues, cesseront d'être obligatoires, par rapport aux Etats qui donneront ou recevront cette déclaration: bien entendu et convenu que si l'une ou plusieurs desdites Républiques Anséatiques, à l'expiration de douze ans, à dater de ce jour, donnent ou reçoivent la déclaration de la cessasation proposée de cette Convention, ladite Convention restera, néanmoins, en pleine force et effet par rapport à celle ou à celles des Républiques Anséatiques, qui n'aura, ou qui n'auront, ni donné ni reçu cette déclaration.

ARTICLE XI.

La présente Convention étant approuvée et ratifée par les Sénats des Républiques Anséatiques de Lubeck, Bremen, et Hambourg, et par le Président des Etats Unis, par, et avec l'avis et le consentement du Sénat desdits Etats, les ratifications en seront échangées à Washington dans l'espace de neuf mois, à dater de ce jour, ou plutôt, si faire se peut.

En foi de quoi les Plénipotentiaires des parties contractantes ont signé la présente Convention, et y ont apposé leurs sceaux.

Fait par quadruplicata, en la Cité de Washington, le vingt Décembre, l'an de Grâce mil huit cent vingt sept, et le cinquante deuxiéme de l'Indépendance des Etats Unis d'Amérique.

V. RUMPFF, (L. S.)
H. CLAY, (L. S.)

TRATADO DE LIMITES,

Entre los Estados Unidos de America y los Estados Unidos Mexicanos.

Habiendose fijado y designado los limites de los Estados Unidos de America con los Territorios limitrofes de Megico por un tratado solemne, concluido y firmado en Washington, á veinte y dos de Febrero, de mil ochocientos diez y neuve, entre los Plenipotenciarios respectivos del Gobierno de los Estados Unidos por una parte, y de España por la otra; por tanto, y en consideracion á que dicho tratado recibio su sancion en una epoca en que Megico formaba una parte de la Monarquia Española, se ha creido necesario al presente, declarar, y confirmar la validez de dicho tratado considerandolo vigente y obligatorio entre los Estados Unidos de Megico y los Estados Unidos de America: En consecuencia han sido nombrados los respectivos Plenipotenciarios, á saber:

El Presidente de los Estados Unidos de Megico á sus Excelencias los Señores Sebastian Camacho, y José Ygnacio Esteva; y el Presidente de los Estados Unidos de America al Señor Joel Roberts Poinsett, su Enviado Extraordinario, y Ministro Plenipotenciario cerca del Gobierno de los Estados Unidos de Megico. Los que despues de haber cambiado sus plenos poderes, y hallados en buena, y debida forma, han convenido y concluido los articulos siguientes:

ARTICLE FIRST.

Boundary the same as fixed by treaty of Washington, Feb. 22, 1817.

The dividing limits of the respective bordering territories of the United States of America and of the United Mexican States, being the same as were agreed and fixed upon by the abovementioned treaty of Washington, concluded and signed on the twenty-second day of February, in the year one thousand eight hundred and nineteen, the two high contracting parties will proceed forthwith to carry into full effect the third and fourth articles of said treaty, which are herein recited, as follows:

ARTICLE SECOND.

Boundary to begin on the gulf of Mexico, and end on the South Sea, in lat. 42.

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 Arkansas 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.

Islands in the Sabine, &c. to belong to the United States.

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.

ARTICLE THIRD.

Commissioners to be appointed to run the line.

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 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.

ARTICULO PRIMERO.

Siendo los limites divisorios de los Estados Unidos de Megico, y de los Estados Unidos de America en los terrenos colindantes de ambas Republicas los mismos que se acordaron, y fijaron en el dicho tratado de Washington, fecho á veinte y dos de Febrero de mil ochocientos diez y nueve; se procederá inmediatamente á poner en ejecucion entre las dos dichas partes contratantes los articulos tercero y cuarto de dicho tratado, que á continuacion se insertan:

ARTICULO SECUNDO.

La linea divisoria entre los dos paises, al occidente del Misisipi arrancará del seno Megicano 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 allí por una linea recta al norte hasta al grado de latitud, en que entra en el Rio Rojo de Natchitoches, *Red river;* y continuará por el curso del rio Rojo al oeste hasta el grado 100 de longitud occidental de Londres, y 23 de Washington, en que cortará este rio y seguirá, por una linea 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 Filadelfia y perfeccionado en 1818. Pero si el nacimiento del rio Arkansas se hallase 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 espresado 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, Rojo de Natchitoches, y Arkansas, en la estension de todo el curso descrito; pero el uso de las aguas, y la navigacion del Sabina, hasta el mar, y de los espresados rios Rojo y Arkansas, en toda la estension de sus mencionados limites en sus respectivas orillas será comun á los habitantes de las dos naciones.

Las dos altas partes contratantes convienen en ceder, y renunciar todos sus derechos, reclamaciones y pretenciones sobre los Territorios que se describen en esta linea, á saber: los Estados Unidos de America ceden á S. M. C. y renuncian para siempre todos sus derechos, reclamaciones, y pretensiones, á cualesquiera Territorios situados al oeste, y al sur de dicha linea; y S. M. C. en igual forma, renuncia, y cede para siempre por sí y á nombre de sus herederos y sucesores, todos los derechos que tiene sobre los Territorios al este y al norte de la misma linea arriba descrita.

ARTICULO TERCERO.

Para fijar esta linea con mas precision, y establecer los mojones que señalen con ecsactitud los limites de ambas naciones, nombrara cada una de ellas un comisario y un geometra, que se juntarán antes del termino de un año contado desde la fecha de la ratificacion de este tratado, en Natchitoches, en las orillas del rio Rojo, y procederán á señalar, y demarcar dicha linea, desde la embocadura del Sabina hasta el rio Rojo, y de este hasta el rio Arkansas, y averiguar con certidumbre el origen del espresado rio Arkansas, y fijar segun queda estipulado, y convenido en este tratado, la linea que debe seguir desde el grado 42 de latitud hasta el mar Pacifico. Llevaran diarios, y levantaran planos de sus operaciones, y el resultado convenido por ellos se tendra por parte de este tratado, y tendra la misma fuerza que se estuviese inserto en el: debiendo convenir amistosamente los dos Gobiernos, en el arreglo de cuanto necesiten estos individuos y en la escolta respectiva que deban llevar siempre que se crea necesario.

ARTICLE FOURTH.

Ratifications, when to be exchanged.

The present treaty shall be ratified, and the ratifications shall be exchanged at Washington, within the term of four months, or sooner if possible.

In witness whereof, we, the respective Plenipotentiaries, have signed the same, and have hereunto affixed our respective seals.

Done at Mexico, this twelfth day of January, in the year of our Lord one thousand eight hundred and twenty-eight, in the fifty-second year of the Independence of the United States of America, and in the eighth of that of the United Mexican States.

J. R. POINSETT, (L. S.)
S. CAMACHO, (L. S.)
J. Y. ESTEVAN, (L. S.)

ADDITIONAL ARTICLE

To the Treaty of Limits concluded between the United States of America and the United Mexican States, on the 12th day of January, 1828.

Treaty of Jan. 12, 1828, revived.

The time having elapsed which was stipulated for the exchange of ratifications of the Treaty of Limits between the United Mexican States and the United States of America, signed in Mexico on the 12th of January, 1828; and both Republics being desirous that it should be carried into full and complete effect, with all due solemnity, the President of the United States of America has fully empowered, on his part, Anthony Butler, a citizen thereof, and Chargé d'Affaires of the said States in Mexico; And the Vice-President of the United Mexican States, acting as President thereof, has, in like manner, fully empowered on his part their Excellencies Lucas Alaman, Secretary of State and Foreign Relations, and Rafael Mangino, Secretary of the Treasury, who after having exchanged their mutual powers, found to be ample and in form, have agreed, and do hereby agree, on the following article:

Ratifications, when to be exchanged.

The ratifications of the Treaty of Limits, concluded on the 12th January, 1828, shall be exchanged at the City of Washington, within the term of one year, counting from the date of this agreement, and sooner should it be possible.

The present Additional Article shall have the same force and effect as if it had been inserted word for word in the aforesaid treaty of the 12th of January, of 1828, and shall be approved and ratified in the manner prescribed by the Constitutions of the respective States.

In faith of which, the said Plenipotentiaries have hereunto set their hands and affixed their respective seals. Done in Mexico, the fifth of April, of the year one thousand eight hundred and thirty-one, the fifty-fifth of the Independence of the United States of America, and the eleventh of that of the United Mexican States.

A. BUTLER, (L. S.)
LUCAS ALAMAN, (L. S.)
RAFAEL MANGINO, (L. S.)

ARTICULO CUARTO.

El presente tratado sera ratificado, y las ratificaciones seran cambiadas en Washington en el termino de cuatro meses, ò antes si posible fuere.

En fe de lo cual, los respectivos Plenipotencia rios han firmado el presente, sellandolo con sus sellos respectivos.

Fecho en Megico, a los doce dias del mes de Enero, del año del Señor mil ochocientos veinte y ocho, octavo de la Independencia de los Estados Unidos de Megico, y 52 de la de los Estados Unidos de America

S. CAMACHO, (L. S.)
J. Y. ESTEVA, (L. S.)
J. R. POINSETT, (L. S.)

ARTICULO ADICCIONAL

Al Tratado de Limites celebrado entre los Estados Unidos Mejicanos y los Estados Unidos de America, en 12 de Enero de 1828.

Habiendose pasado el tiempo señalado para el cambio de las ratificaciones del Tratado de Limites entre los Estados Unidos Mejicanos y los Estados Unidos de America, firmado en Mejico el dia 12 de Enero de 1828, deseosas ambas Republicas de que el referido tratado tenga su mas puntual cumplimiento llenandose todas las formalidades necesarias, y habiendo revestido con sus plenos poderes el Vice-Presidente en ejercicio del poder ejecutivo de los Estados Unidos Mejicanos á los Ecselentisimos Señores Don Lucas Alaman, Secretario de Estado y del Despacho de Relaciones Interiores y Esteriores, y Don Rafael Mangino, Secretario de Estado y del Despacho de Hacienda; y el Presidente de los Estados Unidos de America á Antonio Butler, ciudádano de los mismos Estados y Encargado de Negocios de ellos en Mejico, despues de cambiar sus plenos poderes que se encontraron en buena y debida forma, han convenido y convienen en el articulo seguiente:

Las ratificaciones del Tratado de Limites celebrado el 12 de Enero de 1828, se cambiarán en la ciudad de Washington dentro del termino de un año, contado desde la fecha de este convenio, ó antes si fuere posible.

El presente articulo adicional tendrá la misma fuerza y valor que si se hubiese insertado palabra por palabra, en el tratado mencionado de 12 de Enero de 1828, y será aprovado y ratificado en los terminos que establecen las Constituciones de los respectivos Estados.

En fé de lo cual, los referidos Plenipotenciarios lo hemos firmado y sellado con nuestros sellos respectivos. Fecho en Mejico, á los cinco dias del mes de Abril de mil ochocientos trienta y uno, undecimo de la Independencia de los Estados Unidos Mejicanos, y quincuagesimo quinto de la de los Estados Unidos de America.

LUCAS ALAMAN, (L. S.)
RAFAEL MANGINO, (L. S.)
A. BUTLER, (L. S.)

TREATY OF COMMERCE AND NAVIGATION

Between the United States of America, and his Majesty the King of Prussia. (a)

May 1, 1828.

Ratifications exchanged, March 14, 1829.
Proclamation of the President of the United States, March 14, 1829.
Object.

THE United States of America, and his Majesty the King of Prussia, equally animated with the desire of maintaining the relations of good understanding, which have hitherto so happily subsisted between their respective States, of extending, also, and consolidating the commercial intercourse between them; and convinced that this object cannot better be accomplished, than by adopting the system of an entire freedom of navigation, and a perfect reciprocity, based upon principles of equity equally beneficial to both countries, and applicable in time of peace, as well as in time of war, have, in consequence, agreed to enter into negotiations for the conclusion of a treaty of navigation and commerce, for which purpose the President of the United States has conferred full powers on Henry Clay, their Secretary of State; and his Majesty the King of Prussia has conferred like powers on the Sieur Ludwig Niederstetter, Chargé d'Affaires of his said Majesty near the United States; and the said Plenipotentiaries having exchanged their said full powers, found in good and due form, have concluded and signed the following articles:

Representative of U. S. Of Prussia.

ARTICLE I.

Reciprocal liberty of commerce, &c.

There shall be between the territories of the high contracting parties, a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall, mutually, have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing.

ARTICLE II.

Freedom of navigation, and perfect reciprocity.

Prussian vessels arriving either laden or in ballast, in the ports of the United States of America; and, reciprocally, vessels of the United States arriving either laden, or in ballast, in the ports of the kingdom of Prussia, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels, coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, salvage, and port charges, as well as to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied in the name, or to the profit, of the government, the local authorities, or of any private establishment whatsoever.

ARTICLE III.

All articles of commerce to pay the same duties, in vessels of either nation.

All kind of merchandise and articles of commerce, either the produce of the soil or the industry of the United States of America, or of any other country, which may be lawfully imported into the ports of the kingdom of Prussia, in Prussian vessels, may, also, be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name,

(a) For notes of the treaties between the United States and Prussia, ante, page 84.

TRAITÉ DE COMMERCE ET DE NAVIGATION

Entre Sa Majesté le Roi de Prusse, et les Etats Unis d'Amérique.

Sa Majesté le Roi de Prusse, et les Etats Unis d'Amérique, également animés du desir de maintenir les rapports de bonne intelligence qui ont si heureusement subsisté jusqu'ici entre leurs Etats respectifs, et d'en étendre et consolider les relations commerciales, et convaincus que cet objet ne sauroit être mieux rempli qu'en adoptant le systême d'une entiere liberté de navigation, et d'une parfaite réciprocité, basé sur des principes d'équité également avantageux aux deux pays, et applicables en temps de paix comme en temps de guerre; sont, en conséquence convenus d'entrer en négociation pour conclure un traité de commerce et de navigation. A cet effet, Sa Majesté le Roi de Prusse a muni de pleins pouvoirs le Sieur Ludwig Niederstetter, Chargé d'Affaires de Sa dite Majesté près les Etats Unis d'Amérique, et le Président des Etats Unis d'Amérique, a muni des mêmes pouvoirs Henri Clay, leur Secrétaire d'Etat; lesquels Plénipotentiaires, après avoir échangé leurs dits pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les articles suivans:

ARTICLE I.

Il y aura, entre les territoires des hautes parties contractantes, liberté et réciprocité de commerce et de navigation. Les habitans de leurs Etats respectifs pourront, réciproquement, entrer dans les ports, places et rivieres des territoires de chacune d'elles, partout où le commerce étranger est permis. Ils seront libres de s'y arrêter et résider dans quelque partie que ce soit desdits territoires, pour y vaquer à leurs affaires; et ils jouiront, à cet effet, de la même sécurité et protection que les habitans du pays dans lequel ils résideront, à charge de se soumettre aux lois et ordonnances y établies.

ARTICLE II.

Les bâtimens Prussiens arrivant, sur lest ou chargés dans les ports des Etats Unis d'Amérique; et, réciproquement, les bâtimens des Etats Unis, arrivant, sur lest ou chargés, dans les ports du Royaume de Prusse, seront traités, à leur entrée, pendant leur séjour, et à leur sortie, sur le même pied que les bâtimens nationaux venant du même lieu, par rapport aux droits de tonnage, de fanaux, de pilotage, de sauvetage, et de port, ainsi qu'aux vacations des officiers publics, et à tout autre droit ou charge, de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du Gouvernement, des autorités locales, ou d'établissemens particuliers quelconques.

ARTICLE III.

Toute espèce de marchandises et objets de commerce, provenant du sol ou de l'industrie des Etats Unis d'Amérique, ou de tout autre pays, qui pourront légalement être importés dans les ports du Royaume de Prusse, sur des bâtimens Prussiens, pourront également y être importés sur des bâtimens des Etats Unis d'Amérique, sans payer d'autres, ou plus forts droits ou charges, de quelque espèce ou dénomination que ce

or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in Prussian vessels. And, reciprocally, all kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the kingdom of Prussia, or of any other country, which may be lawfully imported into the ports of the United States, in vessels of the said States, may, also, be so imported in Prussian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in vessels of the United States of America.

ARTICLE IV.

The above provision further explained.

To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding articles, are, to their full extent, applicable to Prussian vessels, and their cargoes, arriving in the ports of the United States of America; and, reciprocally, to vessels of the said States and their cargoes, arriving in the ports of the kingdom of Prussia, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

ARTICLE V.

Produce of the parties put on the most favorable footing.

No higher or other duties shall be imposed on the importation into the United States, of any article, the produce or manufacture of Prussia; and no higher or other duties shall be imposed on the importation into the kingdom of Prussia, of any article, the produce or manufacture of the United States, than are, or shall be, payable on the like article, being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States, or of Prussia, to, or from, the ports of the United States, or to, or from the ports of Prussia, which shall not equally extend to all other nations.

ARTICLE VI.

Vessels of the parties put on the same footing, as to exportations.

All kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the United States of America, or of any other country, which may be lawfully exported from the ports of the said United States, in national vessels, may, also, be exported therefrom in Prussian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported in vessels of the United States of America.

An exact reciprocity shall be observed in the ports of the kingdom of Prussia, so that all kind of merchandise and articles of commerce, either the produce of the soil or the industry of the said kingdom, or of any other country, which may be lawfully exported from Prussian ports in national vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported in Prussian vessels.

ARTICLE VII.

Coastwise navigation excepted.

The preceding articles are not applicable to the coastwise navigation of the two countries, which is, respectively, reserved, by each of the high contracting parties, exclusively, to itself.

soit, perçus au nom ou au profit du Gouvernement, des autorités locales, ou d'établissemens particuliers quelconques, que s'ils étoient importés sur des bâtimens Prussiens. Et réciproquement, tout espèce de marchandises et objets de commerce, provenant du sol ou de l'industrie du Royaume de Prusse, ou de tout autre pays, qui pourront légalement être importés dans les ports des Etats Unis d'Amérique, sur des bâtimens desdits Etats, pourront également y être importés sur des bâtimens Prussiens, sans payer d'autres ou plus forts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du Gouvernement, des autorités locales, ou d'établissemens particuliers quelconques, que s'ils etoient importés sur des bâtimens des Etats Unis d'Amérique.

ARTICLE IV.

Afin de prévenir tout mésentendu et équivoque possibles, il est declaré que les stipulations contenues dans les deux articles précédens, sont, dans toute leur plénitude, applicables aux bâtimens Prussiens et leurs cargaisons, arrivant dans les ports des Etats Unis d'Amérique; et réciproquement, aux bâtimens des dits Etats, et leurs cargaisons, arrivant dans les ports du Royaume de Prusse, soit que les dits bâtimens viennent des ports du pays auquel ils appartiennent, soit de ceux de tout autre pays étranger.

ARTICLE V.

Il ne sera imposé d'autres ni de plus forts droits sur l'importation dans les Etats Unis, des articles provenant du sol ou de l'industrie du Royaume de Prusse; et il ne sera imposé d'autres ni de plus forts droits sur l'importation dans le Royaume de Prusse, des articles provenant du sol ou de l'industrie des Etats Unis, que ceux qui sont, ou seront imposés sur les mêmes articles provenant du sol ou de l'industrie de tout autre pays étranger. De même il ne sera imposé sur l'importation ou sur l'exportation des articles provenant du sol ou de l'industrie des Etats Unis, ou du Royaume de Prusse, à l'entrée ou à la sortie des ports des Etats Unis, ou de ceux du Royaume de Prusse, aucune prohibition qui ne soit pas également applicable à toute autre nation.

ARTICLE VI.

Tout espèce de marchandises et objets de commerce provenant du sol ou de l'industrie des Etats Unis, ou de tout autre pays, qui pourront être légalement exportés des ports des dits Etats, sur des bâtimens nationaux, pourront également en être exportés sur des bâtimens Prussiens, sans payer d'autres ni de plus forts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du gouvernement, des autorités locales, ou d'éstablissemens particuliers quelconques, que si ces mêmes marchandises ou denrées avoient été exportées par bâtimens des Etats Unis d'Amérique.

Une parfaite réciprocité sera observée dans les ports du Royaume de Prusse, de sorte que toute espèce de marchandises et objets de commerce, provenant du sol ou de l'industrie du Royaume de Prusse, ou de tout autre pays, qui pourront être légalement exportés des ports du dit Royaume, sur des bâtimens nationaux, pourront également en être exportés sur des bâtimens des Etats Unis d'Amerique, sans payer d'autres ou de plus forts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du gouvernement, des autorités locales, ou d'etablissemens particuliers quelconques, que si ces marchandises ou denrées avoient été exportées sur des bâtimens Prussiens.

ARTICLE VII.

Les articles précédens ne sont pas applicables à la navigation de côtes ou cabotage de chacun des deux pays, que l'une et l'autre des Hautes Parties Contractantes se réservent exclusivement.

ARTICLE VIII.

Neither party to give any preference to goods on account of the importing bottom.

No priority or preference shall be given, directly or indirectly, by either of the contracting parties, nor by any company, corporation, or agent, acting on their behalf, or under their authority, in the purchase of any article of commerce, lawfully imported, on account of, or in reference to, the character of the vessel, whether it be of the one party, or of the other, in which such article was imported: it being the true intent and meaning of the contracting parties, that no distinction or difference whatever, shall be made in this respect.

ARTICLE IX.

Prospective provision for maintaining the most favored footing.

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.

ARTICLE X.

Consuls, &c.

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.

Jurisdiction of consuls, &c.

The Consuls, Vice-Consuls, and Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captain, should disturb the order or tranquillity of the country; or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

ARTICLE XI.

Consuls, &c. may require the aid of the local authorities.

The said Consuls, Vice-Consuls, and Commercial Agents, are authorised to require the assistance of the local authorities, for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and, on this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within three months, from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE VIII.

Il ne sera accordé, ni directement, ni indirectement, par l'une ou par l'autre des Parties Contractantes, ni par aucune compagnie, corporation, ou agent agissant en son nom, ou par son autorité, aucune priorité ou préférence quelconque, pour l'achat d'aucun objet de commerce, légalement importé, à cause ou en considération de la nationalité du navire qui auroit importé les dits objets, soit qu'il appartienne à l'une des Parties, soit à l'autre; l'intention bien positive des Parties Contractantes, étant, qu'aucune différence ou distinction quelconque n'ait lieu à cet égard.

ARTICLE IX.

Si l'une des parties contractantes accorde, par la suite, à d'autres nations quelque faveur particuliere, en fait de commerce ou de navigation, cette faveur deviendra aussitot commune à l'autre partie, qui en jouira gratuitement, si la concession est gratuite, ou en accordant la même compensation si la concession est conditionelle.

ARTICLE X.

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, qui jouiront des mêmes privilèges et pouvoirs dont jouissent ceux des nations les plus favorisées; mais dans le cas où les dits Consuls veuillent faire le commerce, ils seront soumis aux mêmes lois et usages, auxquels sont soumis les particuliers de leur nation à l'endroit où ils résident.

Les Consuls, Vice-Consuls, et Agens Commerciaux, auront le droit, comme tels, de servir de juges et d'arbitres dans les différens qui pourroient s'élever entre les capitaines et les équipages des bâtimens de la nation dont ils soignent les intérêts, sans que les autorités locales puissent y intervenir, à moins que la conduite des équipages ou du capitaine ne troublât l'ordre ou la tranquillité du pays; ou que les dits Consuls, Vice-Consuls, ou Agens Commerciaux, ne réquissent leur intervention pour faire exécuter ou maintenir leurs décisions; bien entendu que cette espèce de jugement ou d'arbitrage, ne sauroit, pourtant, priver les parties contendantes du droit qu'elles ont, à leur retour de recourir aux autorités judiciaires de leur pays.

ARTICLE XI.

Les dits Consuls, Vice-Consuls, ou Agens Commerciaux, seront autorisés à requérir l'assistance des autorités locales, pour la recherche, l'arrestation, la détention, et l'emprisonnement, des déserteurs des navires de guerre et marchands de leur pays; ils s'adresseront, pour cet objet, aux tribunaux, juges, et officiers compétens, et reclameront, par écrit, les deserteurs susmentionnés, en prouvant par la communication des régistres des navires, ou rôles de l'équipage ou par d'autres documens officiels, que de tels individus ont fait partie desdits équipages, et cette réclamation ainsi prouvée, l'extradition ne sera point refusée.

De tels déserteurs, lorsqu'ils auront été arrêtés, seront mis à la disposition desdits Consuls, Vice-Consuls ou Agens Commerciaux, et pourront être enfermés dans les prisons publiques, à la réquisition et aux frais de ceux qui les reclament, pour être envoyés aux navires auxquels ils appartenoient, ou à d'autres de la même nation. Mais s'ils ne sont pas renvoyés dans l'espace de trois mois, à compter du jour de leur arrestation, ils seront mis en liberté, et ne seront plus arrêtés pour la même cause. Toutefois, si le déserteur se trouvoit avoir commis quelque crime ou délit, il pourra être sursis à son extradition, jusqu'à ce que le tribunal saisi de l'affaire, aura rendu sa sentence, et que celle-ci ait reçu son exécution.

ARTICLE XII.

Certain stipulations in former treaties revived.

The twelfth article of the treaty of amity and commerce, concluded between the parties in 1785, and the articles from the thirteenth to the twenty-fourth, inclusive, of that which was concluded at Berlin in 1799, with the exception of the last paragraph in the nineteenth article, relating to the treaties with Great Britain, are, hereby, revived with the same force and virtue, as if they made part of the context of the present treaty; it being, however, understood that the stipulations contained in the articles thus revived, shall be always considered as, in no manner, affecting the treaties or conventions concluded by either party with other powers, during the interval between the expiration of the said treaty of 1799, and the commencement of the operation of the present treaty.

Security of neutral navigation to be the subject of future treaty.

The parties being still desirous, in conformity with their intention declared in the twelfth article of the said treaty of 1799, to establish between themselves, or in concert with other maritime powers, further provisions to ensure just protection and freedom to neutral navigation and commerce, and which may, at the same time, advance the cause of civilization and humanity, engage again to treat on this subject, at some future and convenient period.

ARTICLE XIII.

Vessels entering blockaded ports.

Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom, with respect to the various events which may take place, it is agreed that a merchant vessel belonging to either of them, which may be bound to a port supposed, at the time of its departure to be blockaded, shall not, however, be captured or condemned, for having attempted, a first time, to enter said port, unless it can be proved that said vessel could, and ought to, have learnt, during its voyage, that the blockade of the place in question still continued. But all vessels which, after having been warned off once, shall, during the same voyage, attempt a second time to enter the same blockaded port, during the continuance of the said blockade, shall then subject themselves to be detained and condemned.

ARTICLE XIV.

Provisions as to personal property of citizens, &c.

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 citizens or subjects 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 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 citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of *detraction*, 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

ARTICLE XII.

L'article douze du traité d'amitié et de commerce, conclu entre les parties en 1785; et les articles treize et suivans, jusqu'à l'article vingt-quatre, inclusivement, du traité conclu à Berlin, en 1799, en exceptant le dernier paragraphe de l'article dix-neuf, touchant les traités avec la Grand Bretagne, sont remis en vigueur, et auront la même force et valeur que s'ils faisoient partie du présent Traité: il est entendu, cependant que les stipulations contenues dans les articles ainsi remis en vigueur, seront toujours censées ne rien changer aux Traités et conventions conclus de part et d'autre, avec d'autres Puissances, dans l'intervalle ecoulé entre l'expiration dudit Traité de 1799, et le commencement de la mise en vigueur du présent Traité.

Les Parties Contractantes désirant toujours conformément à l'intention déclarée dans l'Article Douze dudit Traité de 1799, pourvoir, entre Elles, ou conjointement avec d'autres Puissances maritimes, à des stipulations ultérieures qui puissent servir à garantir une juste protection et liberté au commerce et à la navigation des neutres, et à aider la cause de la civilisation et de l'humanité, l'engagent ici, comme alors à concerter ensemble sur ce sujet, à quelque époque future et convenable.

ARTICLE XIII.

Vû l'éloignement des Pays respectifs des deux Hautes Parties Contractantes, et l'incertitude qui en résulte sur les divers évenémens qui peuvent avoir lieu; il est convenu qu' un bâtiment marchand, appartenant à l'Une d'Elles, qui se trouveroit destiné pour un port supposé bloqué, au moment du départ de ce bâtiment, ne sera cependant pas capturé ou condamné, pour avoir essayé une premiere fois d'entrer dans ledit port, à moins qu' il ne puisse être prouvé que ledit bâtiment avoit pû et dû apprendre en route que l'état de blocus de la place en question duroit encore: mais les bâtimens qui, après avoir été renvoyés une fois, essayeroient, pendant le même voyage d'entrer une seconde fois dans le même port bloqué, durant la continuation de ce blocus, se trouveront alors sujets à être détenus et condamnés.

ARTICLE XIV.

Les citoyens ou sujets de chacune des Parties Contractantes, auront, dans les Etats 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 habitans du pays où se trouvent lesdits biens sont assujettis en pareille occasion. En cas d'absence des héritiers, on prendra provisoirement desdits biens les mêmes soins qu'on auroit pris en pareille occasion des biens des natifs du pays, jusqu' à ce que le propriétaire legitime ait agréé 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 lois 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 à passer, selon les lois du pays, à un citoyen ou sujet de l'autre partie, celui-ci, si, par sa qualité d'étranger, il est inhabile à les posséder, obtiendra un délai convenable pour les vendre, et pour en retirer le produit sans obstacle, et exempt de tout droit de retenue, de la part du gouvernement des Etats respectifs. Mais cet article ne dérogera en aucune maniere à la force des lois qui ont

published by his Majesty the King of Prussia to prevent the emigration of his subjects.

ARTICLE XV.

Period during which this treaty is to remain in force.

The present treaty shall continue in force for twelve years, counting from the day of the exchange of the ratifications; and if twelve months before the expiration of that period, neither of the high contracting parties shall have announced, by an official ratification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

ARTICLE XVI.

Period for ratification.

This treaty 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 his Majesty the King of Prussia, and the ratifications shall be exchanged in the City of Washington, within nine months from the date of the signature hereof, 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 both languages shall not be brought into precedent, nor in any way operate to the prejudice of either party.

Done in triplicate at the City of Washington, on the first day of May, in the year of our Lord one thousand eight hundred and twenty-eight; and the fifty-second of the Independence of the United States of America.

H. CLAY, (L. S.)
LUDWIG NIEDERSTETTER, (L. S.)

ADDITIONAL ARTICLE

June 4, 1828.

To the Convention of friendship, commerce, and navigation, concluded at Washington, on the twentieth day of December, 1827, between the United States of America and the Hanseatic Republics of Lubeck, Bremen, and Hamburg. (a)

Ratifications exchanged, Jan. 14, 1829.
Proclamation of the President of the U. S., Jan. 14, 1829.

Object of additional article.

THE United States of America and the Hanseatic Republics of Lubeck, Bremen, and Hamburg, wishing to favour their mutual commerce by affording, in their ports, every necessary assistance to their respective vessels, the undersigned Plenipotentiaries have further agreed upon the following additional article to the Convention of friendship, commerce, and navigation, concluded at Washington on the twentieth day of December, 1827, between the contracting parties.

Consuls, &c. authorized to arrest deserters, &c.

The Consuls and Vice-Consuls may cause to be arrested the sailors, being part of the crews of the vessels of their respective countries, 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

(a) See the treaty of December 20, 1827, ante, p. 366.

déja été publiées, ou qui le seront par la suite, par Sa Majesté le Roi de Prusse, pour prévenir l'émigration de ses sujets.

ARTICLE XV.

Le presént traité sera en vigueur pendant douze années, à compter du jour de l'échange des ratifications, et si douze mois avant l'expiration de ce terme, ni l'une ni l'autre des hautes parties contractantes, n'annonce à l'autre par une déclaration officielle, son intention d'en faire cesser l'effet, ledit traité restera obligatoire pendant un an audelà de ce terme, et ainsi de suite, jusqu'à l'expiràtion des douze mois qui suivront une telle declaration, à quelque époque qu'elle ait lieu.

ARTICLE XVI.

Le présent traité sera approuvé et ratifié par Sa Majesté le Roi de Prusse, et par le Président des Etats Unis d'Amérique, par et avec l'avis et le consentement du Sénat desdits Etats, et les ratifications en seront échangées en la ville de Washington, dans l'espace de neuf mois, à dater de ce jour, ou plutôt, si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé les articles ci-dessus, tant en Français qu'en Anglais, et y ont apposé leurs sceaux, déclarant, toutefois, que la signature dans ces deux langues, ne doit pas, par la suite, être citée comme example, ni en aucune maniere, porter préjudice aux parties contractantes.

Fait par triplicata en la cité de Washington, le premier Mai, l'an de Grâce mil huit cent vingt-huit, et le cinquante deuxieme de l'Indépendance des Etats Unis d'Amérique.

LUDWIG NIEDERSTETTER, (L. S.)
H. CLAY, (L. S.)

ARTICLE ADDITIONEL

À la Convention d'amitié, de commerce, et de navigation, conclue à Washington le vingt Décembre, 1827, *entre les Républiques Anséatiques de Lubeck, Bremen, et Hambourg, et les Etats Unis d'Amérique.*

Les Républiques Anséatiques de Lubeck, Bremen, et Hambourg, et les Etats Unis d'Amérique, désirant favoriser mutuellement leur commerce, en donnant dans leurs ports, toute assistance nécessaire à leurs bâtimens respectifs, les soussignés Plénipotentiaires sont convenus, de plus, du suivant article additionel à la convention, d'amitié, de commerce, et de navigation, conclue à Washington le vingt Décembre, mil huit cent vingt-sept, entre les parties contractantes.

Les Consuls et Vice-Consuls pourront faire arrêter les matelots faisant partie des équipages des bâtimens de leurs pays respectifs, qui auraient déserté desdits bâtimens, pour les renvoyer et faire transporter hors du pays. Auquel effet lesdits Consuls et Vice-Consuls s'addresseront aux

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 said vessels, or ship's roll, or other official document, that those men were part of said crews; and on this demand being 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 opportunity of sending them back. 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.

Assistance to be afforded to consuls, &c.

It is understood, however, that if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

If deserter have committed any offence, his surrender to be delayed.

The present additional article shall have the same force and value as if it were inserted, word for word, in the Convention signed at Washington, on the twentieth day of December, one thousand eight hundred and twenty-seven, and being approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the Senates of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, the ratifications shall be exchanged at Washington within nine months from the date hereof, or sooner, if possible.

Present article to have the same force as if forming part of convention of 1827.

Ratifications to be exchanged within nine months.

In faith whereof, we, the undersigned, by virtue of our respective full powers, have signed the present additional article, and have thereto affixed our seals.

Done in quadruplicate at the City of Washington, on the fourth day of June, in the year of our Lord one thousand eight hundred and twenty-eight.

H. CLAY, (L. S.)
V. RUMPFF, (L. S.)

tribunaux, juges et officiers compétens, et leur feront, par écrit, la demande desdits déserteurs, en justifiant, par l'exhibition des régistres du bâtiment, ou rôle d'équipage, ou autres documens officiels, que ces hommes faisaient partie desdits 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 détenus et gardés dans les prisons du pays, à leur réquisition et à leurs frais, jusqu' à ce qu'ils aiént trouvé occasion de les renvoyer. Mais s'ils n'étaient renvoyés dans le délai de deux mois, à compter du jour de leur arrêt, ils seront élargis, et ne pourront plus être arrêtés pour la même cause.

Il est entendu, toutefois, que si le déserteur se trouvait avoir commis quelque crime ou délit, il pourra être sursis à son extradition, jusqu' à ce que le tribunal nanti de l'affaire aura rendu sa sentence, et que celle-ci ait reçu son exécution.

Le présent article additionel aura la même force et valeur que s'il était inséré mot à mot dans la Convention, signée à Washington le vingt Décembre, mil huit cent vingt-sept, et étant approuvé et ratifié par les Sénats des Républiques Anséatiques de Lubeck, Bremen, et Hambourg; et par le Président des Etats Unis, par et avec l'avis et le consentement du Sénat desdits Etats, les ratifications en seront échangées à Washington, dans l'espace de neuf mois, à dater de ce jour, ou plûtot, si faire se peut.

En foi de quoi, nous, soussignés, en vertu de nos pleins pouvoirs respéctifs, avons signé le présent article additionel, et y avons apposé nos sceaux.

Fait par quadruplicata, en la Cité de Washington, le quatre Juin, l'an de Grâce mil huit cent vingt-huit.

V. RUMPFF, (L. S.)
H. CLAY, (L. S.)

Dec. 12, 1828.

TREATY WITH BRAZIL.

Ratifications exchanged, March 18, 1829.

Proclamation of the President of the U. S., March 18, 1829.

Object.

In the name of the Most Holy and Indivisible Trinity:

The United States of America and His Majesty the Emperor of Brazil, desiring to establish a firm and permanent peace and friendship 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.

Representative of U. S.

Of Brazil.

For this most desirable object, the President of the United States has conferred full powers on William Tudor their Chargé d'Affaires at the Court of Brazil; and His Majesty the Emperor of Brazil on the Most Illustrious and Most Excellent Marquez of Aracaty, a member of his Council, Gentleman of the Imperial Bed-chamber, Councillor of the Treasury, Grand Cross of the Order of Aviz, Senator of the Empire, Minister and Secretary of State for Foreign Affairs, and Miguel de Souza Mello e Alvim, a member of his Council, Commander of the Order of Aviz, Knight of the Imperial Order of the Cross, Chief of Division in the Imperial and National Navy, Minister and Secretary of State for the Marine, who after having exchanged their said full powers, in due and proper form, have agreed to the following articles:

ARTICLE I.

Peace.

There shall be a perfect, firm and inviolable peace and friendship between the United States of America and their citizens, and his Imperial Majesty, his successors and subjects throughout their possessions and territories respectively, without distinction of persons or places.

ARTICLE II.

The parties put on the footing of the most favored nation.

The United States of America, and His Majesty the Emperor of Brazil, 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 favour 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. It is understood, however, that the relations and conventions which now exist or may hereafter exist between Brazil and Portugal, shall form an exception to this article.

The relations between Brazil and Portugal excepted.

ARTICLE III.

Free intercourse.

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 and subjects 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 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 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.

Coasting trade excepted.

ARTICLE IV.

Vessels of both countries on the same footing, as to the importation of foreign goods into either country.

They likewise agree that whatever kind of produce, manufactures, 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 Brazil: and that no higher or other duties upon the tonnage of the vessel and her cargo, shall be levied and collected, whether the importation be made in the vessels of the one country or the other. And in like manner, that whatever kind of produce, manufactures, or merchandize of any foreign country, can be, from time to time, lawfully imported into the Empire of Brazil, 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 and her cargo, shall be levied or collected whether the importation be made in vessels of the one country, or of the other. And they 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 Empire of Brazil. The government of the United States however considering the present state of the navigation of Brazil, agrees that a vessel shall be considered as Brazilian, when the proprietor and captain are subjects of Brazil and the papers are in legal form.

Same as to exportation.

What vessels to be considered Brazilian.

ARTICLE V.

Duties on imports and exports.

No higher or other duties shall be imposed on the importation into the United States, of any articles the produce or manufactures of the Empire of Brazil, and no higher or other duties shall be imposed on the importation into the Empire of Brazil, 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 Empire of Brazil respectively, than such as are payable on the exportation of the like article 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 Empire of Brazil, to or from the territories of the United States, or to or from the territories of the Empire of Brazil, which shall not equally extend to all other nations.

ARTICLE VI.

All merchants, &c. placed on the most favored footing.

It is likewise agreed, that it shall be wholly free for all merchants, commanders of ships, and other citizens or subjects 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 merchandize 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 or subjects of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favoured nation.

ARTICLE VII.

To be secure from detention without indemnification.

The citizens and subjects of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, or merchandize or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested, a sufficient indemnification.

ARTICLE VIII.

Vessels in distress, &c. to be received and protected.

Whenever the citizens or subjects 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 of 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 favour 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.

ARTICLE IX.

Property captured by pirates, &c. to be restored.

All the ships, merchandize and effects belonging to the citizens or subjects, 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, ports, bays, 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.

ARTICLE X.

Assistance in case of shipwreck, &c.

When any vessel belonging to the citizens or subjects 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, unless they be destined for consumption.

ARTICLE XI.

Provision as to personal property of citizens of the parties.

The citizens or subjects 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 or subjects of the other party, shall succeed to the 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, 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, nor any other charges than those which are imposed by the laws of the country.

Real property.

ARTICLE XII.

Special protection to persons and property.

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens and subjects of each other, of all occupations, who may be in their 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 intercourse, on the same terms which are usual and customary, with the natives or citizens and subjects 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.

ARTICLE XIII.

Security of conscience, &c.

It is likewise agreed, that the most perfect and entire security of conscience shall be enjoyed by the citizens or subjects 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 and subjects 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.

ARTICLE XIV.

Free ships to make free goods.

It shall be lawful for the citizens and subjects of the United States of America, and of the Empire of Brazil, 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 who hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens and subjects aforesaid, to sail with the ships and merchandizes before mentioned, and to trade with the same liberty and security, from the places, ports, and havens, of those who are enemies of either party, without any opposition, or disturbance whatsoever, not only directly from the places of the enemy before mentioned, 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 or 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 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 recognize 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.

Contraband goods excepted.

Free ships to make free persons, except, &c.

Proviso.

ARTICLE XV.

Qualification of the principle.

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 four 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 merchandize of the neutral, embarked in such enemy's ship, shall be free.

ARTICLE XVI.

Contraband goods, what.

This liberty of commerce and navigation shall extend to all kinds of merchandizes, excepting those only which 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 grenades, 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.

ARTICLE XVII.

All other merchandise free.

All other merchandize and things not comprehended in the articles of contraband, expressly 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 besieged 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 force capable of preventing the entry of the neutral.

Blockade, what.

ARTICLE XVIII.

Contraband goods subject to confiscation,

Vessel not to be detained, unless, &c.

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 all the other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

ARTICLE XIX.

Notice of blockade to be given, &c.

And whereas it frequently happens that vessels sail for a port or a 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 any officer commanding a vessel 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 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, shall such vessel or her cargo, be liable to confiscation, but they shall be restored to the owners thereof. And if any vessel having thus entered the port before the blockade took place, shall take on board a cargo after the blockade be established, she shall be subject to being

Free egress allowed in certain cases.

warned by the blockading forces to return to the port blockaded, and discharge the said cargo, and if after receiving the said warning the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as a vessel attempting to enter a blockaded port after being warned off by the blockading forces.

ARTICLE XX.

Examination of vessels, how to be made.

In order to prevent all kinds 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 at the greatest distance compatible with making the visit under the circumstances of the sea and wind and the degree of suspicion attending the vessel to be visited, and shall send its smallest boat, 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.

ARTICLE XXI.

Vessels to be provided with certain papers.

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 and subjects of the two contracting parties, they have agreed, and do agree, that in case one of them shall be engaged in war, the ships and vessels belonging to the citizens or subjects 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 or subjects 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 such 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 proved to be owing to accident, and be satisfied or supplied by testimony entirely equivalent.

ARTICLE XXII.

Vessels under convoy.

It is further agreed, that the stipulations above expressed, relative to the visiting and examining of vessels, shall apply only to those which sail without convoy: and when said vessel shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, 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.

ARTICLE XXIII.

Prize courts only to take cognizance of prizes.

Proceedings.

It is further agreed, that in all cases the established courts for prize causes, in the countries 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 pro-

perty claimed by the citizens or subjects 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.

ARTICLE XXIV.

Letters of marque, &c. not to be accepted, &c.

Whenever one of the contracting parties shall be engaged in war with another state, no citizen or subject 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 party so at war, under the pain of being treated as a pirate.

ARTICLE XXV.

Provisions in case of war between the parties, &c.

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 designated port. The citizens and subjects of all other occupations, who may be established in the territories or dominions of the United States; and of the Empire of Brazil, 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.

ARTICLE XXVI.

No property to be confiscated.

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

ARTICLE XXVII.

Immunities of public agents.

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 their Envoys, Ministers, and other public Agents, the same favors, immunities and exemptions, which those of the most favoured nation do, or shall enjoy: it being understood, that whatever favours, immunities, or privileges, the United States of America, or the Empire of Brazil 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.

ARTICLE XXVIII.

Of consuls, &c.

To make more effectual the protection which the United States and the Empire of Brazil shall afford in future to the navigation and commerce of the citizens and subjects 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 favoured 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.

ARTICLE XXIX.

Exequaturs.

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 commissions 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.

ARTICLE XXX.

Privileges of consuls, &c.

It is likewise agreed, that the Consuls, their Secretaries, officers, and persons attached to the service of Consuls, they not being citizens or subjects of the country, in which the Consul resides, shall be exempt from all public service, and also from all kinds 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 or subjects and inhabitants, native and foreign, of the country in which they reside are subject; being in every thing besides subject to the laws of their 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.

ARTICLE XXXI.

Deserters from vessels.

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 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 vessels or ships roll, or other public documents, that those men were part of 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 said Consuls, and may be put in the public prison, 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 no more be arrested for the same cause.

ARTICLE XXXII.

Consular convention to be established.

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.

ARTICLE XXXIII.

The United States of America, and the Emperor of Brazil 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 be in force twelve years, &c.

1st. The present treaty shall be in force for twelve 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 said term of twelve years: and it is hereby agreed between them, that on the expiration of one year after such notice shall have been received by

either, from the other party, this treaty in all the parts relating to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both powers.

Offences of citizens, &c. not to affect the relations of the parties.

2dly. If any one or more of the citizens or subjects of either party shall infringe any of the articles of this treaty, such citizen or subject 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.

Proceedings on infraction of this treaty.

3dly. If (which, indeed, cannot be expected,) unfortunately, any of the articles contained in the present treaty, shall be violated or infringed in any 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.

Treaty, how to operate.

4thly. Nothing in this treaty contained shall, however, be construed to operate contrary to former and existing public treaties with other sovereigns or states.

Ratifications to be exchanged within nine months.

The present treaty of peace, amity, commerce and navigation, 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 the Emperor of Brazil, and the ratifications shall be exchanged 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 Majesty the Emperor of Brazil have signed and sealed these presents.

Done in the City of Rio de Janeiro, this twelfth day of the month of December in the year of our Lord Jesus Christ one thousand eight hundred and twenty-eight.

(Signed)

W. TUDOR, (L. S.)
MARQUEZ de ARACATY, (L. S.)
MIGUEL de SOUZA MELLO e ALVIM, (L. S.)

TREATY OF COMMERCE AND NAVIGATION

Aug. 27, 1829.

Between the United States of America, and his Majesty the Emperor of Austria.

Proclamation of the President of the U. S., declaring that ratifications had been exchanged, Feb. 10, 1831.

Motives to the treaty.

THE United States of America, and His Majesty the Emperor of Austria, King of Hungary and Bohemia, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States, of extending, also, and consolidating the commercial intercourse between them, and convinced that this object cannot better be accomplished than by adopting the system of an entire freedom of navigation, and a perfect reciprocity, based upon principles of equity equally beneficial to both

countries, have, in consequence, agreed to enter into negotiations for the conclusion of a treaty of commerce and navigation, for which purpose the President of the United States has conferred full powers on MARTIN VAN BUREN, their Secretary of State; and His Majesty the Emperor of Austria has conferred like powers on LEWIS, BARON DE LEDERER, his said Majesty's Consul for the port of New York, and the said Plenipotentiaries having exchanged their said full powers, found in good and due form, have concluded and signed the following articles:

Free trade established.

ARTICLE I. There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their commercial affairs; and they shall enjoy, to that effect, the same security, protection and privileges as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing.

Tonnage duties, &c.

ARTICLE II. Austrian vessels arriving, either laden or in ballast, in the ports of the United States of America; and, reciprocally, vessels of the United States arriving, either laden, or in ballast, in the ports of the dominions of Austria, shall be treated on their entrance, during their stay and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage and port charges, as well as to the fees and perquisites of public officers and all other duties or charges of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishment whatsoever.

Duties on imports.

ARTICLE III. All kind of merchandise and articles of commerce, either the produce of the soil or the industry of the United States of America, or of any other country, which may be lawfully imported into the ports of the dominions of Austria, in Austrian vessels, may also be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in Austrian vessels. And, reciprocally, all kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the dominions of Austria, or of any other country, which may be lawfully imported into the ports of the United States, in vessels of the said States, may also be so imported in Austrian vessels, without paying other or higher duties or charges, of whatever kind or denomination levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in vessels of the United States of America.

Preceding stipulations mutually applicable.

ARTICLE IV. To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding articles, are, to their full extent, applicable to Austrian vessels and their cargoes, arriving in the ports of the United States of America; and, reciprocally, to vessels of the said States and their cargoes arriving in the ports of the dominions of Austria, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

ARTICLE V. No higher or other duties shall be imposed on the importation into the United States, of any article the produce or manufac-

Parties placed, as to duties, on the footing of the most favored nation.

ture of the dominions of Austria; and no higher or other duties shall be imposed on the importation into the dominions of Austria, of any article the produce or manufacture of the United States, than are, or shall be payable on the like article, being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States, or of the dominions of Austria, to or from the ports of the United States, or to or from the ports of the dominions of Austria, which shall not equally extend to all other nations.

Duties, bounties, and drawbacks on exports.

ARTICLE VI. All kind of merchandize and articles of commerce, either the produce of the soil or of the industry of the United States of America, or of any other country, which may be lawfully exported, or re-exported from the ports of the said United States, in national vessels, may also be exported, or re-exported therefrom in Austrian vessels, without paying other, or higher duties or charges of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported or re-exported, in vessels of the United States of America.

An exact reciprocity shall be observed in the ports of the dominions of Austria, so that all kinds of merchandise and articles of commerce either the produce of the soil or of the industry of the said dominions of Austria, or of any other country, which may be lawfully exported or re-exported, from Austrian ports, in national vessels, may also be exported or re-exported therefrom, in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported, or re-exported, in Austrian vessels.

And the same bounties and drawbacks shall be allowed, whether such exportation or re-exportation be made in vessels of the one party, or of the other.

Coastwise navigation.

ARTICLE VII. It is expressly understood and agreed that the coastwise navigation of both the contracting parties, is altogether excepted from the operation of this treaty, and of every article thereof.

Vessels of the parties to be equally favored.

ARTICLE VIII. No priority or preference shall be given, directly, or indirectly, by either of the contracting parties, nor by any Company, Corporation or Agent, acting on their behalf or under their authority, in the purchase of any article of commerce, lawfully imported, on account of, or in reference to the character of the vessel, whether it be of the one party or of the other, in which such article was imported, it being the true intent and meaning of the contracting parties that no distinction or difference whatever shall be made in this respect.

Future favors.

ARTICLE IX. 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.

Consuls, &c.

ARTICLE X. The two contracting parties hereby reciprocally 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, who shall enjoy the same privileges and powers as those of the most favoured nations. But if any such Consuls shall exercise commerce, they shall be subjected to the same laws and usages to which

the private individuals of their nation are subject in the same place, in respect of their commercial transactions.

Property of individuals.

ARTICLE XI. 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 citizens or subjects of the other party, shall succeed to their 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, taxes or charges, 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 any question should arise among several claimants, to which of them said goods belong, the same shall be decided finally by the laws and Judges of the land wherein the said goods are. 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 Emperor of Austria, to prevent the emigration of his subjects.

Duration of the treaty.

ARTICLE XII. The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications; and if twelve months before the expiration of that period, neither of the high contracting parties shall have announced by an official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification whatever the time at which it may take place.

Ratifications.

ARTICLE XIII. This Treaty 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 Emperor of Austria; and the ratifications shall be exchanged in the City of Washington, within twelve months from the date of the signature hereof, or sooner, if possible.

In faith whereof the respective Plenipotentiaries have signed and sealed this treaty, both in the English and German languages, declaring, however, that, it having been originally composed in the former, the English version is to decide the interpretation, should any difference in regard to it unfortunately arise.

Done in triplicate, at Washington, this twenty-seventh day of August, in the year of our Lord one thousand eight hundred and twenty-nine.

M. VAN BUREN, (L. S.)
L. BARON DE LEDERER, (L. S.)

March 28, 1830.

CONVENTION

Ratifications exchanged, June 5, 1830. Proclamation of the President of the U. S., June 5, 1830.

Between the United States of America and His Majesty the King of Denmark, signed at Copenhagen the 28th of March, 1830. (*a*)

THE United States of America, and His Majesty the King of Denmark, being equally desirous of terminating the discussions which have taken place between them, in respect to the claims and pretensions formed by the citizens of the United States and the subjects of Denmark having for their object, the seizure, condemnation or confiscation of their vessels, cargoes or property whatsoever, within the territory, or under the authority of the respective Governments, have named for this purpose, and furnished with their full powers: that is to say, the President of the United States of America, by, and with the advice and consent of the Senate, HENRY WHEATON, Chargé d'Affaires of the said United States at the Court of His Majesty, the King of Denmark, &c. and His Majesty the King of Denmark, the Sieur ERNEST HENRY, Count de Schimmelmann, Knight of the order of the Elephant, Grand Cross of the order of Dannebrog, decorated with the silver cross of the same order, His Minister (intime) of State, Chief of His Department of foreign affairs, etc. and the Sieur PAUL CHRISTIAN DE STEMANN, Knight of the order of the Elephant, Grand Cross of the order of Dannebrog, decorated with the silver cross of the same order, His Minister (intime) of State and of Justice, President of His Danish Chancery, etc., and the said Plenipotentiaries, after having exchanged their full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Renunciation by Denmark of indemnity.

His Majesty the King of Denmark renounces the indemnities which might be claimed from the Government of the United States of America, for the subjects of Denmark, on account of the seizure, detention and condemnation or confiscation of their vessels, cargoes or property whatsoever, under the authority of the said Government; and his Majesty

Agreement to indemnify U. S.

engages, moreover, to pay to the said Government, the sum of six hundred and fifty thousand Spanish milled dollars, on account of the citizens of the United States, who have preferred claims relating to the seizure, detention, condemnation or confiscation of their vessels, cargoes or property whatsoever, by the public and private armed ships, or by the tribunals of Denmark, or in the States subject to the Danish sceptre.

ARTICLE II.

Payment of said indemnity.

The payment of the above sum of six hundred and fifty thousand Spanish milled dollars, shall be made, in the times and manner following: On the 31st March, 1831, two hundred and sixteen thousand six hundred and sixty-six dollars and two-thirds of a dollar.

On the 30th September, 1831, two hundred and sixteen thousand six hundred and sixty-six dollars and two-thirds of a dollar.

On the 30th September, 1832, two hundred and sixteen thousand six hundred and sixty-six dollars and two-thirds of a dollar.

To the second payment shall be added the interest for that, and for

(*a*) For notes of the treaties between the United States and Denmark, see ante, page 340.

CONVENTION

Entre les Etats Unis d'Amérique et Sa Majesté le Roi de Dannemarc, signée à Copenhague, le 28 *Mars*, 1830.

Les Etats Unis d'Amerique et Sa Majesté le Roi de Dannemarc, désirant également mettre fin aux discussions, qui se sont élevées, de part et d'autre, à l'égard des réclamations et prétentions formées par les citoyens des Etats Unis et les sujets du Dannemarc, ayant pour motif, la saisie, détention, condamnation, ou confiscation, de leurs navires, cargaisons, ou propriétés, quelconques, dans les territoires ou sous l'autorité des Gouvernemens respectifs, ont nommé à cet effet, et muni de leurs pleins-pouvoirs; à savoir, le Président des Etats Unis d'Amérique, par et avec l'avis et le consentement du Sénat, le Sieur Henry Wheaton, Chargé d'Affaires des dits Etats Unis près la cour de Sa Majesté le Roi de Dannemarc etc. et Sa Majesté le Roi de Dannemarc, le Sieur Ernest Henri, Comte de Schimmelmann, Chevalier de l'ordre de l'Eléphant, Grand Croix de celui du Dannebrog, décoré de la croix d'argent du même ordre, son Ministre (intime) d'Etat, chef de son Département des affaires étrangères etc. et le Sieur Paul Chrétien de Stemann, Chevalier de l'ordre de l'Eléphant, Grand Croix de celui du Dannebrog, décoré de la croix d'argent du même ordre, son Ministre (intime) d'Etat et de Justice, Président de sa Chancellerie Danoise, etc.; lesquels Plénipotentiaires après avoir échangé leurs pleins pouvoirs qui furent trouvés en bonne et due forme, ont arrêté et conclu les articles suivans:

ARTICLE I.

Sa Majesté le Roi de Dannemarc renonce aux indemnités, qui pourroient être réclamées du Gouvernement des Etats Unis d'Amérique, pour des sujets Danois, à cause des saisies, détentions, condamnations ou confiscations de leurs navires, cargaisons ou propriétés quelconques, sous l'autorité du dit Gouvernement; et Sa Majesté s'engage en outre, à payer au dit Gouvernement, la somme de six cent cinquante mille piastres, en faveur des citoyens des Etats Unis, qui ont élevé des réclamations au sujet de la saisie, détention, condamnation ou confiscation de leurs navires, cargaisons ou propriétés quelconques, par les vaisseaux de guerre et armateurs, ou par les tribunaux du Dannemarc ou dans les Etats soumis au sceptre Danois.

ARTICLE II.

L'acquittement de la somme de six cent cinquante mille piastres se fera de la manière et aux termes suivans:

Le 31 Mars, 1831, deux cent seize mille six cent soixante-six et deux-tiers de piastres.

Le 30 Septembre, 1831, deux cent seize mille six cent soixante-six et deux-tiers de piastres.

Le 30 Septembre, 1832, deux cent seize mille six cent soixante-six et deux-tiers de piastres.

Au second terme de payement, seront ajoutés les intérêts pour cette

the last payment, at four per centum per annum, to be computed from the first payment, on the 31st March, 1831.

To the third payment shall also be added the interest for that payment, at four per centum per annum, to be computed from the second payment, on the 30th September, 1831.

The above sums, thus specified in Spanish milled dollars, shall be paid in bills of exchange, at fifteen days sight, at Hamburg; for the payment of which the Danish Government shall be responsible.

At the time when the first payment shall be made, on the 31st March 1831, two obligations, corresponding to the two last payments to be effected for the capital and the interest thereof, shall be issued by the Direction for the public debt and the sinking fund of Denmark, to the order of the Department of Foreign Affairs of Denmark, and assigned to the Government of the United States. By the said obligations, His Majesty the King of Denmark shall acknowledge himself debtor, for the sums not yet paid to the Government of the United States of America, and the same shall be delivered to such person or persons, as may be authorized to receive the same by the said Government; and when the said obligations are to be discharged, according to the tenor thereof, by the Danish Government, the person or persons authorized by the Government of the United States, to receive the stipulated payments, shall deliver up the said obligations with receipts for the amount thereof, from the said Government.

ARTICLE III.

A board of commissioners to be appointed to ascertain the validity, &c. of claims.

To ascertain the full amount, and validity of the claims, mentioned in Article I, a Board of Commissioners, consisting of three citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate, who shall meet at Washington, and within the space of two years from the time of their first meeting shall receive, examine and decide upon, the amount and validity of all such claims, according to the merits of the several cases, and to justice, equity and the law of nations.

The Commissioners shall take an oath or affirmation, to be entered in the journal of their proceedings, for the faithful and diligent discharge of their duties.

In case of the death, sickness or necessary absence of any Commissioner, his place may be supplied by the appointment of another Commissioner, in the manner before mentioned, or during the recess of the Senate, by the President of the United States. The Commissioners shall be authorized to hear and examine, on oath or affirmation, every question relating to such claims, and to receive all suitable authentic testimony concerning the same.

In order to facilitate the proceedings of this Board, His Majesty the King of Denmark engages, when thereunto required, to cause to be delivered to any person or persons, who shall be duly authorized for that purpose, by the Government of the United States, in addition to the papers already delivered, all the acts, documents, ships' papers and prize proceedings, which may still remain in the archives of the High Court of Admiralty, or the Prize Tribunals of Denmark, relating to the seizure, detention, condemnation or confiscation, of the vessels, cargoes or property whatsoever, belonging to the citizens of the United States of America before the said tribunals.

The Commissioners shall award, and cause to be distributed among the several parties, whose claims shall be allowed by the Board, the sum mentioned in Article I and II, in a ratable proportion to the amount of the respective claims thus allowed.

somme, et pour celle à payer au dernier terme, de quatre pour cent par an, à compter depuis le terme du premier payement du 31 Mars, 1831.

Au troisième terme seront également ajoutés les intérêts pour cette dernière somme de quatre pour cent par an, à compter du second terme du 30 Septembre, 1831.

Les sommes ci-dessus spécifiées en piastres seront acquittées par des lettres de change, à quinze jours de vue, payables à Hambourg, pour le payement des quelles, le Gouvernement Danois restera résponsable.

En même tems que le payement du premier terme du 31 Mars, 1831, aura lieu, deux obligations, qui corrésponderont aux deux derniers terms ci-dessus indiqués, pour le capital et les intérêts, seront émises par la Direction de la dette d'Etat et du fond d'amortissement du Dannemarc, à l'ordre du Département des affaires étrangères du Dannemarc, et transportées au Gouvernement des Etats Unis. En vertu de ces obligations, Sa Majesté le Roi de Dannemarc, se reconnoîtra, comme débiteur des sommes point encore payées au Gouvernement des Etats Unis d'Amérique, et elles seront délivrées à celui ou à ceux qui seront dûment autorisés à cet effet, par le dit Gouvernement. Quand l'acquittement de ces obligations s'effectuera dans les termes qu'elles sont remboursables de la part du Gouvernement Danois, la personne ou les personnes dûment autorisées par le Gouvernement des Etats Unis pour recevoir le payement stipulé, remettront en même temps, ces obligations munies des quittances du dit Gouvernement.

ARTICLE III.

Pour déterminer le montant précis et la validité des réclamations des citoyens des Etats Unis, mèntionnées dans l'article I, une Commission composée de trois citoyens des Etats Unis, sera nommée par le Président, par et avec, l'avis et le consentement du Sénat; ces Commissaires s'assembleront à Washington, et avant que deux ans, à compter du jour de leur première séance, se seront écoulés, ils doivent avoir reçu toutes ces réclamations, et avoir examiné et décidé leur montant et leur validité, d'après les circonstances spéciales de chaque cas, la justice, l'équité et le droit des gens.

Les Commissaires prêteront serment, ou donneront des affirmations à insérer dans le journal de leurs procédés, qu' ils rempliront fidèlement et assidûment leurs devoirs.

En cas de décès, de maladie ou d'absence indispensable d'un des Commissaires, sa place sera remplie par la nomination d'un autre Commissaire de la manière sus-mentionée, ou durant les vacances du Sénat, par le Président des Etats Unis.

Les Commissaires seront autorisés à se faire rendre compte, et à examiner chaque question rélative à ces réclamations, et à se faire donner sous serment ou affirmation, tous les témoignages convenables et authentiques qui les concernent.

A fin de faciliter les travaux de cette commission, Sa Majesté le Roi de Dannemarc, s'engage lorsque la réquisition en sera faite, outre les documens déjà remis à faire délivrer à celui ou à ceux, qui seront dûment autorisés à cet effet, par le Gouvernement des Etats Unis, tous les actes, documens, papiers de bord, et pièces de procès qui pourroient encore se trouver dans les archives de la Haute Cour d'Amirauté, ou des tribunaux de prises du Dannemarc, rélativement à la saisie, détention, condamnation ou confiscation des navires, cargaisons ou propriétés quelconques, des citoyens des Etats Unis d'Amérique, par devant ces tribunaux.

La dite Commission adjugera et fera distribuer entre les différentes parties dont elle admettra les réclamations, les sommes mentionnées dans l'article I et II, dans la proportion et pro rata à leurs réclamations respectives, qui auront été ainsi admises.

ARTICLE IV.

No further claims shall be presented by U. S.

In consideration of the renunciation and payments mentioned in Article I and II, on the part of His Majesty the King of Denmark, the Government of the United States declares itself entirely satisfied, not only in what concerns the said Government, but also in what concerns the citizens of the said United States, on account of the claims hitherto preferred, or which may hereafter be preferred, relating to the seizure, detention, condemnation or confiscation, of their vessels, cargoes, or property whatsoever, which in the last maritime war of Denmark, have taken place under the flag of Denmark, or in the States subject to the Danish sceptre; and the said claims shall consequently be regarded as definitively and irrevocably terminated.

ARTICLE V.

The present convention only applicable to the cases therein mentioned.

The intention of the two high contracting parties being solely to terminate, definitively and irrevocably, all the claims which have hitherto been preferred, they expressly declare, that the present Convention is only applicable to the cases therein mentioned; and, having no other object, can never, hereafter, be invoked by one party or the other as a precedent or rule for the future.

ARTICLE VI.

To be ratified within ten months.

The present Convention shall be duly ratified by the high contracting parties, and the ratifications shall be exchanged at Washington, in the space of ten months, or sooner if possible.

In faith thereof, and in virtue of our respective full powers, we have signed the present Convention, and have thereunto set the seals of our arms.

Done at Copenhagen, this 28th day of March, 1830.

E. H. SCHIMMELMANN, (L. S.)
STEMANN, (L. S.)

ARTICLE IV.

Moyenant les rénonciations et payemens, mentionnées dans l'article I et II, de la part de Sa Majesté le Roi de Dannemarc, le Gouvernement des Etats Unis déclare, qu'il se regarde comme entièrement satisfait, non seulement pour ce qui le concerne, mais aussi pour ce qui concerne les citoyens des dits Etats, à raison des réclamations mises en avant jusqu'ici ou qui pourroient être élevées à l'avenir, ayant pour objet la saisie, détention, condamnation ou confiscation de leurs navires, cargaisons ou propriétés quelconques, qui dans la dernière guerre maritime du Dannemarc, ont eu lieu sous le pavillon de Dannemarc, ou dans les Etats soumis au sceptre Danois, et les dites réclamations seront par conséquent régardées comme définitivement et irrévocablement terminées.

ARTICLE V.

L'intention des deux Hautes Parties Contractantes étant, uniquement, de terminer définitivement et irrévocablement, toutes les réclamations qui, jusqu'ici, ont eu lieu, elles déclarent expressement, que la présente Convention n'est applicable qu'aux cas désignés, et que n'ayant d'autre but, elle ne saura jamais de part ou d'autre dans l'avenir, être invoquée comme un précédent, ou comme règle pour le futur.

ARTICLE VI.

La présente Convention sera dûment ratifiée par les Hautes Parties Contractantes, et les ratifications seront échangées à Washington, dans l'espace de dix mois, ou plutôt, si faire se peut.

En foi de quoi, et en vertu de nos pleins pouvoirs respectifs, nous avons signé la présente Convention et y fait apposer les sceaux de nos armes.

Fait à Copenhague, ce 28me jour de Mars, 1830.

HENRY WHEATON, (L. S.)

May 7, 1830.

TREATY WITH THE OTTOMAN PORTE.(a)

Ratified Feb. 2, 1831.
Proclamation of the President of the United States, Feb. 4, 1832.

The object of this firm instrument, and the motive of this writing well drawn up, is, that—

Motives to treaty.

No treaty or diplomatic and official convention, having, heretofore, existed, between the Sublime Porte, of perpetual duration, and the United States of America; at this time, in consideration of the desire formerly expressed, and of repeated propositions which have lately been renewed by that power, and in consequence of the wish entertained by the Sublime Porte to testify to the United States of America, its sentiments of friendship,—We, the Undersigned, Commissioners, invested with the high office of Chief of the Chancery of State of the Sublime Porte, existing forever, having been permitted by His very Noble Imperial Majesty to negotiate and conclude a treaty, and having thereupon conferred with our friend, the honorable Charles Rhind, who has come to this Imperial Residence, furnished with full powers to negotiate, settle, and conclude, the articles of a treaty, separately and jointly with the other two Commissioners, Commodore Biddle and David Offley, now at Smyrna, have arranged, agreed upon and concluded, the following articles:

Merchants of the parties put, as to duties, on the footing of the most favored nation.

ARTICLE I. Merchants of the Sublime Porte, whether Musselmans or Rayahs, going and coming, in the countries, provinces, and ports, of the United States of America, or proceeding from one port to another, or from the ports of the United States to those of other countries, shall pay the same duties and other imposts that are paid by the most favored nations; and they shall not be vexed by the exaction of higher duties; and in travelling by sea and by land, all the privileges and distinctions observed towards the subjects of other Powers, shall serve as a rule, and shall be observed towards the merchants and subjects of the Sublime Porte. In like manner, American merchants who shall come to the well defended countries and ports of the Sublime Porte, shall pay the same duties and other imposts, that are paid by merchants of the most favored friendly Powers, and they shall not, in any way, be vexed or molested. On both sides, travelling passports shall be granted.

Consuls.

ARTICLE II. The Sublime Porte may establish *Shahbenders* (Consuls) in the United States of America; and the United States may appoint their citizens to be Consuls or Vice Consuls, at the commercial places in the dominions of the Sublime Porte, where it shall be found needful to superintend the affairs of commerce. These Consuls or Vice Consuls shall be furnished with *Berats* or *Firmans;* they shall enjoy suitable distinction, and shall have necessary aid and protection.

Employment of brokers.

ARTICLE III. American merchants established in the well defended States of the Sublime Porte, for purposes of commerce, shall have liberty to employ *Semsars* (brokers) of any nation or religion, in like manner as merchants of other friendly Powers; and they shall not be disturbed in their affairs, nor shall they be treated, in any way, contrary to established usages. American vessels arriving at, or departing from, the ports of the Ottoman Empire, shall not be subjected to greater visit, by the officers of the custom-house and the Chancery of the Port, than vessels of the most favored nations.

Visit of American vessels.

(a) Translation from the original Turkish of the treaty concluded between the United States and the Ottoman Porte.

ARTICLE IV. If litigations and disputes should arise between the subjects of the Sublime Porte and citizens of the United States, the parties shall not be heard, nor shall judgment be pronounced unless the American Dragoman be present. Causes in which the sum may exceed five hundred piastres, shall be submitted to the Sublime Porte, to be decided according to the laws of equity and justice. Citizens of the United States of America, quietly pursuing their commerce, and not being charged or convicted of any crime or offence, shall not be molested; and even when they may have committed some offence they shall not be arrested and put in prison, by the local authorities, but they shall be tried by their Minister or Consul, and punished according to their offence, following, in this respect, the usage observed towards other Franks.

Settlement of disputes between Ottoman subjects, &c.

Jurisdiction over American citizens.

ARTICLE V. American merchant vessels that trade to the dominions of the Sublime Porte, may go and come in perfect safety with their own flag; but they shall not take the flag of any other Power, nor shall they grant their flag to the vessels of other nations and Powers, nor to vessels of rayahs. The Minister, Consuls, and Vice Consuls of the United States, shall not protect, secretly or publicly, the rayahs of the Sublime Porte, and they shall never suffer a departure from the principles here laid down and agreed to by mutual consent.

U. S. flag to be respected; not to be lent to others, &c.

ARTICLE VI. Vessels of war of the two contracting Parties, shall observe towards each other, demonstrations of friendship and good intelligence, according to naval usage; and towards merchant vessels they shall exhibit the same kind and courteous manner.

Vessels of war shall exhibit towards each other, &c.

ARTICLE VII. Merchant vessels of the United States, in like manner as vessels of the most favored nations, shall have liberty to pass the Canal of the Imperial Residence, and go and come in the Black Sea, either laden or in ballast; and they may be laden with the produce, manufactures and effects, of the Ottoman Empire, excepting such as are prohibited, as well as of their own country.

Passage of the Dardanelles.

ARTICLE VIII. Merchant vessels of the two contracting parties shall not be forcibly taken, for the shipment of troops, munitions and other objects of war, if the Captains or proprietors of the vessels, shall be unwilling to freight them.

Ships not to be impressed.

ARTICLE IX. If any merchant vessel of either of the contracting parties, should be wrecked, assistance and protection shall be afforded to those of the crew that may be saved; and the merchandise and effects, which it may be possible to save and recover, shall be conveyed to the Consul, nearest to the place of the wreck, to be, by him, delivered to the proprietors.

Wrecks.

CONCLUSION.

The foregoing articles, agreed upon and concluded, between the Riasset (Chancery of State,) and the above mentioned Commissioner of the United States, when signed by the other two Commissioners, shall be exchanged. In ten months from the date of this *Temessuck*, or instrument of treaty, the exchange of the ratifications of the two Powers shall be made, and the articles of this treaty shall have full force and be strictly observed by the two Contracting Powers.

Exchange of ratifications.

Given the fourteenth day of the moon Zilcaade, and in the year of the Hegira, 1245, corresponding with the seventh day of May, of the year one thousand eight hundred and thirty of the Christian Æra.

(Signed) MOHAMMED HAMED,

Reis-ul-Kutab (*Reis Effendi*).

April 5, 1831.

A TREATY OF AMITY, COMMERCE, AND NAVIGATION

Between the United States of America and the United Mexican States.

Ratifications exchanged, April 5, 1832.
Proclamation of the President of the U. S., April 5, 1832.

THE United States of America and the United Mexican States desiring to establish upon a firm basis the relations of friendship that so happily subsist between the two Republics, have determined to fix in a clear and positive manner the rules which shall in future be religiously observed between both, by means of a treaty of Amity, Commerce, and Navigation. For which important object, the President of the United States of America has appointed Anthony Butler, a citizen of the United States, and Chargé d'Affaires of the United States of America near the United Mexican States, with full powers; and the Vice-President of the United Mexican States, in the exercise of the Executive power, having conferred like full powers on his Excellency Lucas Alaman, Secretary of State for Home and Foreign Affairs, and his Excellency Raphael Mangino, Secretary of the Treasury; and the aforesaid Plenipotentiaries, after having compared and exchanged in due form their several powers as aforesaid, have agreed upon the following articles:

Peace and friendship.

ARTICLE I. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the United States of America and the United Mexican States in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.

Footing of most favored nations secured to the parties.

ARTICLE II. The United States of America and the United Mexican States, designing to take for the basis of their agreement the most perfect equality and reciprocity, 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 upon the same conditions, if the concession was conditional.

Entry into ports.

ARTICLE III. The citizens of the two countries respectively shall have liberty, freely and securely to come with their vessels and cargoes to all such places, ports, and rivers of the United States of America and of the United Mexican States, to which other foreigners are permitted to come; to enter into the same, and to remain and reside in any part of the said territories respectively; also, to hire and occupy houses and warehouses for the purposes of their commerce, and to trade therein, in all sorts of produce, manufactures, and merchandize; and, generally, the merchants and traders of each nation shall enjoy the most complete protection and security for their commerce.

And they shall not pay higher or other duties, imposts, or fees whatsoever, than those which the most favored nations are or may be obliged to pay; and shall enjoy all the rights, privileges, and exemptions, with respect to navigation and commerce, which the citizens of the most favored nation do or may enjoy; but subject always to the laws, usages, and statutes of the two countries respectively.

TRATADO DE AMISTAD, COMERCIO, Y NAVEGACION

Entre los Estados Unidos de America y los Estados Unidos Mexicanos.

Los Estados Unidos de America y los Estados Unidos Mexicanos deseosos de afirmar sobre bases solidas las relaciones de amistad y comercio que felizmente ecsisten entre ambas Repúblicas, han resuelto fijar de una manera clara y positiva las reglas que han de observarse en lo succesivo religiosamente entre ambas, por medio de un tratado de Amistad, Comercio, y Navegacion. Para cuyo importante objeto, el Presidente de los Estados Unidos de America há conferido plenos poderes al ciudadano de los mismos Estados Antonio Butler, Encargado de Negocios cerca de los Estados Unidos Mexicanos; y el Vice-Presidente de los Estados Unidos Mexicanos en ejercicio del poder Ejecutivo al Ecselentisimo Señor Don Lucas Alaman, Secretario de Estado y del Despacho de Relaciones Esteriores é Interiores, y al ecselentisimo Señor Don Rafael Mangino, Secretario de Estado y del Despacho de Hacienda; los cuales, despues de haber cambiado sus plenos poderes, han convenido en los articulos siguientes:

Articulo I. Habrá una firme, inviolable y universal paz, y una sincera y verdadera amistad entre los Estados Unidos de America y los Estados Unidos Mexicanos en toda la estension de sus posesiones y territorios, y entre sus pueblos y ciudadanos, respectivamente, sin distincion de personas ó lugares.

Articulo II. Los Estados Unidos de America y los Estados Unidos Mexicanos, deseando tomár por base de este convenio la mas perfecta igualdad y reciprocidad, se comprometen mutuamente á no conceder ningun favor particular á otras naciones, en lo respectivo á comercio y navegacion, que no venga á ser inmediatamente comun á la otra parte; la cual deberá gozarlo libremente, si la concecion fué hacha libremente ó bajo las mismas condiciones, si la concesion fuese condicional.

Articulo III. Los ciudadanos de los dos paises respectivamente, tendrán libertad, franquicia y seguridad para ir con sus buques y cargamentos á todas las plazas, puertos, y rios de los Estados Unidos de America y de los Estados Unidos Mexicanos, á los que á otros estrangeros es permitido ir, entrar y permanecer en cualquiera parte de los dichos territorios respectivamente; asi como arrendar y ocupar casas y almacenes para los fines de su comercio, y comerciar en ellos en toda clase de productos, manufacturas y mercancias; y en general, los comerciantes y negociantes de cada nacion, gozarán la mas completa proteccion y seguridad para su comercio.

Y no pagarán otros ni mas altos derechos impuestos ó emolumentos, cualquiera que sean, que los que esten ó estuvieren obligadas á pagar las naciones mas favorecidas; y gozarán todos los derechos, privilegios, y ecsenciones, con respecto á la navegacion y comercio, que los ciudadanos de la nacion mas favorecida gozen ó gozaren; pero sugetos siempre á las leyes, usos y estatutos de las dos naciones respectivamente.

Coasting trade excepted.

The liberty to enter and discharge the vessels of both nations of which this article treats, shall not be understood to authorize the coasting trade, which is permitted to National vessels only.

Duties on productions of the parties.

ARTICLE IV. No higher or other duties shall be imposed on the importation into the United Mexican States of any article, the produce, growth, or manufacture of the United States of America, than those which the same or like articles, the produce, growth, or manufacture of any other foreign country do now or may hereafter pay; nor shall articles, the produce, growth, or manufacture of the United Mexican States, be subject on their introduction into the United States of America, to higher or other duties than those which the same or like articles of any other foreign country do now or may hereafter pay.

Export duties and prohibitions.

Higher duties shall not be imposed in the respective States on the exportation of any article to the States of the other contracting Party, than those which are now or may hereafter be paid on the exportation of the like articles to any other foreign country; nor shall any prohibition be established on the exportation or importation of any article, the produce, growth, or manufacture of the United States of America, or of the United Mexican States respectively, in either of them, which shall not in like manner be established with respect to other foreign countries.

Tonnage duties, &c. the same in vessels of either party.

ARTICLE V. No higher or other duties or charges on account of tonnage, light or harbor dues, pilotage, salvage in case of damage or shipwreck, or any other local charges, shall be imposed, in any of the ports of Mexico on vessels of the United States of America, than those payable in the same ports by Mexican vessels; nor in the ports of the United States of America, on Mexican vessels, than shall be payable in the same ports on vessels of the United States of America.

Import duties.

ARTICLE VI. The same duties shall be paid on the importation into the United Mexican States, of any article, the growth, produce, or manufacture of the United States of America, whether such importation shall be in Mexican vessels or in vessels of the United States of America; and the same duties shall be paid on the importation into the United States of America, of any article, the growth, produce, or manufacture of Mexico, whether such importation shall be in vessels of the United States of America or in Mexican vessels.

Export duties, bounties, and drawbacks.

The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation to Mexico of any articles, the growth, produce, or manufacture of the United States of America, whether such exportation shall be in Mexican vessels or in vessels of the United States of America; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any articles, the growth, produce, or manufacture of Mexico, to the United States of America, whether such exportation shall be in vessels of the United States of America or in Mexican vessels.

Merchants, &c. put on the same footing in the ports of either party.

ARTICLE VII. All merchants, captains, or commanders of vessels, and other citizens of the United States of America, shall have full liberty in the United Mexican States to direct or manage themselves, their own affairs, or to commit them to the management of whomsoever they may think proper, either as broker, factor, agent, or interpreter; nor shall they be obliged to employ for the aforesaid purposes any other persons than those employed by Mexicans, nor to pay them higher salaries or remuneration than such as are in like cases paid by Mexicans: and

La libertad de entrar y descargar los buques de ambas naciones de que habla este articulo, no se entenderá que autoriza el comercio de escala y cabotaje permitido solamente á los buques Nacionales.

Articulo IV. No se impondrán otros ni mayores derechos á la importacion en los Estados Unidos de America de articulo alguno de producto natural, ó manufactura, de los Estados Unidos Mexicanos, que los que pagan, ó en adelante pagaren, los mismos ó semejantes articulos de producto natural ó manufactura de cualquiera otro pais estrangero. Los articulos de producto natural ó manufactura de los Estados Unidos de America, no estarán sugetos en su introduccion en los Estados Unidos Mexicanos, á otros ni mas altos derechos que aquellos que los mismos ó semejantes articulos de cualquiera otro pais estrangero paguen ahora ó puedan pagar en adelante.

No se impondrán mayores derechos en los Estados respectivos, á la esportacion de articulo alguno á los Estados de la otra Parte contratante que los que ahora ó despues sean pagados en la esportacion de los mismos articulos á algun otro pais estrangero; ni ninguna prohibicion será establecida en la esportacion ó importacion de cualquier articulo, producto natural ó manufactura de los Estados Unidos de America ó los Estados Unidos Mexicanos respectivamente, en alguno de ellos, que del mismo modo no se establesca igualmente con respecto á otros paises estrangeros.

Articulo V. No se impondrán otros ni mas altos derechos ni cargas, por razon de toneladas, fanal, emolumentos de puerto, practico, derechos de salvamento en caso de perdida ó naufragio, ni ningunas otras cargas locales, en ninguno de los puertos de los Estados Unidos de America, á los buques de los Estados Unidos Mexicanos, sino los que unicamente pagan en los mismos puertos los buques de los Estados Unidos de America; ni en los puertos de los Estados Unidos Mexicanos se impondrán á los buques de los Estados Unidos de America otras cargas que las que en los mismos puertos paguen los buques Mexicanos.

Articulo VI. Se pagarán los mismos derechos de importacion en los Estados Unidos de America, por los articulos de productos naturales y manufacturas de los Estados Unidos Mexicanos, bien sean importados en buques de los Estados Unidos de America ó en buques Mexicanos; y los mismos derechos se pagarán por la importacion en los Estados Unidos Mexicanos de cualquiera articulo de producto natural ó manufactura de los Estados Unidos de America, sea que su importacion se verifique en buques Mexicanos ó de los Estados Unidos de America. Los mismos derechos pagarán, y gozarán las mismas franquicias y descuentos concedidos á la esportacion á Mexico de cualquiera articulos de los productos naturales ó manufacturas de los Estados Unidos de America, sea que la exportacion se haga en buques Mexicanos ó en buques de los Estados Unidos de America, y los mismos derechos se pagarán ye se concederán las mismas franquicias y descuentos á la esportacion de cualquiera articulos de producto natural ó manufactura de Mexico á los Estados Unidos de America, sea que la esportacion se haga en buques de los Estados Unidos de America ó en buques Mexicanos.

Articulo VII. Todo comerciante, comandante de buque, y otros ciudadanos de los Estados Unidos de America gozarán de libertad completa en los Estados Unidos Mexicanos para dirijir ó girar por si sus propios negocios ó para encargar su manejo aquien mejor les parezca, sea corredor, factor, agente ó interprete; y no se les obligará á emplear para estos objetos á ningunas otras personas que aquellas que se emplean por los Mejicanos, ni estarán obligados á pagarles mas salario ó remuneracion que la que en semejantes casos pagan los Mejicanos, y se concederá libertad

absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the prices of any goods, wares, or merchandise imported into, or exported from, the United Mexican States, as they may think proper; observing the laws, usages, and customs of the country. The citizens of Mexico shall enjoy the same privileges in the States and Territories of the United States of America, being subject to the same conditions.

Embargo, detention; compensation for.

ARTICLE VIII. The citizens of neither of the contracting parties shall be liable to any embargo, nor shall their vessels, cargoes, merchandise, or effects, be detained for any military expedition, nor for any public or private purpose whatsoever, without a corresponding compensation.

Citizens exempted from service, &c.

ARTICLE IX. The citizens of both countries, respectively, shall be exempt from compulsory service in the army or navy; nor shall they be subjected to any other charges, or contributions, or taxes, than such as are paid by the citizens of the States in which they reside.

Citizens seeking refuge in the harbors, &c.

ARTICLE X. 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, with the precautions which may be deemed expedient on the part of the respective Governments in order to avoid fraud, giving to them all favor and protection for repairing their vessels, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

Delivery of vessels, &c. captured by pirates.

ARTICLE XI. All vessels, merchandise, or 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 into or found in the rivers, 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 tribunal; it being well understood that the claim shall be made within one year, counting from the capture of said vessels or merchandise, by the parties themselves, or their attorneys, or by the agents of the respective Governments.

Shipwrecks, &c.

ARTICLE XII. 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 it all the 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 merchandise effects, with the precautions which may be deemed expedient on the part of the respective Governments, in order to avoid fraud, without exacting for it any duty, impost, or contribution whatever, untill they be exported.

Succession to personal estate, and disposal thereof.

ARTICLE XIII. In whatever relates to the succession of [personal] estates, either by will or *ab intestato* [and the right of] disposal of such property, of whatever sort or denomination it may be, by sale, donation, exchange, or testament, or in any other manner whatsoever, the citizens of the two contracting parties shall enjoy, in their respective States and Territories, the same privileges, exemptions, liberties, and rights, as native citizens; and shall not be charged, in any of these respects, with other or higher duties or imposts, than those which are now, or may

absoluta en todos los casos al comprador ó vendedor para ajustar y fijar el precio de cualesquiera efectos, articulos ó mercancias importadas ó esportadas de los Estados Unidos Mexicanos, como lo crean conveniente; observando las leyes, usos y costumbres establecidas en el pais. Los ciudadanos de Mexico gozarán los mismos privilegios en los Estados y Territorios de los Estados Unidos de America, quedando sugetos á las mismas condiciones.

Articulo VIII. Los ciudadanos de las partes contratantes no estarán sugetos á embargo, ni sus buques, cargamentos, mercancias ó efectos serán detenidos para ninguna espedicion militar, ni para ningun otro objeto público ó privado, cualquiera que sea, sin una compensacion correspondiente.

Articulo IX. Los ciudadanos de ambos paises respectivamente, estarán ecsentos de todo servicio militar forzoso en el ejercito ó armada; ni estarán sugetos á ningunas otras cargas, contribuciones ó impuestos, que aquellas que son pagadas por los ciudadanos de los Estados en que residen.

Articulo X. Siempre que los ciudadanos de cualquiera de las partes contratantes se vean precisados à buscar refugio ó asilo en los rios, bahias, puertos ó dominios de la otra con sus buques, ya sean mercantes, ó de guerra, ó armados en corso, á causa de un temporal persecucion de piratas ó enemigos, serán recibidos y tratados con humanidad, previas las precauciones que se juzgen convenientes por parte del respectivo Gobierno para evitar el fraude, concediendoles todo favor y proteccion para reparar sus buques, procurar provisiones y ponerse en estado de continuar su viaje, sin obstaculo ó impedimento de ninguna clase.

Articulo XI. Todo buque, mercancia y efectos, pertenecientes á ciudadanos de alguna de las partes contratantes, que sean apresados por piratas, ya sea dentro de los limites de su jurisdiccion ó en alta mar, y que fueren conducidos ó encontrados en los rios, bahias, puertos ó dominios de la otra, serán entregados á sus dueños, provando estos en debida forma sus derechos ante el tribunal competente; bien entendido que el reclamo deberá hacerse dentro del termino de un año contado desde la captura de dichos buques ó mercancias, por los mismos interesados, sus apoderados ó por los agentes de sus Gobiernos respectivos.

Articulo XII. Cuando algun buque perteneciente á ciudadanos de alguna de las partes contratantes, naufrague, vaya á pique, ó sufra cualquiera averia, en las costas ó dentro de los dominios de la otra, se le dispensará toda la asistencia y proteccion, del mismo modo que es de uso y costumbre con los buques de la nacion en que acontece el daño; permitiendoles descargar las mercancias y efectos del mismo buque si fuere necesario con las precauciones que se estimen convenientes por parte de los Gobiernos respectivos, para evitar el fraude, sin ecsigir por ello ningun impuesto ó contribucion cualquiera que sean, hasta que sean esportadas.

Articulo XIII. Por lo que toca á la sucesion de las propiedades personales por testamento ó ab-intestato, y al derecho de disponer de la propiedad personal de cualquiera clase ó denominacion, por venta, donacion, permuta ó testamento, ó de otro modo cualquiera los ciudadanos de las dos partes contratantes gozarán en sus respectivos Estados y Territorios los mismos privilegios, ecsenciones, libertades y derechos que si fueran ciudadanos nativos; y no se les cargará en ninguno de estos puntos ó casos, mayores impuestos ó derechos que los que pagan ó en

hereafter be paid by the citizens of the Power in whose territories they may reside.

Persons and property to be protected.

ARTICLE XIV. Both the contracting parties promise and engage to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in their territories, subject to the jurisdiction of the one or of 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 the citizens of either party, or their agents, shall enjoy, in every respect, the same rights and privileges, either in prosecuting or defending their rights of person or of property, as the citizens of the country where the cause may be tried.

Security as to religion in Mexico.

ARTICLE XV. The citizens of the United States of America, residing in the United Mexican States, shall enjoy in their houses, persons, and properties, the protection of the Government, with the most perfect security and liberty of conscience: they shall not be disturbed or molested, in any manner, on account of their religion, so long as they respect the Constitution, the laws, and established usages of the country where they reside; and they shall also enjoy the privilege of burying the dead in places which now are, or may hereafter be assigned for that purpose; nor shall the funerals or sepulchres of the dead be disturbed in any manner, nor under any pretext.

In the United States.

The citizens of the United Mexican States shall enjoy, throughout all the States and Territories of the United States of America, the same protection; and shall be allowed the free exercise of their religion, in public or in private, either within their own houses, or in the chapels or places of worship set apart for that purpose.

Security to vessels sailing to and from an enemy's port.

ARTICLE XVI. It shall be lawful for the citizens of the United States of America, and of the United Mexican States respectively, to sail with their vessels with all manner of security and liberty, no distinction being made who are the owners of the merchandise laden thereon, from any port to the places of those who now are, or may hereafter be at enmity with the United States of America, or with the United Mexican States. It shall likewise be lawful for the aforesaid citizens respectively to sail with their vessels and merchandise, before mentioned, 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, before mentioned, 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 Government 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 vessels 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 that the same liberty be extended to persons who are on board a free vessel, so that, although they be enemies to either party, they shall not be made prisoners, or taken out of that free vessel, unless they are soldiers, and in the actual service of the enemy. By the stipulation that the flag shall cover the property, the two contracting parties agree that this shall be so understood with respect to those powers who recognise this principle; but if either of the

Free ship, free goods.

Free ship, free persons.

Limitation of the principle.

adelante pagaren los ciudadanos nativos de la Potencia en cuyo territorio residan.

ARTICULO XIV. Ambas partes contratantes prometen y formalmente se obligan á conceder su especial proteccion á las personas y propiedades de los ciudadanos de cada una de ellas, en todas clases que puedan ecsistir en sus territorios sugetos á la jurisdiccion de la una ó de la otra, transeuntes ó radicados en ellos; dejandoles abiertos y libres los tribunales de justicia para sus recursos judiciales, de la misma manera que es uso y costumbre con los nacionales ó ciudadanos del pais en que residan; á cuyo efecto podrán emplear en defensa de sus derechos, los abogados, procuradores, escrivanos, agentes y factores que juzgen á proposito en todos sus juicios: y dichos ciudadanos ó sus agentes gozarán en todo, los mismos derechos y privilegios en la prosecucion ó defensa de sus personas ó propiedades que disfrutan los ciudadanos del pais en donde la causa sea seguida.

ARTICULO XV. Los ciudadanos de los Estados Unidos de America residentes en los Estados Unidos Mexicanos, gozarán en sus casas, personas y propiedades, de la proteccion del Gobierno y continuando en la posesion en que están; no serán alterados, inquietados ni molestados, de ninguna manera por motivos de su religion, con tal que respeten la de la nacion en que residan, y la Constitucion, leyes, usos y costumbres de esta; asi mismo continuarán en la facultad de que gozan para enterrar en los lugares señalados ó que en adelante se señalaren á este objeto, á los ciudadanos de los Estados Unidos de America que mueran en los Estados Unidos Mexicanos; y los funerales y sepulcros de los muertos no serán turbados de modo alguno, ni por ningun pretesto.

Los ciudadanos de los Estados Unidos Mexicanos gozarán en todos los Estados y Territorios de los Estados Unidos de America, de la misma proteccion; y podrán ejercer libremente su religion en público ó en privado dentro de sus casas ó en los templos y lugares destinados al culto.

ARTICULO XVI. Será permitido á todos y cada uno de los ciudadanos de los Estados Unidos de America, y de los Estados Unidos Mexicanos poder navegar libre y seguramente con sus embarcaciones sin que haya la menor escepcion por este respecto aunque los propietarios de las mercaderias cargadas en dichas embarcaciones procedan de cualquiera puerto, y sean destinadas á cualquiera plaza de una potencia enemiga, ó que lo sea despues, asi de los Estados Unidos de America, como de los Estados Unidos Mexicanos. Se permitirá igualmente á los ciudadanos respectivamente navegar con sus buques y mercaderias y frecuentar con igual libertad y seguridad las plazas y puertos en las potencias enemigas de las partes contratantes, ó de una de ellas, sin oposicion ú obstaculo, y de comerciar no solo desde los puertos de dicho enemigo, á un puerto neutro directamente, sino tambien desde un enemigo á otro tal, bien se encuentre bajo su jurisdiccion, ó bajo las de muchos; y se estipula tambien que los buques libres asegurarán igualmente la libertad de las mercancias; y que se juzgarán libres todos los efectos que se hallasen á bordo de los buques que perteneciesen á ciudadanos de una de las partes contratantes, aun cuando el cargamento por entero, ó parte de él fuese de los enemigos de una de las dos, bien entendido sin embargo que el contrabando se esceptua siempre. Se há convenido asi mismo que la propia libertad gozarán los sugetos que puedan encontrarse á bordo del buque libre, aun cuando fuesen enemigos de una de las dos partes contratantes; y por lo tanto no se podrá hacerlos prisioneros ni separarlos de dichos buques, á menos que sean militares, y estén á la sazon empleados en el servicio del enemigo. Por la estipulacion de que la bandera cubre la propiedad, han convenido las dos partes con-

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 Governments acknowledge this principle, and not of others.

Where neutral flag protects enemy's property, &c.

ARTICLE XVII. 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 enemies' vessels shall be held and considered as enemies' 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 four 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 embarked in such enemy's vessel shall be free.

Contraband goods excepted and defined.

ARTICLE XVIII. This liberty of commerce and navigation shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods, shall be comprehended, first, cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberts; and granades, bombs, powder, matches, balls, and all other things belonging to the use of these arms: secondly, bucklers, helmets, breast-plates, coats of mail, infantry belts, and clothes made up in a military form, and for a military use; thirdly, cavalry belts and horses with their furniture; fourthly, 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.

Blockade, what.

ARTICLE XIX. All other merchandise and things not comprehended in the articles of contraband expressly 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 besieged or blockaded; and to avoid all doubt in that particular, it is declared that those places only are besieged or blockaded, which are actually besieged or blockaded by a belligerent force capable of preventing the entry of the neutral.

Contraband liable to confiscation.

ARTICLE XX. 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 vessel, that the owners may dispose of them as they see proper.

Vessel not to be detained, unless, &c.

No vessels 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 vessel 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 judgment, according to law.

Notice of blockade.

ARTICLE XXI. And, whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the

tratantes en que esto se entiende asi respecto de aquellas potencias que reconozcan este principio; pero que si una de las dos partes contratantes estubiese en guerra con una tercera, y la otra neutral, la bandera de esta neutral cubrirà la propiedad de los enemigos cuyo Gobierno reconozca este principio, y no de otros.

Articulo XVII. Se conviene tambien que en caso de que el pavellon neutral de una de las partes contratantes proteja la propiedad de los enemigos de la otra en virtud de la referida estipulacion, se entenderá siempre que la propiedad neutral encontrada á bordo de los referidos buques enemigos se tendrá y considerará como propiedad enemiga, y como tal estará sugeta á detencion y confiscacion, escepto aquella propiedad que haya sido embarcada en tal buque antes de declaracion de guerra, y aun despues si se há hecho sin noticia de tal declaracion; pero las partes contratantes convienen en que cuatro meses despues de la declaracion, sus ciudadanos no alegarán ignorancia; al contrario, si el pavellon del buque neutral no proteje la propiedad enemiga, en este caso los efectos y mercancias del neutral embarcados en tal buque enemigo serán libres.

Articulo XVIII. Esta libertad de navegacion y comercio será estensiva á todo genero de mercancias esceptuando solamente las que se distinguen con el nombre de contrabando; y bajo esta calificacion ó la de efectos prohibidos se comprenderán, primero, cañones, morteros, obuses, pedreros, trabucos, fusiles, escopetas, carabinas, comunes y rayadas, pistolas, picas, espadas, sables, lanzas, arpones, alabardas y granadas, bombas, polvora, mechas, balas y otras cosas que pertenecen á el uso de armas: segundo, escudos, yelmos, petos, cotas de maya, cinturones de infanteria, y uniformes ó vestidos propios para la tropa; tercero, cinturones de caballeria y caballos con sus arneces; cuarto, y generalmente toda clase de armas é instrumentos en hierro, acero, bronce y cobre ú otros materiales manufacturados, preparados y formados a proposito para hacer la guerra por mar ó por tierra.

Articulo XIX. Cualesquiera otras mercancias y cosas no comprendidas en los articulos en contrabando enumerados y clasificados esplicitamente como queda dicho, se tendrán y considerarán libres, y de libre y legal comercio, de modo que podrán llevarse y transportarse de la manera mas libre por ambas partes contratantes aun á parages pertenecientes á enemigos, esceptuando solo aquellos que á la sazon estubiesen sitiados ó bloqueados; y para evitar toda duda en este particular, se declara que solo se considerarán bloqueados ó sitiados aquellos puntos que se hallen sitiados ó bloqueados por una fuerza beligerante capaz de impedir la entrada á los neutrales.

Articulo XX. Los articulos de contrabando enumerados y clasificados arriba que se encuentren en un buque que navega para puerto enemigo, estarán sugetos á detencion y confiscacion, dejando libre el resto del cargamento y el buque para que los dueños dispongan lo que les paresca. Ningun buque de ambas naciones será detenido en alta mar por conducir á bordo articulos de contrabando, siempre que el dueño, capitan ó sobrecargo del referido buque los entregue al apresador, á menos que la cantidad de estos articulos sea tan grande y abulte tanto que no pueda recibirlos el buque apresador sin grande inconveniente; pero en este y en todos los demas casos de justa detencion, el buque detenido se enviará al puerto mas cercano conveniente y seguro para ser juzgado con arreglo á las leyes.

Articulo XXI. Como sucede muy frecuentemente que los buques salen para un puerto ó plaza perteneciente al enemigo sin saber que se

same is besieged, blockaded, or invested, it is agreed that every vessel so situated 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 force, she should again attempt to enter the aforesaid port; but she shall be permitted to go to any other port or place she may think proper. Nor shall any vessel of either of the contracting parties, that may have entered into such port 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 surrender, shall such vessel or her cargo be liable to confiscation, but she shall be restored to the owner thereof.

Free egress allowed in certain cases.

Examination of vessels at sea.

ARTICLE XXII. In order to prevent all kinds of disorder in the visiting and examination of the vessels and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that, whenever a vessel of war, public or private, should meet with a neutral vessel of the other contracting party, the first shall remain out of cannon shot, and may send his 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 vessels shall be responsible with their persons and property; and for this purpose the commanders of 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 his papers, or for any other purpose whatsoever.

One of the parties being engaged in war, vessels of the other to be provided with sea letters, &c.

ARTICLE XXIII. To avoid all kinds of vexation and abuse in the examination of papers relating to the ownership of 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 vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property, and bulk of the vessel, and also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the said vessel really and truly belongs to the citizens of one of the contracting parties; they have likewise agreed that such vessels 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 vessel sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificate shall be made out by the officers of the place whence the vessel sailed, in the accustomed form: without which requisites, the 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 to the satisfaction of the competent tribunal.

If not so provided, to be adjudged lawful prize.

Vessels under convoy.

ARTICLE XXIV. It is further agreed, that the stipulations above expressed, relative to visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels are under convoy, the verbal declaration of the commander of the convoy, or his word of honor 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.

Prize courts.

ARTICLE XXV. 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

halla sitiado, bloqueado ó atacado, se conviene en que á ningun buque que se halle en estas circunstancias se le permitirá entrar en el; pero no será detenido, ni será confiscada parte alguna de su cargamento, sino hubiere en el alguno de los efectos de contrabando; á menos que despues de ser prevenido del sitio ó bloqueo por el oficial comandante de las fuerzas bloqueadoras emprendiese de nuevo entrar en dicho puerto; pero se permitirá ir á cualquiera otro puerto ó lugar que crea conveniente. Ni á buque alguno de las partes contratantes que hubiere entrado en tal puerto antes de ser bloqueado, sitiado ó atacado por alguna de ellas, se le impedirá salir del puerto con su cargamento, y si se hallare en el despues de la rendicion, ni el buque ni el cargamento serán confiscados sino debueltos á sus dueños.

Articulo XXII. Para impedir toda clase de desorden en la visita y ecsamen de los buques y cargamentos de ambas partes contratantes en alta mar, convienen mutuamente en que siempre que un buque de guerra nacional, ó armado en corso se encontrare con un buque neutral de la otra parte contratante, el primero se mantendrá fuera del tiro de cañon, y enviará su vote con solo dos ó tres hombres para verificar el referido ecsamen de los papeles relativos al dueño y cargamento del buque, sin causar la menor violencia, vejacion ó maltrato: para lo que los comandantes de los espresados buques armados, serán responsables con sus personas y propiedades, á cuyo fin los comandantes de dichos buques armados en corso por cuenta de particulares, darán antes de recibir sus patentes, fianzas suficientes para responder de los daños que puedan causar. Y se estipula espresamente que á buque neutral en ningun caso se le obligará ir á bordo del que registra á manifestar sus papeles, ni algun otro objeto sea el que fuere.

Articulo XXIII. Para evitar toda vejacion y abuso en el ecsamen de los papeles relativamente á los dueños de los buques que pertenescan á ciudadanos de las dos partes contratantes, han convenido y convienen que en caso de hallarse una de ellas en guerra, los buques y navios que pertenescan á ciudadanos de la otra, deberán ser provistos con patentes de mar ó pasaportes, que espresen el nombre, propiedad y dimensiones del buque, asi como el nombre del lugar en que habite el capitan ó comandante del buque para que aparesca real y verdaderamente que pertenece á ciudadanos de una de las partes contratantes; y han convenido igualmente en que los referidos buques si condujesen cargamento ademas de las patentes de mar ó pasaportes, seran provistos de certificaciones con espresion de cada uno de los articulos que comprende el cargamento y el lugar de su procedencia, para saber si á su bordo se hallan efectos de contrabando; cuya certificacion se dará por les autoridades del lugar de donde salió el buque en la forma acostumbrada: sin cuyo requisito el referido buque podrá ser detenido para ser juzgado por tribunal competente, y podrá ser declarado buena presa, á menos que esta falta se satisfaga ó supla con testimonio equivalente á satisfaccion del tribunal competente.

Articulo XXIV. Convienen ademas en que las estipulaciones arriba espresadas relativamente al ecsamen y visitas de buques tendrán lugar solamente respecto de aquellos que navegan sin convoy y que cuando los dichos buques estubieren bajo convoy será bastante la declaracion verbal del comandante del convoy bajo su palabra de honor de que los buques que están bajo su proteccion pertenecen á la nacion del pavellon que enarbola, y cuando van con destino á puerto enemigo, de que no llevan contrabando á bordo.

Articulo XXV. Se convienen ademas que en todos los casos los tribunales establecidos para juzgar presas en el pais adonde estas sean conducidas tendrán ellos solos el conocimiento de estas causas y cuando

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 reason or motives on which the same shall have been founded; and an authenticated copy of the sentence or decree, in conformity with the laws and usages of the country, and of all the proceedings of 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.

In the event of war between the parties.

ARTICLE XXVI. For the greater security of the intercourse between the citizens of the United States of America and of the United Mexican States, it is agreed now for then, that if there should be at any time hereafter an interruption of the friendly relations which now exist, or a war unhappily break out between the two contracting parties, there shall be allowed the term of six months to the merchants residing on the coast, and one year to those residing in the interior of the States and Territories of each other respectively, to arrange their business, dispose of their effects, or transport them wheresoever they may please, giving them a safe conduct to protect them to the port they may designate. Those citizens who may be established in the States and Territories aforesaid, exercising any other occupation or trade, shall be permitted to remain in the uninterrupted enjoyment of their liberty and property, so long as they conduct themselves peaceably, and do not commit any offence against the laws; and their goods and effects, of whatever class and condition they may be, shall not be subject to any embargo or sequestration whatever, nor to any charge nor tax other than may be established upon similar goods and effects belonging to the citizens of the State in which they reside respectively; nor shall the debts between individuals, nor moneys in the public funds, or in public or private banks, nor shares in companies, be confiscated, embargoed, or detained.

Ministers and public agents—their immunities, &c.

ARTICLE XXVII. 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 may enjoy: it being understood that whatever favors, immunities, or privileges the United States of America or the United Mexican States may find 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.

Consuls, &c.

ARTICLE XXVIII. 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 character, they shall, before entering upon 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 of the consular district in which they reside. It is agreed likewise to receive and admit consuls and vice-consuls in all the ports and places open to foreign commerce, who shall enjoy therein all the rights, prerogatives, and immunities of the consuls and vice-consuls of the most favored nation, each of the contracting parties remaining at liberty to except those ports and places in which the admission and residence of such consuls and vice-consuls may not seem expedient.

Their authority and privileges.

Deserters from vessels.

ARTICLE XXIX. It is likewise agreed that the consuls, vice-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

estos tribunales de alguna de las partes pronunciasen sentencia contra algun buque, efectos ó propiedad que sea reclamada por ciudadanos de la otra en la sentencia se hará mencion de las razones ó motivos en que la haya fundado y se dará si la pidiere, una copia autentica de ella en conformidad con los usos y leyes del pais y de todos los procederes del caso al comandante ó agente del buque interesado sin demora alguna, pagando este las costas establecidas por la ley.

Articulo XXVI. Para mayor seguridad en la comunicacion entre los ciudadanos de los Estados Unidos de America y los de Mexico, se conviene desde ahora para entonces que si acaeciese en lo sucesivo alguna interrupcion en las relaciones amistosas que hoy ecsisten ó si desgraciadamente hubiere un rompimiento hostil entre ambas partes contratantes se les conceder á el permiso de seis meses á los comerciantes que residan en las costas, y un año á los que esten en el interior de cada uno de los Estados y Territorios respectivos, para arreglar sus negocios, disponer de sus bienes ó transportarlos adonde gusten, dandoles un salvo conducto que los proteja hasta el puerto que ellos designen: á los ciudadanos que se hallaren establecidos en los referidos Estados y Territorios ocupados en cualquier otro trafico ó ejercicio se les permitirá permanecer sin interrupcion en el goze de su libertad y propiedades mientras se comporten pacificamente y no cometan ofenza alguna contra las leyes, y sus bienes y efectos de cualquiera clase y condicion que sean no estarán sugetos á embargo ó secuestro alguno, ni á otro impuesto ni contribucion que los establecidos sobre efectos y bienes semejantes pertenecientes á los ciudadanos de los Estados en que respectivamente residan; ni las deudas particulares, ni las cantidades en los fondos públicos, ó en los bancos públicos ó particulares, ni las acciones de las compañias podrán ser confiscadas, embargadas ni detenidas.

Articulo XXVII. Ambas partes contratantes deseando evitar toda desigualdad relativa á las comunicaciones públicas y oficiales, se han convenido y convienen en conceder á los enviados, ministros y otros agentes públicos, los mismos privilegios ecsenciones é inmunidades que hoy goza y en lo succesivo pueda gozar la nacion mas favorecida: debiendo entenderse que cualquier favor, inmunidad ó privilegio que los Estados Unidos de America ó los de Mexico tengan por conveniente conceder á los ministros ó agentes públicos de cualquiera otra potencia, será ipso-facto estensivo á cada una de las respectivas partes contratantes.

Articulo XXVIII. Para que los consules y vice-consules de las dos partes contratantes puedan gozar de los derechos, prerogativas é inmunidades que por su caracter les corresponden, presentarán al Gobierno cerca del cual estén destinados su patente ó despacho en debida forma antes de entrar en ejercicio de sus funciones; y habiendo obtenido su execuatur, serán tenidos y considerados como tales por todas las autoridades, magistrados y habitantes del distrito consular donde residan. Se convienen tambien en recibir y admitir consules y vice-consules en todos los puertos y lugares abiertos al comercio estrangero, quienes gozarán en ellos todos los derechos, prerogativas é inmunidades de los consules y vice-consules de la nacion mas favorecida, quedando no obstante en libertad cada parte contratante para esceptuar aquellos puertos y lugares en que la admision y residencia de semejantes consules y vice-consules no parezca conveniente.

Articulo XXIX. Ygualmente se conviene que los consules, sus secretarios, los oficiales y personas agregadas al servicio de los consules, no siendo estos ciudadanos del pais en que el consul resida, estarán

be exempt from all compulsory public service, and also from all kind of taxes, imposts, and contributions levied specially on them, 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 their 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.

Arrest and detention of deserters.

ARTICLE XXX. 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 register of the vessel, or ship's roll, or other public documents, that the man or men demanded were part of said crews; and on this demand so proved, (saving always where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said consuls, and may be put in the public prisons at the request and expence of those who reclaim them, to be sent to the vessels to which they belong, 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 not be again arrested for the same cause.

Consular convention.

ARTICLE XXXI. 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, to form a consular convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties.

Interior commerce: routes and escorts.

ARTICLE XXXII. For the purpose of regulating the interior commerce between the frontier territories of both Republics, it is agreed that the Executive of each shall have power, by mutual agreement, of determining on the route and establishing the roads by which such commerce shall be conducted; and in all cases where the caravans employed in such commerce may require convoy and protection by military escort, the Supreme Executive of each nation, shall, by mutual agreement, in like manner, fix on the period of departure for such caravans, and the point at which the military escort of the two nations shall be exchanged. And it is further agreed, that, untill the regulations for governing this interior commerce between the two nations shall be established, that the commercial intercourse between the State of Missouri of the United States of America, and New Mexico in the United Mexican States, shall be conducted as heretofore, each Government affording the necessary protection to the citizens of the other.

Indian hostilities to be prevented.

ARTICLE XXXIII. It is likewise agreed that the two contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the lands adjacent to the lines and rivers which form the boundaries of the two countries; and the better to attain this object, both parties bind themselves expressly to restrain, by force, all hostilities and incursions on the part of the Indian nations living within their respective boundaries: so that the United States of America will not suffer their Indians to attack the citizens of the United Mexican States, nor the Indians inhabiting their territory; nor will the United Mexican States permit the Indians residing within their territories to commit hostilities against the citizens of the United States of America, nor against the Indians residing within the limits of the United States, in any manner whatever.

esentos del servicio público compulsivo y tambien de toda clase de impuestos y contribuciones señaladas especialmente á ellos, esceptuando las que respecto de su comercio ó propiedad estarán obligados á satisfacer del mismo modo que los ciudadanos y habitantes naturales y estrangeros del pais en que residan pagaren; estando en todo lo demas sugetos á las leyes de los Estados respectivos. Los archivos y papeles oficiales de los consules serán respectados inviolablemente y por ningun pretesto sea el que fuere, podrán los magistrados embargarlos ni de ningun modo tomar conocimiento de ellos.

Articulo XXX. Los dichos consules tendrán poder de requerir el aucsilio de las autoridades locales para la prision, detencion y custodia de los desertores de buques nacionales y particulares de su pais, y para este objeto se dirijirá á los tribunales, jueces y oficiales competentes; y pediran los dichos desertores por escrito, probando por una presentacion de los registros de los buques, roll del equipage, ú otros documentos públicos, que aquellos hombres eran parte de las dichas tripulaciones, y esta demanda asi provada (menos no obstante cuando se probare 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 públicas á solicitud y espensas de los que los reclamen para ser enviados á los buques á que correspondan, ó á otros de la misma nacion. Pero sino fueren mandados dentro de dos meses contados desde el dia de su arresto, serán puestos en libertad, y no volverán á ser presos por la misma causa.

Articulo XXXI. Con objeto de protejer mas efiscasmente su comercio y navegacion las dos partes contratantes convienen, que tan luego como lo permitan las circunstancias formarán un convenio consular que declarará especialmente las facultades y prerrogativas de los consules y vice-consules de las partes respectivas.

Articulo XXXII. Con el fin de regularizar el comercio terrestre por las fronteras de ambas Repúblicas queda establecido que se fijarán por los Gobiernos de estas por mutuo convenio los caminos por donde este trafico há de ser conducido; y en todos aquellos casos en que las caravanas que se forman para este comercio, necesiten convoy y proteccion de la fuerza militar se fijará tambien del mismo modo por mutuo convenio de ambos Gobiernos el tiempo de la partida de tales caravanas y el punto en el cual se han de cambiar las escoltas de tropas de las dos naciones. Se há convenido ademas que entretanto se establecen las reglas que han de regir segun lo dicho en el comercio terrestre entre las dos naciones, las comunicaciones comerciales entre el Estado de Missouri de los Estados Unidos de America, y el territorio de Nuevo Mexico en los Estados Unidos Mexicanos continuará como hasta aqui concediendo cada Gobierno la proteccion necesaria á los ciudadanos de la otra parte.

Articulo XXXIII. Se há convenido igualmente que las dos partes contratantes procurarán por todos los medios posibles, mantener la paz y buena armonia entre las diversas tribus de Indios que habitan los terrenos adyacentes á las lineas y rios que forman los limites de los dos paises; y para conseguir mejor este fin se obligan espresamente ambas partes á reprimir con la fuerza todo genero de hostilidades é incurciones de parte de las tribus Indias que habitan dentro de sus respectivos limites: de modo que los Estados Unidos de America no permitirán que sus Indios ataquen á los ciudadanos de los Estados Unidos Mexicanos, ni á los Indios que habitan su territorio, y los Estados Unidos Mexicanos no permitirán tampoco que sus Indios hostilizen á los ciudadanos de los Estados Unidos de America ó á sus Indios de manera alguna.

Prisoners made by Indians to be liberated, &c.

And in the event of any person or persons captured by the Indians who inhabit the territory of either of the contracting parties, being or having been carried into the territories of the other, both Governments engage and bind themselves in the most solemn manner to return them to their country as soon as they know of their being within their respective territories, or to deliver them up to the agent or representative of the Government that claims them, giving to each other, reciprocally, timely notice, and the claimant paying the expenses incurred in the transmission and maintenance of such person or persons, who, in the mean time, shall be treated with the utmost hospitality by the local authorities of the place where they may be. Nor shall it be lawful, under any pretext whatever, for the citizens of either of the contracting parties to purchase or hold captive prisoners made by the Indians inhabiting the territories of the other.

Article XXXIV. The United States of America and the United Mexican States, 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 amity, commerce, and navigation, have declared solemnly, and do agree to the following points:

Treaty to be in force eight years, &c.

First. The present treaty shall remain and be of force for eight years from the day of the exchange of the ratifications, and untill 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 said term of eight years. And it is hereby agreed between them, that, on the expiration of one year after such notice shall have been received by either of the parties from the other party, this treaty, in all its parts, relating to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both the contracting parties.

Harmony of parties not to be interrupted by acts of individuals.

Secondly. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same; and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging, in no way, to protect the offender, or sanction such violation.

Demand of satisfaction to precede hostilities.

Thirdly. If (what indeed cannot be expected) any of the articles contained in the present treaty shall be violated or infracted in any manner whatever, it is stipulated that neither of the contracting parties will order or authorise any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, untill the said party considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

Saving of Treaties with other powers.

Fourthly. Nothing in this treaty contained, shall however be construed to operate contrary to former and existing public treaties with other Sovereigns or States.

The present treaty of 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 Vice-President of the United Mexican States, with the consent and approbation of the Congress thereof; and the ratifications shall be exchanged in the city of Washington, within the term of one year, to be counted from the date of the signature hereof; or sooner, if possible.

Y en el caso de que alguna ó algunas personas cojidas por los Indios que habitan los territorios de cada una de las partes contratantes, fuere ó hubiere sido llevada á los territorios de la otra, ambos Gobiernos se comprometen y obligan del modo mas solemne á devolverlas á su pais tan luego como sepan que se hallan en sus respectivos territorios ó entregarlas al agente ó encargado del mismo Gobierno que las reclame, dandose aviso oportuno reciprocamente, y abonandose por el que lo reclama los gastos erogados en la conducion y manutencion de la tal persona ó personas aquienes entretanto se dispensará por las autoridades locales del punto en que se encuentren la mas generosa hospitalidad. Ni será legitimo por ningun pretesto que los ciudadanos de cualquiera de las partes contratantes compren ó retengan prisioneros cautivos hechos por los Indios que habitan el territorio de la otra.

Articulo XXXIV. Los Estados Unidos de America y los Estados Unidos Mexicanos, deseosos de hacer tan permanentes como lo permitan las circunstancias las relaciones que van á establecerse entre las dos partes en virtud de este tratado ó convenio general de amistad, comercio y navegacion, han declarado solemnemente, y convienen en los puntos siguientes:

Primero. El presente tratado permanecerá y estará en todo su rigor y fuerza por el termino de ocho años que deberán contarse desde el dia del cambio de las ratificaciones, y terminados estos continuará rigiendo hasta el termino de un año contado desde el dia en que alguna de las dos partes contratantes haya dado noticia á la otra de su resolucion de poner fin á este convenio. Y cada una de las partes contratantes se reserva asi misma el derecho de dar este aviso á la otra al cabo del referido termino de ocho años, quedando ademas convenido entre embas que al cabo de un año despues de recibido tal aviso por alguna de las partes contratantes de parte de la otra, este tratado deberá cesar y acabar en todo cuanto tiene relacion con comercio y navegacion, quedando solo permanente y perpetuamente valedero y obligatorio á ambas partes contratantes en todo cuanto toca á la paz y amistad entre ambas.

Segundo. Si uno ó mas ciudadanos de alguna de las partes infringiere algun articulo de este tratado, será personalmente responsable de ello; pero no por esto se interrumpirá la armonia y buena correspondencia entre las dos naciones; á cuyo fin ambas partes respectivamente se comprometen á no protejer á el agresor, ni sancionar semejante infraccion.

Tercero. Si (lo que no es de esperar) alguno de los articulos del presente tratado desgraciadamente fuere violado ó infringido de cualquiera otro modo se estipula que ninguna de las partes contratantes dispondrá ó autorizará ninguna clase de represalia, ni declarará guerra á la otra por queja de injuria ó daño hasta que le misma parte que se considera agraviada no haya presentado á la otra una relacion de las injurias ò dáños competentemente comprobada, y sobre ello hubiese pedido justicia y satisfaccion, y esta hubiere sido negada ó sin razon demorada.

Cuarto. Nada de lo contenido en este tratado podrá de manera alguna interpretarse ni obrará en contra de los tratados públicos celebrados anteriormente y ecsistentes con otros Soberanos y Estados.

El presente tratado de amistad, comercio y navegacion será aprobado y ratificado por el Presidente de los Estados Unidos de America con la anuencia y consentimiento de su Senado, y por el Vice Presidente de los Estados Unidos Mexicanos, previo el consentimiento y aprobacion del Congreso; y las ratificaciones serán cangeadas en la ciudad de Washington en el termino de un año contado desde la fecha en que fueren firmados, ó antes si fuere posible

In witness whereof, We, the Plenipotentiaries of the United States of America and of the United Mexican States, have signed and sealed these presents. Done in the city of Mexico, on the fifth day of April, in the year of our Lord one thousand eight hundred and thirty-one, in the fifty-fifth year of the Independence of the United States of America, and in the eleventh of that of the United Mexican States.

A. BUTLER, (L. S.)
LUCAS ALAMAN, (L. S.)
RAFAEL MANGINO, (L. S.)

ADDITIONAL ARTICLE.

Fifth and sixth articles suspended.

Substitute.

Whereas, in the present state of the Mexican shipping, it would not be possible for Mexico to receive the full advantage of the reciprocity established in the fifth and sixth articles of the treaty signed this day, it is agreed that for the term of six years, the stipulations contained in the said articles shall be suspended; and in lieu thereof, it is hereby agreed, that, untill the expiration of the said term of six years, American vessels entering into the ports of Mexico, and all articles, the produce, growth, or manufacture of the United States of America, imported in such vessels, shall pay no other or higher duties, than are or may hereafter be payable in the said ports by the vessels and the like articles, the growth, produce, or manufacture of the most favored nation; and, reciprocally, it is agreed that Mexican vessels entering into the ports of the United States of America, and all articles, the growth, produce, or manufacture of the United Mexican States, imported in such vessels, shall pay no other or higher duties than are, or may hereafter be, payable in the said ports by the vessels and the like articles, the growth, produce, or manufacture of the most favored nation; and that no higher duties shall be paid, or bounties or drawbacks allowed, on the exportation of any article, the growth, produce, or manufacture of either country, in the vessels of the other, than upon the exportation of the like articles in the vessels of any other foreign country.

The present additional article shall have the same force and value as as if it had been inserted, word for word, in the treaty signed this day. It shall be ratified, and the ratification exchanged at the same time.

In witness whereof, We, the respective Plenipotentiaries, have signed and sealed the same.

Done at Mexico, on the fifth day of April, one thousand eight hundred and thirty-one.

A. BUTLER, (L. S.)
LUCAS ALAMAN, (L. S.)
RAFAEL MANGINO, (L. S.)

En fé de lo cual, los respectivos Plenipotenciarios lo hemos firmado y sellado con nuestros sellos respectivos. Fecho en Mexico á los cinco dias de Abril del año del Señor de mil ochocientos treinta y uno, undecimo de la independencia de los Estados Unidos Mejicanos y quinquagesimo quinto de la de los Estados Unidos de America.

LUCAS ALAMAN, (L. S.)
RAFAEL MANGINO, (L. S.)
A. BUTLER, (L. S.)

ARTICULO ADICIONAL.

Por cuanto en el presente estado de la marina Mejicana no seria posible que Mexico gozase de las ventajas que deberá producir la reciprocidad establecida por los articulos 5°. y 6°. del tratado firmado en este dia, se estipula que durante el espacio de seis años se suspenderá lo convenido en dichos articulos y en su lugar se estipula que hasta la conclucion del termino mencionado de seis años, los buques Americanos que entren en los puertos de Mexico, y todos los articulos de producto, fruto ó manufactura de los Estados Unidos de America importados en tales buques, no pagarán otros ni mayores derechos, que los que se pagan ó en adelante se pagaren en los referidos puertos, por los buques é iguales articulos de fruto, producto ó manufactura de la nacion mas favorecida, y reciprocamente se estipula que los buques Mejicanos que entren en los puertos de los Estados Unidos de America y todos los articulos de fruto, producto ó manufactura de los Estados Unidos Mexicanos importados en tales buques, no pagarán otros ni mayores derechos que los que se pagan, ó en adelante se pagaren en los mencionados puertos por los buques y semejantes articulos de producto, fruto ó manufactura de la nacion mas favorecida; y que no se pagarán mayores derechos, ni se concederán otras franquicias y descuentos á la esportacion de cualquiera articulo de producto, fruto ó manufactura de cada uno de los dos paises en los buques del otro mas que á la esportacion de dichos articulos en buques de cualquiera otro pais estrangero.

El presente articulo adicional tendrá la misma fuerza y valor que si se hubiera insertado palabra por palabra en el tratado de este dia. Sera ratificado y la ratificacion cambiada al mismo tiempo.

En fé de lo cual, los respectivos Plenipotenciarios lo hemos firmado y sellado con nuestros sellos respectivos.

Fecho en Mexico á cinco de Abril de mil ochocientos treinta y uno.

LUCAS ALAMAN, (L. S.)
RAFAEL MANGINO, (L. S.)
A. BUTLER, (L. S.)

CONVENTION WITH FRANCE. (a)

July 4, 1831.

Ratifications exchanged, Feb. 2, 1832.

Proclamation of the President of the U. S., July 13, 1832.

The United States of America and His Majesty the King of the French, animated with an equal desire to adjust amicably, and in a manner conformable to equity, as well as to the relations of good intelligence and sincere friendship which unite the two countries, the reclamations formed by the respective Governments, have, for this purpose, named for their plenipotentiaries, to wit, the President of the United States, by and with the advice and consent of the Senate, William C. Rives, Envoy Extraordinary and Minister Plenipotentiary of the said United States, near His Majesty the King of the French, and His Majesty the King of the French, Count Horace Sebastiani, Lieutenant General of his Armies, his Minister Secretary of State for the Department of Foreign Affairs, &c. &c., who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Indemnity to American citizens.

The French Government, in order to liberate itself completely from all the reclamations preferred against it by citizens of the United States, for unlawful seizures, captures, sequestrations, confiscations, or destructions of their vessels, cargoes, or other property, engages to pay a sum of twenty-five millions of francs to the Government of the United States, who shall distribute it among those entitled, in the manner and according to the rules which it shall determine.

ARTICLE II.

Payments.

The sum of twenty-five millions of francs, above stipulated, shall be paid at Paris, in six annual instalments, of four millions one hundred and sixty-six thousand six hundred and sixty-six francs sixty-six centimes each, into the hands of such person or persons as shall be authorised by the Government of the United States to receive it.

The first installment shall be paid at the expiration of one year next following the exchange of the ratifications of this convention, and the others at successive intervals of a year, one after another, till the whole shall be paid.

To the amount of each of the said instalments shall be added interest at four per cent. thereupon, as upon the other instalments then remaining unpaid; the said interest to be computed from the day of the exchange of the ratifications of the present convention.

ARTICLE III.

Indemnity to French Government.

The Government of the United States, on its part, for the purpose of being liberated completely from all the reclamations presented by France on behalf of its citizens, or of the Royal Treasury, (either for ancient supplies or accounts, the liquidation of which had been reserved, or for unlawful seizures, captures, detentions, arrests, or destructions of French vessels, cargoes, or other property,) engages to pay to the Government of His Majesty (which shall make distribution of the same in the manner and according to the rules to be determined by it) the sum of one million five hundred thousand francs.

ARTICLE IV.

Payments.

The sum of one million five hundred thousand francs, stipulated in the preceding article, shall be payable in six annual instalments, of two

(a) For notes of the treaties and conventions with France, see ante, page 6.

CONVENTION À FRANCE.

Les Etats Unis d'Amérique et Sa Majesté le Roi des Français étant animés d'un égal désir de régler à l'amiable et d'une manière conforme à l'équité aussi bien qu'aux relations de bonne harmonie et d'amitié sincère qui unissent les deux pays, les réclamations formées par les Gouvernemens respectifs, ont, à cet effet, nommé pour leurs plénipotentiaires; savoir, le Président des Etats Unis, de l'avis et avec le consentement du Sénat, Mr. William C. Rives, Envoyé Extraordinaire et Ministre Plénipotentiaire des dits Etats près de Sa Majesté le Roi des Français, et Sa Majesté le Roi des Français, Mr. le Comte Horace Sebastiani, Lieutenant Général de ses Armées, son Ministre Secrétaire d'Etat au Département des Affaires Etrangères, &c. &c., lesquels après avoir échangé leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des articles suivans:

ARTICLE I.

Le Gouvernement Français, à l'effet de se libérer complétement de toutes les réclamations élevées contre lui par des citoyens des Etats Unis, pour saisies, captures, séquestres, confiscations et destructions illégales de leurs navires, cargaisons, ou autres propriétés, s'engage à payer une somme de vingt cinq millions de francs au Gouvernement des Etats Unis, qui en fera la répartition entre les ayant droit, suivant le mode et d'après les règles qu'il déterminera.

ARTICLE II.

La somme de vingt cinq millions de francs, stipulée ci-dessus, sera payée à Paris, en six termes annuels, de quatre millions cent soixante six mille six cent soixante six francs soixante six centimes, entre les mains de la personne ou des personnes que le Gouvernement des Etats Unis aura autorisées à la recevoir.

Le premier paiement aura lieu à l'expiration de l'année qui suivra l'échange des ratifications de la présente convention, et les autres paiemens s'effectueront successivement d'année en année jusqu'à parfait acquittement de la somme entière.

Au montant de chacun des paiemens annuels ainsi reglés, seront ajoutés les intérêts à quatre pour cent, tant du terme échu que des termes à échoir; ces intérêts seront calculés à partir du jour des ratifications de la présente convention.

ARTICLE III.

De son coté, le Gouvernement des Etats Unis, pour se libérer complétement de toutes les réclamations présentées par la France, dans l'intérêt de ses citoyens ou du Trésor Royal, à raison, soit d'anciennes fournitures ou comptes dont la liquidation avait été reservée, soit de saisies, captures, détentions, arrestations et destructions illégales de navires, cargaisons ou autres propriétes Francaises, s'engage à payer au Gouvernement de Sa Majesté qui en fera la distribution aux ayant droit, suivant le mode et d'après les règles qu'il déterminera, la somme de quinze cent mille francs.

ARTICLE IV.

La somme de quinze cent mille francs stipulée dans l'article précedent sera payable en six termes annuels de deux cent cinquante mille

hundred and fifty thousand francs; and the payment of each of the said instalments shall be effected by a reservation of so much out of the annual sums which the French Government is bound, by the second article above, to pay to the Government of the United States.

To the amount of each of these instalments shall be added interest at four per cent. upon the instalment then paid, as well as upon those still due; which payments of interest shall be effected by means of a reservation, similar to that already indicated for the payment of the principal. The said interest shall be computed from the day of the exchange of the ratifications of the present convention.

ARTICLE V.

Other claims.

As to the reclamations of French citizens against the Government of the United States, and the reclamations of citizens of the United States against the French Government, which are of a different nature from those which it is the object of the present convention to adjust, it is understood that the citizens of the two nations may prosecute them in the respective countries before the competent judicial or administrative authorities, in complying with the laws and regulations of the country, the dispositions and benefit of which, shall be applied to them, in like manner as to native citizens.

ARTICLE VI.

Reciprocal engagement to communicate documents, &c.

The French Government and the Government of the United States reciprocally engage to communicate to each other, by the intermediary of the respective legations, the documents, titles, or other informations proper to facilitate the examination and liquidation of the reclamations comprised in the stipulations of the present convention.

ARTICLE VII.

French wines.

The wines of France, from and after the exchange of the ratifications of the present convention, shall be admitted to consumption in the States of the Union at duties which shall not exceed the following rates, by the gallon, (such as it is used at present for wines in the United States,) to wit, six cents for red wines in casks; ten cents for white wines in casks; and twenty-two cents for wines of all sorts in bottles. The proportion existing between the duties on French wines thus reduced, and the general rates of the tariff which went into operation the first of January, 1829, shall be maintained, in case the Government of the United States should think proper to diminish those general rates in a new tariff.

Eighth article Louisiana cession treaty.

In consideration of this stipulation, which shall be binding on the United States for ten years, the French Government abandons the reclamations which it had formed in relation to the 8th article of the treaty of cession of Louisiana. It engages, moreover, to establish on the *long staple* cottons of the United States, which, after the exchange of the ratifications of the present convention, shall be brought directly thence to France by the vessels of the United States, or by French vessels, the same duties as on *short staple* cottons.

ARTICLE VIII.

Exchange of ratifications.

The present convention shall be ratified, and the ratifications shall be exchanged at Washington, in the space of eight months, or sooner, if possible.

In faith of which, the respective plenipotentiaries have signed these articles, and thereto set their seals.

Done at Paris, the fourth day of the month of July, one thousand eight hundred and thirty-one.

W. C. RIVES, (L. S.)

francs, et le paiement de chacun de ces termes aura lieu au moyen d'une retenue de pareille somme que le Gouvernement Français exercera sur les versemens annuels qu'il s'est engagé par l'article 2 ci-dessus à effectuer entre les mains du Gouvernement des Etats Unis.

Au montant de chacun de ces termes seront ajoutés les intérêts à quatre pour cent tant du terme échu que des termes à echoir au moyen d'une retenue analogue à celle qui vient d'être indiquée pour le paiement du capital. Ces intérêts seront calculés à partir du jour des ratifications de la présente convention.

ARTICLE V.

Quant aux réclamations des citoyens Francais contre le Gouvernement des Etats Unis et aux réclamations des citoyens des Etats Unis contre le Gouvernement Français, qui sont d'une autre nature que celles auxquelles la présente convention a pour objet de faire droit, il est entendu que les citoyens des deux nations pourront les poursuivre dans les pays respectifs auprès des autorités judiciaires ou administratives compétentes on se soumettant aux lois et réglemens locaux, dont les dispositions et le bénéfice leur seront appliqués comme aux nationaux eux mêmes.

ARTICLE VI.

Le Gouvernement Français et le Gouvernement des Etats Unis s'engagent réciproquement à se communiquer par l'intermediaire des légations respectives, les documens, titres, ou renseignemens propres à faciliter l'examen et la liquidation des réclamations comprises dans les stipulations de la présente convention.

ARTICLE VII.

A partir de l'échange des ratifications de la présente convention les vins de France seront admis à la consommation dans les Etats de l'Union, à des droits qui ne pourront pas excéder par gallon, (tel qu'il est actuellement usité pour les vins aux Etats Unis,) savoir, six cents pour les vins rouges en futailles: dix cents pour les vins blancs en futailles; et vingt deux cents pour les vins de toutes sortes en bouteilles. Le rapport dans lequel les droits ainsi réduits sur les vins de France se trouvent avec les taxations générales du tarif mis en vigueur le 1er Janvier 1829, sera maintenu dans le cas où le Gouvernement des Etats Unis jugerait à propos de diminuer dans un nouveau tarif ces taxations générales.

Au moyen de cette stipulation qui demeurera obligatoire pour les Etats Unis pendant dix années, le Gouvernement Français abandonne les réclamations qu'il avait élevées relativement à l'exécution de l'article 8 du traité de cession de la Louisiane. Il s'engage en outre à établir sur les cotons *longue soie* des Etats Unis, qui à compter de l'échange des ratifications de la présente convention seront directement apportées de ce pays en France par navires des Etats Unis ou par navires Français, les mêmes droits que sur les cotons *courte soie*.

ARTICLE VIII.

La présente convention sera ratifiée et les ratifications en seront échangées à Washington dans le terme de huit mois, ou plus tot si faire se peut.

En foi de quoi, les plénipotentiaires respectifs l'ont signée et y ont apposé leurs cachets.

Fait à Paris, le quatrième jour du mois de Juillet, de l'année mil huit cent trente et un.

HORACE SEBASTIANI, (L. S.)

GENERAL CONVENTION OF PEACE, AMITY, COMMERCE, AND NAVIGATION,

May 16, 1832.

Between the United States of America and the Republic of Chile.

Proclamation of the President of the U. S., April 29, 1834.

In the name of God, Author and Legislator of the Universe.

Ratifications exchanged at Washington, April, 29, 1834.

The United States of America, and the republic of Chile, desiring to make firm and lasting 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, by and with the advice and consent of the Senate thereof, has appointed, and conferred full powers on John Hamm, a citizen of said States, and their Chargé d'Affaires near the said republic; and his excellency the President of the republic of Chile has appointed Señor Don Andres Bello, a citizen of the said republic.

And the said plenipotentiaries, after having mutually produced and exchanged copies of their full powers, in due and proper form, have agreed upon and concluded the following articles, videlicet:

Peace and friendship.

Article I. There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the republic of Chile, in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.

Favors granted to other nations shall become common.

Article II. The United States of America and the republic of Chile, 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. It is understood, however, that the relations and convention which now exist, or may hereafter exist, between the republic of Chile and the republic of Bolivia, the federation of the Centre of America, the republic of Columbia, the United States of Mexico, the republic of Peru, or the United Provinces of the Rio de la Plata, shall form exceptions to this article.

Exceptions.

Navigation and commerce.

Article III. The citizens of the United States of America may frequent all the coasts and countries of the republic of Chile, and reside and trade there, in all sorts of produce, manufactures, and merchandize, and shall pay no other or greater duties, charges, or fees, whatsoever, than the most favoured 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 citizens and subjects of the most favored nations.

In like manner the citizens of the republic of Chile 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 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 commerce and navigation, 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 citizens and subjects of the most favored nations. 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.

Coasting trade excepted.

ARTICLE IV. 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 to the consignment and sale of their goods and merchandise, by wholesale and 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 citizens or subjects of the most favored nation.

Merchants and others free to manage their own business.

ARTICLE V. The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

Indemnification for embargo or detention.

ARTICLE VI. 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 of 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.

Asylum secured.

ARTICLE VII. 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.

Vessels, &c. captured by pirates, to be restored.

ARTICLE VIII. When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or 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 merchandise and effects, without exacting for it any duty, impost, or contribution whatever, until they may be exported, unless they be destined for consumption in the country.

Protection in case of wreck.

ARTICLE IX. 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

Personal and real estate.

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 any other charges than those which may be imposed by the laws of the country.

Protection to residents.

ARTICLE X. 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.

Security of conscience, &c.

ARTICLE XI. 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.

Free ships to make free goods.

ARTICLE XII. It shall be lawful for the citizens of the United States of America and of the republic of Chile to sail with their ships, with all manner of liberty and security, no distinction being made, who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, 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, before mentioned, 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 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, 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

Proviso.

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.

Neutral property on board enemy's vessels liable to condemnation.

Exception.

ARTICLE XIII. 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, four 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 merchandise of the neutral, embarked in such enemy's ship, shall be free.

Contraband articles.

ARTICLE XIV. This liberty of commerce and navigation 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—

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms;

2d. Bucklers, helmets, breast-plates, coats of mail, infantry belts, and clothes made up in the form and for a military use.

3d. Cavalry belts, and horses with their furniture.

4th. 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.

All other articles free, except to blockaded ports.

ARTICLE XV. All other merchandise 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 besieged 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.

Contraband articles not to condemn those not so.

ARTICLE XVI. 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 judgment according to law.

Notice of blockade.

ARTICLE XVII. 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 any officer commanding a vessel 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 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, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof; and if any vessel having thus entered the port before the blockade took place, shall take on board a cargo after the blockade be established, she shall be subject to be warned by the blockading forces, to return to the port blockaded, and discharge the said cargo; and, if after receiving the said warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as a vessel attempting to enter a blockaded port, after being warned off by the blockading forces.

Regulation of visits at sea.

ARTICLE XVIII. In order to prevent all kinds 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 at the greatest distance compatible with making the visit, under the circumstances of the sea and wind, and the degree of suspicion attending the vessel to be visited, and shall send its smallest boat 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 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.

Sea letters or passports in case of war.

ARTICLE XIX. To avoid all kinds 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 shall 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 likewise agreed that, such ships, being laden, besides the 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 proved to be owing to accident, and be satisfied or supplied by testimony entirely equivalent.

Vessels under convoy.

ARTICLE XX. 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 honor, 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.

Prize courts.

ARTICLE XXI. 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 commandant or agent of said vessel, without any delay, he paying the legal fees for the same.

No citizen of either party to enter the service of an enemy of the other.

ARTICLE XXII. 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 party so at war, under the pain of being treated as a pirate.

In case of war between the parties.

ARTICLE XXIII. 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 designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States of America, and of the republic of Chile, 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.

Private and public debts sacred.

ARTICLE XXIV. Neither the debts due from the individuals of the one nation, to the individuals of the other, nor shares, nor money 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 sequestrated or confiscated.

Public agents on the footing of those of the most favored nation.

ARTICLE XXV. 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 their 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 Chile 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.

Consuls, &c. to be admitted.

ARTICLE XXVI. To make more effectual the protection which the United States of America and the republic of Chile 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 nations; 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.

Consuls, &c. must exhibit their commissions.

ARTICLE XXVII. 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.

Immunities of consuls, &c.

ARTICLE XXVIII. 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 kinds 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 their 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.

May require the aid of the civil authorities to arrest deserters.

ARTICLE XXIX. 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 or ship's roll, or other public documents, that those men were part of 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 said consuls, and may be put in the public prison at the request and expence 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, reckoning from the day of their arrest, they shall be set at liberty, and shall no more be arrested for the same cause. It is understood, however, that if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case may be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

Deserters must be sent back within two months.

Consular convention to be formed.

ARTICLE XXX. 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.

ARTICLE XXXI. The United States of America and the Republic of Chile, 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 reckoned from the day of the exchange of the ratifications; 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 said term of twelve years: and it is hereby agreed between them, that, on the expiration of one year after such notice shall have been received by either, from the other party, this treaty, in all the parts relating to commerce and navigation, shall altogether cease and determine; and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both powers.

Individuals personally responsible for infringements.

2d. 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.

Manner of procedure in case of infringement.

3d. 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.

Existing treaties not to be affected.

4th. Nothing in this treaty contained shall, however, be construed to operate contrary to former and existing public treaties with other sovereigns or States.

To be ratified within nine months.

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 Chile, with the consent and approbation of the Congress of the same; and the ratifications shall be exchanged in the City of Washington within nine months, to be reckoned from the date of the signature hereof, or sooner if practicable.

In faith whereof, we, the underwritten plenipotentiaries of the United States of America, and of the Republic of Chile, have signed, by virtue of our powers, the present treaty of peace, amity, commerce, and navigation, and have hereunto affixed our seals, respectively.

Done and concluded, in triplicate, in the city of Santiago, this sixteenth day of the month of May — in the year of our Lord Jesus Christ one thousand eight hundred and thirty-two; and in the fifty-sixth year of the independence of the United States of America, and the twenty-third of that of the Republic of Chile.

JNO. HAMM, (L. S.)
ANDRES BELLO, (L. S.)

CONVENTION

Oct. 14, 1832.

Ratified June 8, 1833. Proclamation of the President of the United States, Aug. 27, 1833.

Between the Government of the United States of America, and his Majesty the King of the Kingdom of the Two Sicilies to terminate the reclamations of said Government, for the depredations inflicted upon American commerce, by Murat during the years 1809, 1810, 1811, *and* 1812.

THE Government of the United States of America and his Majesty the King of the Kingdom of the Two Sicilies, desiring to terminate the reclamations advanced by said Government against his said Majesty, in order that the merchants of the United States may be indemnified for the losses inflicted upon them by Murat, by the depredations, seizures, confiscations and destruction of their vessels and cargoes, during the years 1809, 1810, 1811, and 1812, and his Sicilian Majesty desiring thereby to strengthen with the said Government the bonds of that harmony, not hitherto disturbed; the said Government of the United States and his aforesaid Majesty, the King of the Kingdom of the Two Sicilies, have with one accord resolved to come to an adjustment; to effectuate which they have respectively named and furnished with the necessary powers, viz. the said Government of the United States, John Nelson, Esquire, a citizen of said States, and their Chargé d'Affaires near his Majesty the King of the Kingdom of the Two Sicilies; and his Majesty his Excellency D. Antonio Maria Statello Prince of Cassaro Marquis of Spaccaforno Count Statello etc. etc. etc. his said Majesty's Minister Secretary of State for Foreign Affairs etc. etc. who after the exchange of their respective full powers found in good and due form, have agreed to the following articles:

Agreement to pay U. S. for spoliations on American property.

ARTICLE 1st. His Majesty the King of the Kingdom of the Two Sicilies, with a view to satisfy the aforesaid reclamations, for the depredations, sequestrations, confiscations and destruction of the vessels and cargoes of the merchants of the United States, (and for every expense of every kind whatsoever incident to, or growing out of the same) inflicted by Murat during the years 1809, 1810, 1811, and 1812, obliges himself to pay the sum of two millions, one hundred and fifteen thousand Neapolitan ducats to the Government of the United States; seven thousand six hundred and seventy-nine ducats, part thereof, to be applied to reimburse the said Government for the expense incurred by it, in the transportation of American seamen from the Kingdom of Naples, during the year 1810, and the residue to be distributed amongst the claimants by the said Government of the United States, in such manner and according to such rules as it may prescribe.

To be paid in nine equal instalments.

ARTICLE 2d. The sum of two millions one hundred and fifteen thousand Neapolitan ducats agreed on in article the 1st, shall be paid in Naples, in nine equal instalments of two hundred and thirty-five thousand ducats and with interest thereon at the rate of four per centum per annum, to be calculated from the date of the interchange of the ratifications of this Convention, untill the whole sum shall be paid. The first instalment shall be payable twelve months after the exchange of the

CONVENZIONE

Fra Sua Maestà il Re del Regno delle Due Sicilie, ed il Governo degli Stati Uniti di America, a fine di porre un termine alle reclamazioni avanzate dal dette Governo, per le prede recate al commercio Americano, da Murat negli anni 1809, 1810, 1811 *e* 1812.

Sua Maestà il Re del Regno delle Due Sicilie, ed il Governo degli Stati Uniti di America, desiderando di porre finalmente un termine, alle reclamazioni avanzate dal detto Governo, presso la Maestà Sua, perche i negozianti di essi Stati fossero rifatti delle perdite, recate loro da Murat, per le prede, sequestro confische, e distruzione dei bastimenti, e dei carichi de loro proprietá, negli anni 1809, 1810, 1811 e 1812, e volendo con cio vieppiu stringere la Maestà Sua col cennato Governo degli Stati Uniti i legami di buona armonia non mai turbata per lo addietro, la prelodata Maestà Sua il Re del Regno delle Due Sicilie, ed il Governo degli Stati Uniti hanno concordemente risoluto di venire ad un aggiustamento, a terminare il quale hanno nominati, e muniti delle necessarie Plenipotenze, cioe:

Sua Maestà il Re del Regno delle Due Sicilie, Sua Eccelenza D. Antonio Maria Statella Principe di Cassaro, Marchese di Spaccaforno, Conte Statella, &c. &c.: ed il Governo degli Stati Uniti di America il Signor Giovanni Nelson, Suo Incaricato di Affari presso questa Real Corte; i quali dopo il cambio delle respettive loro Plenipotenze, e queste trovate in buona e debita forma hanno convenuto dei seguenti Articoli:

Articolo 1°. Sua Maestà il Re del Regno delle Due Sicilie ad oggetto di far tacere le succennate reclamazioni per le prede, sequestro, confische, e distruzione dei bastimenti e dei carichi dei negozianti degli Stati Uniti recate da Murat, negli anni 1809, 1810, 1811 e 1812 (e per qualunque altra spesa incidente o derivante dalle anzidette cagioni) si obbliga di pagare la somma di Ducati Napolitani, due milioni cento quindici mila, al Governo degli Stati Uniti; cioe, settemila seicento settanta nove Ducati, a titolo di rimborso al detto Governo, per ispese da esso fatte per trasporto di diversi marineri Americani nell' anno 1810, dal Regno di Napoli nell' America, ed il remanente da dividersi ai reclamanti dal succennato Governo degli Stati Uniti, nel modo, e secondo che esso stimera opportuno di determinare.

Articolo 2°. La Somma dei due milioni cento quindici mila Ducati Napolitani, convenuta nell Articolo 1°. sara sodisfatta in Napoli, in nove rate equali, ciascuna de Ducati dugento trenta cinque mila, coll' interesse a scalare del quattro per cento, da percepirsi dall' epoca del cambio delle ratifiche di questa Convenzione, sino all' estinzione dell' intesa somma. Il primo pagamento sara fatto dodici mesi dopo il cambio di dette ratifiche, ed i rimanenti successivamente un anno dopo

said ratifications, and the remaining instalments, with the interest, successively, one year after another. The said payments shall be made in Naples into the hands of such person as shall be duly authorized by the Government of the United States to receive the same.

Ratifications to be exchanged within eight months.

ARTICLE 3d. The present convention shall be ratified and the ratifications thereof shall be exchanged in this capital, in the space of eight months from this date or sooner if possible.

In faith whereof the parties above named have respectively subscribed these articles, and thereto affixed their seals. Done at Naples on the 14th day of October one thousand eight hundred and thirty-two.

JNO. NELSON, (L. S.)

TREATY WITH RUSSIA.(a)

Dec. 6/18, 1832.

Ratifications exchanged, May 11, 1833.

Proclamation of the President of the U. S., May 11, 1833.

In the name of the most Holy and Indivisible Trinity:

The United States of America, and his Majesty the Emperor of all the Russias, equally animated with the desire of maintaining the relations of good understanding, which have hitherto so happily subsisted between their respective States, and of extending and consolidating the commercial intercourse between them, have agreed to enter into negotiations for the conclusion of a treaty of navigation and commerce: For which purpose the President of the United States has conferred full powers on James Buchanan, their Envoy Extraordinary and Minister Plenipotentiary near his Imperial Majesty; and his Majesty the Emperor of all the Russias has conferred like powers on the Sieur Charles Robert Count de Nesselrode, his Vice Chancellor, Knight of the Orders of Russia, and of many others, &c.: and the said Plenipotentiaries having exchanged their full powers, found in good and due form, have concluded and signed the following articles:—

Liberty of commerce and navigation.

ARTICLE I. There shall be between the territories of the High Contracting Parties, a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall, mutually, have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

Tonnage duties reciprocally on the footing of the most favored nation.

ARTICLE II. Russian vessels arriving either laden or in ballast, in the ports of the United States of America; and reciprocally, vessels of the United States arriving, either laden or in ballast, in the ports of the Empire of Russia, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels, coming from the same place, with respect to the duties of tonnage. In regard to light-house duties, pilotage, and port charges, as well as to the fees and perquisites of public officers, and all other duties and charges,

(a) For notes of the treaties between the United States and Russia, see ante, page 302.

l'altro. Questi pagamenti saranno fatti in Napoli nelle mani di chi sara all uopo autorizato dal Governo degli Stati Uniti.

Articolo 3°. La presente Convenzione sará ratificata e le ratifiche saranno cambiate in questa Capitale, nello spazio di otto mesi da questa data, o piu presto se fia possible.

En fede di che, le Parti di sopra accennate, hanno rispettivamente firmato questi Articoli, e vi hanno apposto i loro suggelli,

Data in Napoli a di 14 di Ottobre mille ottocento trenta due.

IL PRINCIPE DI CASSARO, (L. S.)

TRAITÉ A RUSSIE.

Au nom de la trés sainte et indivisible Trinité:

Les Etats Unis d'Amérique et Sa Majesté L'Empereur de toutes les Russies, également animés du désir de maintenir les rapports de bonne intelligence qui ont si heureusement subsisté jusqu'ici entre leurs Etats respectifs, et d'en étendre et consolider les relations commerciales, sont convenus d'entrer en négociation pour conclure un traité de commerce et de navigation: A cet effet, le Président des Etats Unis a muni de ses pleinspouvoirs le Sieur James Buchanan, Envoyé Extraordinaire et Ministre Plénipotentiaire des Etats Unis près Sa Majesté Impériale; et Sa Majesté L'Empereur de toutes les Russies a muni des mêmes pouvoirs, le Sieur Charles Robert Comte de Nesselrode, son Vice Chancelier, Chevalier des Ordres de Russie et de plusieurs autres, &c.: lesquels Plénipotentiaires, après avoir échangé leurs Pleinspouvoirs, trouvés en bonne et due forme, ont arrêté et signé les articles suivans:—

Article I. Il y aura entre les territoires des Hautes Parties Contractantes, liberté et réciprocité de commerce et de navigation. Les habitans de leurs Etats respectifs pourront réciproquement entrer dans les ports, places, et rivierès des territoires de chacune d'elles, partout où le commerce étranger est permis. Ils seront libres de s'y arrêter et resider dans quelque partie que ce soit des dits territoires pour y vaquen à leurs affairés; et ils jouiront à cet effet de la même sécurité et protection que les habitans du pays, dans lequel ils résideront, à charge de se soumettre aux lois et ordonnances y établies, et en particulier aux réglemens de commerce en vigueur.

Article II. Les bâtimens Russes, arrivant sur lest ou chargés dans les ports des Etats Unis d'Amérique, et réciproquement les bâtimens des Etats Unis arrivant sur lest ou chargés dans les ports de l'Empire de Russie, seront traités à leur entrée, pendant leur séjour, et à leur sortie, sur le même pied, que les bâtimens nationaux, venant du même lieu, par rapport aux droits de tonnage. Pour ce qui concerne les droits de fanaux, de pilotage et de port, ainsi que les vacations des officiers publics, et tout autre droit ou charge, de quelque espèce ou dénomina-

of whatever kind or denomination, levied upon vessels of commerce, in the name or to the profit of the government, the local authorities, or of any private establishments whatsoever, the High Contracting Parties shall reciprocally treat each other upon the footing of the most favored nations with whom they have not treaties now actually in force, regulating the said duties and charges on the basis of an entire reciprocity.

Merchandise imported in the vessels of either party, not to be subject to increased duties.

ARTICLE III. All kind of merchandise and articles of commerce, which may be lawfully imported into the ports of the Empire of Russia in Russian vessels, may, also, be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit, of the government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or articles of commerce had been imported in Russian vessels. And reciprocally, all kind of merchandise and articles of commerce, which may be lawfully imported into the ports of the United States of America, in vessels of the said States, may, also, be so imported in Russian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been imported in vessels of the United States of America.

The same rule to obtain, whether arriving from their own or from foreign ports.

ARTICLE IV. It is understood that the stipulations contained in the two preceding articles, are, to their full extent, applicable to Russian vessels and their cargoes, arriving in the ports of the United States of America; and reciprocally, to vessels of the said States and their cargoes, arriving in the ports of the Empire of Russia, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

Merchandise which may be exported in national vessels, may be so in those of either party.

ARTICLE V. All kind of merchandise and articles of commerce, which may be lawfully exported from the ports of the United States of America in national vessels, may, also, be exported therefrom in Russian vessels without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce, had been exported in vessels of the United States of America. And reciprocally, all kind of merchandise and articles of commerce, which may be lawfully exported from the ports of the Empire of Russia in national vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been exported in Russian vessels.

No higher duties shall be imposed than on the same articles from other countries.

ARTICLE VI. No higher or other duties shall be imposed on the importation into the United States, of any article, the produce or manufacture of Russia; and no higher or other duties shall be imposed on the importation into the Empire of Russia, of any article, the produce or manufacture of the United States, than are, or shall be, payable on the like article, being the produce or manufacture of any other foreign country.

All prohibitions shall be general.

Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States or of Russia, to, or from the ports of the United States, or to, or from the ports of the Russian Empire, which shall not equally extend to all other nations.

tion que ce soit, perçus des bâtimens de commerce, au nom ou au profit du gouvernement, des autorités locales, ou d'établissemens particuliers quelconques, les Hautes Parties Contractantes se traiteront réciproquement sur le pied des nations les plus favorisées avec lesquelles elles n'ont pas de traité actuellement en vigueur, qui règle les dits droits et charges sur la base d'une entière réciprocité.

ARTICLE III. Toute espèce de marchandises et objets de commerce qui pourront légalement être importés dans les ports de l'Empire de Russie sur des bâtimens Russes, pourront également y être importés sur des bâtimens des Etats Unis d'Amérique, sans payer d'autres ou de plus forts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du gouvernement, des autorités locales, ou d'établissemens particuliers quelconques, que s'ils étaient importés sur des bâtimens Russes. Et réciproquement, tout espèce de marchandises et objets de commerce qui pourront légalement être importés dans les ports des Etats Unis d'Amérique sur les bâtimens des dits Etats, pourront également y être importés sur des bâtimens Russes, sans payer d'autres ou de plus forts droits ou charges de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du gouvernement, des autorités locales, ou d'établissemens particuliers quelconques, que s'ils étaient importés sur des bâtimens des Etats Unis d'Amérique.

ARTICLE IV. Il est entendu que les stipulations contenues dans les deux articles précédens, sont, dans toute leur plénitude, applicables aux bâtimens Russes et leurs cargaisons, arrivant dans les ports des Etats Unis d'Amerique; et réciproquement aux bâtimens des dits Etats et leurs cargaisons, arrivant dans les ports de l'Empire de Russie, soit que les dits bâtimens viennent des ports du pays, auquel ils appartiennent, soit de ceux de tout autre pays étranger.

ARTICLE V. Toute espèce de marchandises et objets de commerce, qui pourront être légalement exportés des ports des Etats Unis d'Amérique sur des bâtimens nationaux, pourront également en être exportés sur des bâtimens Russes, sans payer d'autres ni de plus forts droits, ou charges, de quelque espèce ou dénomination que ce soit, perçus, au nom ou au profit du gouvernement, des autorités locales, ou d'établissemens particuliers quelconques, que si ces mêmes marchandises ou denrées étaient exportées par des bâtimens des Etats Unis d'Amérique. Et réciproquement, toute espèce de marchandise et objets de commerce qui pourront être légalement exportés des ports de l'Empire de Russie, sur des bâtimens nationaux, pourront également en être exportés sur des bâtimens des Etats Unis d'Amérique, sans payer d'autres ou de plus forts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du gouvernement, des autorités locales, ou d'établissemens particuliers quelconques, que si ces marchandises ou denrées étaient exportées sur des bâtimens Russes.

ARTICLE VI. Il ne sera imposé d'autres ni de plus forts droits sur l'importation dans les Etats Unis des articles, provenant du sol ou de l'industrie de l'Empire de Russie; et il ne sera imposé d'autres ni de plus forts droits sur l'importation dans l'Empire de Russie, des articles provenant du sol ou de l'industrie des Etats Unis, que ceux qui sont ou seront imposés sur les mêmes articles provenant du sol ou de l'industrie de tout autre pays étranger. De même, il ne sera imposé sur l'importation ou sur l'exportation des articles provenant du sol ou de l'industrie des Etats Unis ou de l'Empire de Russie, à l'entrée ou à la sortie des ports des Etats Unis, ou de ceux de l'Empire de Russie, aucune prohibition, qui ne soit pas également applicable à toute autre nation.

Coasting trade excepted.

ARTICLE VII. It is expressly understood that the preceding articles II, III, IV, V, and VI, shall not be applicable to the coastwise navigation of either of the two countries, which each of the High Contracting Parties reserves exclusively to itself.

Consuls, &c. Their authority and privileges.

ARTICLE VIII. The two Contracting Parties shall have the liberty of having in their respective ports, 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, &c. to judge and arbitrate in certain cases.

The Consuls, Vice Consuls, and commercial Agents, shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captain, should disturb the order or the tranquillity of the country, or the said Consuls, Vice Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

Consuls, &c. may require the assistance of the local authorities to arrest deserters.

ARTICLE IX. The said Consuls, Vice Consuls and Commercial Agents, are authorized to require the assistance of the local authorities, for the search, arrest, detention and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused.

Deserters to be sent back within four months.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation or any other vessel whatsoever. But if not sent back within four months, from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

Succession to personal estate, and disposal thereof.

ARTICLE X. The citizens and subjects of each of the High Contracting Parties shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives, being citizens or subjects 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 will, paying to the profit of the respective governments, 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 of the same country in like case, until the lawful owner may take measures for receiving them. And if a question should arise among several

ARTICLE VII. Il est expressemént entendu que les articles précédens II, III, IV, V et VI, ne sont point applicables à la navigation de côte ou cabotage de chacun des deux pays, que l'une et l'autre des Hautes Parties Contractantes se réservent exclusivement.

ARTICLE VIII. Les deux Parties Contractantes auront la faculté d'avoir dans leurs ports respectifs des Consuls, Vice Consuls, Agens et Commissaires de leur choix, qui jouiront des mêmes privilèges et pouvoirs dont jouissent ceux des nations les plus favorisées; mais dans le cas où les dits Consuls veulent faire le commerce, ils seront soumis aux mêmes lois et usages, auxquels sont soumis les particuliers de leur nation à l'endroit où ils resident.

Les Consuls, Vice Consuls et Agens Commerciaux auront le droit, comme tels, de servir de juges et d'arbitres dans les différends qui pourraient s'élever entre les capitaines et les équipages des bâtimens de la nation, dont ils soignent les intérêts sans que les autorités locales puissent y intervenir, à moins que la conduite des équipages, ou du capitaine ne troublât l'ordre ou la tranquillité du pays, ou que les dits Consuls, Vice Consuls ou Agens Commerciaux, ne réquissent leur intervention pour faire exécuter ou maintenir leurs décisions; bien entendu que cette espèce de jugement ou d'arbitrage ne saurait pourtant priver les parties contendantes du droit qu'elles ont à leurs retour, de recourir aux autorités judiciaires de leur pays.

ARTICLE IX. Les dits Consuls, Vice Consuls ou Agens Commerciaux sont autorisés à réquérir l'assistance des autorités locales pour la recherche, l'arrestation, la détention et l'imprisonnement des déserteurs, des navires de guerre et marchands de leur pays, ils s'adresseront pour cet objèt aux tribunaux, juges et officiers compétens, et réclameront par écrit, les déserteurs susmentionnés, prouvant par la communication des régistres de navires, ou rôles de l'équipage, ou par d'autres documens officiels, que de tels individus, ont fait partie des dits équipages, et cette réclamation ainsi prouvée, l'extradition ne sera point refusée.

De tels déserteurs, lorsqu'ils auront été arrêtés, seront mis à la disposition des dits Consuls, Vice Consuls ou Agens Commerciaux, et pourront être enfermés dans les prisons publiques, à la réquisition et aux frais de ceux qui les réclamant, pour être détenus jusqu'au moment, où ils seront rendus aux navires, auxquels ils appartenaient, ou renvoyés dans leur patrie par un bâtiment de la même nation ou un autre bâtiment quelconque. Mais s'ils ne sont pas renvoyés dans l'éspace de quatre mois, à compter du jour de leur arrestation, ils seront mis en liberté et ne seront plus arretés pour la même cause.

Toutefois, si le déserteur se trouvait avoir commis quelque crime ou délit, il pourra être sursis à son extradition jusqu'à ce que le tribunal nanti de l'affaire, aura rendu sa sentence, et que celle-ci ait reçu son exécution.

ARTICLE X. Les citoyens et sujets de chacune des Hautes 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 citoyens ou sujets de l'autre Partie Contractante, succéderont à leurs biens, soit en vertu d'un testament, soit *ab intestato*, et ils pourront en prendre possession, soit en personne, soit par d'autres agissant en leur place, et en disposeront à volonté, en ne payant, au profit des gouvernemens respectifs, d'autres droits, que ceux, auxquels les habitans du pays où se trouvent les dits biens, sont assujettis en pareille occasion. En cas d'absence des héritiers, on prendra provisoirement des dits biens les mêmes soins, qu'on aurait pris en pareille occasion des biens des natifs du même pays, jusqu'à ce que le propriétaire légitime ait pris des arrangemens pour receuillir l'héritage. S'il

claimants as to which of them 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 one of the High Contracting Parties, such real estate would, by the laws of the land, descend on a citizen or subject of the other party, who by reason of alienage may be incapable of holding it, he shall be allowed the time fixed by the laws of the country, and in case the laws of the country actually in force, may not have fixed any such time, he shall then be allowed a reasonable time to sell such real estate and to withdraw and export the proceeds without molestation, and without paying to the profit of the respective governments any other dues than those to which the inhabitants of the country wherein said real estate is situated, shall be subject to pay, in like cases. But this article shall not derogate, in any manner, from the force of the laws already published, or which may hereafter be published by his Majesty the Emperor of all the Russias, to prevent the emigration of his subjects.

Favors granted to other nations shall become common.

ARTICLE XI. 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.

Treaty to extend to Poland, and to continue in force until 1st January 1839.

ARTICLE XII. The present treaty, of which the effect shall extend, in like manner, to the kingdom of Poland, so far as the same may be applicable thereto, shall continue in force until the first day of January, in the year of our Lord one thousand eight hundred and thirty-nine, and if, one year before that day, one of the High Contracting Parties, shall not have announced to the other, by an official notification, its intention to arrest the operation thereof, this treaty shall remain obligatory one year beyond that day, and so on, until the expiration of the year which shall commence after the date of a similar notification.

Ratifications to be exchanged within twelve months.

ARTICLE XIII. The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by his Majesty the Emperor of all the Russias, and the ratifications shall be exchanged in the city of Washington within the space of one year, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed the present treaty, in duplicate, and affixed thereto the seal of their arms. Done at St. Petersburg the $\frac{\text{sixth}}{\text{eighteenth}}$ December, in the year of Grace one thousand eight hundred and thirty-two.

JAMES BUCHANAN, (L. S.)

SEPARATE ARTICLE.

Certain special stipulations not to be invoked.

Certain relations of proximity, and anterior engagements, having rendered it necessary for the Imperial Government to regulate the commercial relations of Russia with Prussia and the kingdoms of Sweden and Norway by special stipulations, now actually in force, and which may be renewed hereafter; which stipulations are, in no manner, connected with the existing regulations for foreign commerce in general; the two High Contracting Parties, wishing to remove from their commercial relations every kind of ambiguity or subject of discussion, have

s'élève des contestations entre les différens prétendans ayant droit à la succession, elles seront décideés en dernier ressort, selon les lois et par les juges du pays où la succession est vacante. Et si, par la mort de quelque personne possédant des biens fond sur le territoire de l'une des Hautes Parties Contractantes, ces bien fonds venaient à passer, selon les lois du pays, à un citoyen ou sujet de l'autre partie, et que celui-ci, par sa qualité d'étranger, fût inhabile à les posséder, il jouira du délai fixé par les lois du pays, et dans le cas où les lois du pays actuellement existante n'en fixeraient aucun, il obtiendra un délai convenable pour vendre ces biens-fonds et pour en retirer et exporter le produit sans obstacle et sans payer au profit des gouvernemens respectifs, d'autres droits que ceux auxquels les habitans du pays où se trouve les biens-fonds, sont assujettis en pareille occasion. Mais cet article ne derogera en aucune manière à la force des lois qui ont déjà été publiées, ou qui pourraient l'être par la suite, par Sa Majesté L'Empereur de toutes les Russies, pour prévenir l'émigration de ses sujets.

Article XI. Si l'une des Parties Contractantes accorde par la suite à d'autres nations quelque faveur particulière en fait de commerce ou de navigation, cette faveur deviendra aussitôt commune à l'autre partie, qui en jouira gratuitement, si la concession est gratuite, ou en accordant la même compensation, si la concession est conditionelle.

Article XII. Le présent traité dont l'éffet s'étendra également au Royaume de Pologne, pour autant qu'il peut lui être applicable, restera en vigueur jusqu'au premier Janvier de l'an de Grâce 1839, et si un an avant ce terme, l'une des Hautes Parties Contractantes, n'avait pas annoncé à l'autre, par une notification officielle, son intention d'en faire cesser l'éffet, ce traité restera obligatoire une année au delà et ainsi de suite, jusqu'à l'expiration de l'année qui commencera après la date d'une semblable notification.

Article XIII. Le présent traité sera approuvé et ratifié par le Président des Etats Unis d'Amérique, par et avec l'avis et le consentement du Sénat des dits Etats, et par Sa Majesté L'Empereur de toutes les Russies; et les ratifications en seront échangeés en la ville de Washington dans l'espace d'un an, ou plutôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs ont signé le présent traité en duplicata, et y ont apposé le cachet de leurs armes. Fait à Saint Petersbourg le $\frac{\text{six}}{\text{dix-huit}}$ Décembre l'an de grace mil-huit cent-trente-deux.

CHARLES COMTE DE NESSELRODE, (L. S.)

ARTICLE SÉPARÉ.

Des rapports de voisinage et des engagemens antérieurs, ayant mis le Gouvernement Impérial dans le cas de régler les relations commerciales de la Russie avec la Prusse, et les Royaumes de Suède et de Norvège, par des stipulations spéciales, actuellement en vigueur, et qui pourront être renouvelées dans la suite, sans que les dites stipulations soient liées aux réglemens existans pour le commerce étranger en général, les deux Hautes Parties Contractantes, voulant écarter de leurs relations commerciales toute espèce d'équivoque ou de motif de discus-

agreed, that the special stipulations granted to the commerce of Prussia, and of Sweden and Norway, in consideration of equivalent advantages granted in these countries, by the one to the commerce of the kingdom of Poland, and by the other to that of the Grand Dutchy of Finland, shall not, in any case, be invoked in favor of the relations of commerce and navigation, sanctioned between the two High Contracting Parties by the present treaty.

The present separate article shall have the same force and value as if it were inserted, word for word, in the treaty signed this day, and shall be ratified at the same time.

In faith whereof, we, the undersigned, by virtue of our respective full powers, have signed the present separate article, and affixed thereto the seals of our arms.

Done at Saint Petersburg, the $\frac{\text{sixth}}{\text{eighteenth}}$ of December, in the year of Grace one thousand eight hundred and thirty-two.

JAMES BUCHANAN, (L. S.)

sion, sont tombées d'accord, que ces stipulations spéciales accordées au commerce de la Prusse, de la Suède et de la Norvège, en considération d'advantages équivalens, accordés dans ces pays, d'une part au commerce du Royaume de Pologne, de l'autre à celui du Grand Duché de Finlande, ne pourront dans aucun cas être invoquées en faveur des relations de commerce et de navigation, sanctionnées entre les deux Hautes Parties Contractantes par le présent traité.

Le présent article séparé aura la même force et valeur que s'il était inséré mot à mot dans le traité signé aujourd'hui, et sera ratifié en même temps.

En foi de quoi, nous, soussignés, en vertu de nos pleinspouvoirs respectifs, avons signé le présent article séparé, et y avons apposé le cachet de nos armes.

Fait à Saint Pétersbourg le $\frac{\text{six}}{\text{dixhuit}}$ Décembre, l'an de Grace mil-huit-cent-trente-deux.

CHARLES COMTE DE NESSELRODE, (L. S.)

TREATY OF AMITY AND COMMERCE

March 20, 1833.

Between his Majesty the Magnificent King of Siam, and the United States of America:

Proclamation of the President of the U. S., June 24, 1837.
Ratifications exchanged at Bankok, April 14, 1836.

His Majesty the Sovereign and Magnificent King, in the City of Sia-Yut'hia, has appointed the Chau Phaya-Phra-klang, one of the first Ministers of State, to treat with Edmund Roberts, Minister of the United States of America, who has been sent by the Government thereof, on its behalf, to form a treaty of sincere friendship and entire good faith between the two nations. For this purpose, the Siamese and the citizens of the United States of America shall, with sincerity, hold commercial intercourse in the ports of their respective nations as long as Heaven and Earth shall endure.

Treaty concluded March 20, 1833.

This treaty is concluded on Wednesday, the last of the fourth month of the year 1194, called Pi-marông-chat-tava-sôk, (or the year of the Dragon,) corresponding to the twentieth day of March, in the year of our Lord 1833. One original is written in Siamese, the other in English; but as the Siamese are ignorant of English, and the Americans of Siamese, a Portuguese and a Chinese translation are annexed, to serve as testimony to the contents of the treaty. The writing is of the same tenor and date in all the languages aforesaid: It is signed, on the one part, with the name of the Chau P'haya P'hra-klang, and sealed with the seal of the lotus flower, of glass; on the other part, it is signed with the name of Edmund Roberts, and sealed with a seal containing an eagle and stars.

Siam will ratify the treaty if the U. S. do.

One copy will be kept in Siam, and another will be taken by Edmund Roberts to the United States. If the Government of the United States shall ratify the said treaty, and attach the seal of the Government, then Siam will also ratify it on its part, and attach the seal of its Government.

Perpetual peace.

ARTICLE 1. There shall be a perpetual peace between the United States of America and the Magnificent King of Siam.

Citizens of U. S. at liberty to enter the ports of Siam with their cargoes, &c.

ART. 2. The citizens of the United States shall have free liberty to enter all the ports of the Kingdom of Siam, with their cargoes, of whatever kind the said cargoes may consist; and they shall have liberty to sell the same to any of the subjects of the King, or others who may wish to purchase the same, or to barter the same for any produce or manufacture of the Kingdom, or other articles that may be found there. No prices shall be fixed by the officers of the King on the articles to be sold by the merchants of the United States, or the merchandise they may wish to buy, but the trade shall be free on both sides, to sell, or buy, or exchange, on the terms and for the prices the owners may think fit. Whenever the said citizens of the United States shall be ready to depart, they shall be at liberty so to do, and the proper officers shall furnish them with passports: *Provided always*, There be no legal impediment to the contrary. Nothing contained in this article shall be understood as granting permission to import and sell munitions of war to any person excepting to the King, who, if he does not require, will not be bound to purchase them; neither is permission granted to import opium, which is contraband; or to export rice, which cannot be embarked as an article of commerce. These only are prohibited.

Proviso.

Duties payable by vessels of the U. S.

ART. 3. Vessels of the United States entering any port within his Majesty's dominions, and selling or purchasing cargoes of merchandise, shall pay, in lieu of import and export duties, tonnage, license to trade, or any other charge whatever, a measurement duty only, as follows: The measurement shall be made from side to side, in the middle of the vessel's length; and, if a single decked vessel, on such single deck: if otherwise, on the lower deck. On every vessel selling merchandise, the sum of one thousand seven hundred Ticals, or *Bats*, shall be paid for every Siamese fathom in breadth, so measured; the said fathom being computed to contain seventy-eight English or American inches, corresponding to ninety-six Siamese inches; but if the said vessel should come without merchandise, and purchase a cargo with specie only, she shall then pay the sum of fifteen hundred Ticals, or *Bats*, for each and every fathom before described. Furthermore, neither the aforesaid measurement duty, nor any other charge whatever, shall be paid by any vessel of the United States that enters a Siamese port for the purpose of refitting, or for refreshments, or to inquire the state of the market.

No duties payable by vessels entering to refit, &c.

Diminution of duties.

ART. 4. If hereafter the duties payable by foreign vessels be diminished in favour of any other nation, the same diminution shall be made in favour of the vessels of the United States.

Assistance in case of wreck.

ART. 5. If any vessel of the United States shall suffer shipwreck on any part of the magnificent King's dominions, the persons escaping from the wreck shall be taken care of and hospitably entertained at the expense of the King, until they shall find an opportunity to be returned to their country; and the property saved from such wreck shall be carefully preserved and restored to its owners; and the United States will repay all expenses incurred by his Majesty on account of such wreck.

Settlement of debts contracted in Siam.

ART. 6. If any citizen of the United States, coming to Siam for the purpose of trade, shall contract debts to any individual of Siam, or if any individual of Siam shall contract debts to any citizen of the United States, the debtor shall be obliged to bring forward and sell all his goods to pay his debts therewith. When the product of such *bona fide* sale shall not suffice, he shall no longer be liable for the remainder, nor shall the creditor be able to retain him as a slave, imprison, flog, or otherwise punish him, to compel the payment of any balance remaining due, but shall leave him at perfect liberty.

Merchants of U. S. to rent the king's factories, &c.

ART. 7. Merchants of the United States coming to trade in the kingdom of Siam, and wishing to rent houses therein, shall rent the King's factories, and pay the customary rent of the country. If the said merchants bring their goods on shore, the King's officers shall take account thereof, but shall not levy any duty thereupon.

Citizens of the U. S. taken by pirates to be set at liberty, &c.

ART. 8. If any citizens of the United States, or their vessels, or other property, shall be taken by pirates and brought within the dominions of the magnificent King, the persons shall be set at liberty, and the property restored to its owners.

Merchants of U. S. to respect the laws, &c.

ART. 9. Merchants of the United States trading in the kingdom of Siam shall respect and follow the laws and customs of the country in all points.

Appointment of consuls.

ART. 10. If hereafter any foreign nation other than the Portuguese shall request and obtain his Majesty's consent to the appointment of consuls to reside in Siam, the United States shall be at liberty to appoint consuls to reside in Siam, equally with such other foreign nation.

EDMUND ROBERTS, (L. S.)

WHEREAS the undersigned, Edmund Roberts, a citizen of Portsmouth, in the State of New Hampshire, in the United States of America, being duly appointed an envoy, 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-sixth day of January, A. D. 1832, for negotiating and concluding a treaty of amity and commerce between the United States of America and his Majesty the King of Siam:

Now know ye, that I, Edmund Roberts, envoy as aforesaid, do conclude the foregoing treaty of amity and commerce, 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.

Final ratification reserved to the President, &c.

Done at the royal city of Sia-Yut'hia, (commonly called Bankok,) on the twentieth day of March, in the year of our Lord one thousand eight hundred and thirty-three, and of the independence of the United States of America the fifty-seventh.

EDMUND ROBERTS, (L. S.)

AN ADDITIONAL AND EXPLANATORY CONVENTION

Sept. 1, 1833.

To the treaty of peace, amity, commerce and navigation concluded in the city of Santiago on the 16*th day of May* 1832 *between the United States of America and the Republick of Chile.*

Proclamation of the President of the U. S., April 29, 1834.

Foregoing treaty to be carried into effect, although, &c.

Whereas, the time stipulated in the treaty of amity, commerce and navigation between the United States of America and the Republick of Chile, signed at the city of Santiago on the 16th day of May 1832, for the exchange of ratifications in the City of Washington, has elapsed;—and it being the wish of both the contracting parties that the aforesaid treaty should be carried into effect with all the necessary solemnities, and that the necessary explanations should be mutually made to remove all subject of doubt in the sense of some of its articles, the undersigned plenipotentiaries, viz., John Hamm, a citizen of the United States of America, and their Chargé d'Affaires, on the part, and in the name of the United States of America,—and Señor Don Andros Bello, a citizen of Chile, on the part, and in the name of the Republick of Chile, having compared and exchanged their full powers, as expressed in the treaty itself, have agreed upon the following additional and explanatory articles.

Stipulation of the 2d article, how to be understood.

ARTICLE I. It being stipulated by the second article of the aforesaid treaty, that the relations and conventions which now exist, or may hereafter exist, between the Republick of Chile and the Republick of Bolivia, the Federation of the Centre of America, the Republick of Columbia, the United States of Mexico, the Republick of Peru, or the United Provinces of the Rio de la Plata, are not included in the prohibition of granting particular favors to other nations which may not be made common to the one or the other of the contracting powers;—and these exceptions being founded upon the intimate connexion and iden-

tity of feelings and interests of the new American States, which were members of the same political body under the Spanish dominion, it is mutually understood, that these exceptions will have all the latitude which is involved in their principle;—and that they will accordingly comprehend all the new nations within the ancient territory of Spanish America, whatever alterations may take place in their constitutions, names, or boundaries, so as to include the present States of Uraguay and Paraguay, which were formerly parts of the ancient vice-royalty of Buenos Ayres, those of New Granada, Venezuela, and Equador in the Republick of Columbia, and any other States which may in future be dismembered from those now existing.

Explanatory provisions relating to the 10th article.

ARTICLE II. It being agreed by the tenth article of the aforesaid treaty, that the citizens of the United States of America, personally or by their agents, shall have the right of being present at the decisions and sentences of the tribunals, in all cases which may concern them, and at the examination of witnesses and declarations that may be taken in their trials;—and as the strict enforcement of this article may be in opposition to the established forms of the present due administration of justice, it is mutually understood, that the Republick of Chile is only bound by the aforesaid stipulation to maintain the most perfect equality in this respect between American and Chilean citizens, the former to enjoy all the rights and benefits of the present or future provisions which the laws grant to the latter in their judicial tribunals, but no special favors or privileges.

Slaves not to be comprehended in the 29th article.

ARTICLE III. It being agreed by the twenty-ninth article of the aforesaid treaty that, *deserters* from the publick and private vessels of either party are to be restored thereto by the respective consuls—and whereas, it is declared by the article one hundred and thirty-two of the present constitution of Chile that, "there are no slaves in Chile;" and, that, "slaves touching the territory of the Republick are free"—it is likewise mutually understood, that the aforesaid stipulation shall not comprehend slaves serving under any denomination on board the publick or private ships of the United States of America.

Ratifications to be exchanged within eight months.

ARTICLE IV. It is further agreed, that the ratifications of the aforesaid treaty of peace, amity, commerce and navigation, and of the present additional and explanatory convention, shall be exchanged in the City of Washington within the term of eight months, to be counted from the date of the present convention.

This additional and explanatory convention, upon its being duly 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 Republick of Chile, with the consent and approbation of the Congress of the same, and the respective ratifications mutually exchanged, shall be added to, and make a part of, the treaty of peace, amity, commerce and navigation, between the United States of America and the Republick of Chile, signed on the said 16th day of May, 1832, having the same force and effect as if it had been inserted word for word in the aforesaid treaty.

In faith whereof, we, the undersigned plenipotentiaries of the United States of America and the Republick of Chile, have signed by virtue of our powers, the aforesaid additional and explanatory convention, and have caused to be affixed our hands and seals, respectively.

Done in the city of Santiago this 1st day of September 1833;—and in the 58th year of the independence of the United States of America, and the 24th of the Republick of Chile.

JNO. HAMM. (L. S.)
ANDRES BELLO. (L. S.)

A TREATY OF AMITY AND COMMERCE

Sept. 21, 1833.

Between the United States of America and his Majesty Seyed Syeed Bin, Sultan of Muscat, and his dependencies:

Proclamation of the President of the U. S., June 24, 1837.

Perpetual peace.

ARTICLE 1. There shall be a perpetual peace between the United States of America and Seyed Syeed Bin, Sultan, and his dependencies.

Citizens of U. S. may enter all the ports of the Sultan with their cargoes, &c.

ART. 2. The citizens of the United States shall have free liberty to enter all the ports of his Majesty Seyed Syeed Bin, Sultan, with their cargoes, of whatever kind the said cargoes may consist; and they shall have liberty to sell the same to any of the subjects of the Sultan, or others who may wish to buy the same, or to barter the same for any produce or manufactures of the kingdom, or other articles that may be found there. No price shall be fixed by the Sultan, or his officers, on the articles to be sold by the merchants of the United States, or the merchandise they may wish to purchase; but the trade shall be free on both sides to sell or buy, or exchange, on the terms and for the prices the owners may think fit: and whenever the said citizens of the United States may think fit to depart, they shall be at liberty so to do; and if any officer of the Sultan shall contravene this article, he shall be severely punished. It is understood and agreed, however, that the articles of muskets, powder, and ball can only be sold to the Government in the island of Zanzibar; but, in all the other ports of the Sultan, the said munitions of war may be freely sold, without any restrictions whatever, to the highest bidder.

Duties payable by vessels of the U. S.

ART. 3. Vessels of the United States entering any port within the Sultan's dominions shall pay no more than *five* per cent. duties on the cargo landed; and this shall be in full consideration of all import and export duties, tonnage, license to trade, pilotage, anchorage, or any other charge whatever: nor shall any charge be paid on that part of the cargo which may remain on board unsold and re-exported: nor shall any charge whatever be paid on any vessel of the United States which may enter any of the ports of his Majesty for the purpose of refitting, or for refreshments, or to inquire the state of the market.

Americans to pay no other duties, &c.

ART. 4. The American citizen shall pay no other duties on export or import, tonnage, license to trade, or other charge whatsoever, than the nation the most favoured shall pay.

Assistance to shipwrecked vessels of U. S.

ART. 5. If any vessel of the United States shall suffer shipwreck on any part of the Sultan's dominions, the persons escaping from the wreck shall be taken care of and hospitably entertained, at the expense of the Sultan, until they shall find an opportunity to be returned to their country, (for the Sultan can never receive any remuneration whatever for rendering succour to the distressed;) and the property saved from such wreck shall be carefully preserved and delivered to the owner, or the consul of the United States, or to any authorized agent.

American merchants residing in ports of the Sultan, not to be taxed.

ART. 6. The citizens of the United States resorting to the ports of the Sultan for the purpose of trade shall have leave to land and reside in the said ports without paying any tax or imposition whatever for such liberty, other than the general duties on imports which the most favoured nation shall pay.

ART. 7. If any citizens of the United States, or their vessels, or other property, shall be taken by pirates and brought within the dominions of the Sultan, the persons shall be set at liberty, and the property restored to the owner, if he is present, or to the American consul, or to any authorized agent.

Citizens of U. S. taken by pirates to be set at liberty, &c.

ART. 8. Vessels belonging to the subjects of the Sultan, which may resort to any port in the United States, shall pay no other or higher rate of duties or other charges than the nation the most favoured shall pay.

Vessels of the Sultan to pay no higher duties in U. S., &c.

ART. 9. The President of the United States may appoint consuls to reside in the ports of the Sultan where the principal commerce shall be carried on, which consuls shall be the exclusive judges of all disputes or suits wherein American citizens shall be engaged with each other. They shall have power to receive the property of any American citizen dying within the kingdom, and to send the same to his heirs, first paying all his debts due to the subjects of the Sultan. The said consuls shall not be arrested, nor shall their property be seized, nor shall any of their household be arrested, but their persons and property, and their houses, shall be inviolate. Should any consul, however, commit any offence against the laws of the kingdom, complaint shall be made to the President, who will immediately displace him.

President of U. S. may appoint consuls, &c. Their duties, &c.

Concluded, signed, and sealed at the Royal Palace, in the city of Muscat, in the kingdom of Aman, the twenty-first day of September, in the year one thousand eight hundred and thirty-three of the Christian era, and the fifty-seventh year of the Independence of the United States of America, corresponding to the sixth day of the moon, called Iamada Alawel, in the year of the Allhajra (Hegira) one thousand two hundred and forty-nine.

EDMUND ROBERTS, (L. S.)

WHEREAS, the undersigned, Edmund Roberts, a citizen of the United States of America, and a resident of Portsmouth, in the State of New Hampshire, being duly appointed a special agent 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-sixth day of January, Anno Domini one thousand eight hundred and thirty-two, for negotiating and concluding a treaty of amity and commerce between the United States of America, and His Majesty Seyed Syeed Bin, Sultan of Muscat:

Now, know ye, that I, Edmund Roberts, special agent as aforesaid, do conclude the foregoing treaty of amity and commerce, 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.

Final ratification reserved for President U. S.

Done at the Royal Palace, in the City of Muscat, in the Kingdom of Aman, on the twenty-first day of September, in the year of our Lord one thousand eight hundred and thirty-three, and of the Independence of the United States of America the fifty-seventh, corresponding to the sixth day of the moon, called Iamada Alawel, in the year of Allhajra (Hegira) one thousand two hundred and forty-nine.

(Signed) EDMUND ROBERTS.

CONVENTION

Feb. 17, 1834.

For the settlement of Claims between the United States of America and her Catholic Majesty.

Proclamation of the President of the U. S., Nov. 1, 1834.

Ratifications exchanged at Madrid, Aug. 14, 1834.

THE Government of the United States of America, and her Majesty the Queen Regent, Governess of Spain during the minority of her august daughter, Her Catholic Majesty Donna Ysabel II, from a desire of adjusting by a definitive arrangement the claims preferred by each party against the other, and thus removing all grounds of disagreement, as also of strengthening the ties of friendship and good understanding which happily subsist between the two nations, have appointed for this purpose, as their respective plenipotentiaries, namely: the President of the United States, Cornelius P. Van Ness, a citizen of the said States, and their Envoy Extraordinary and Minister Plenipotentiary near Her Catholic Majesty Donna Ysabel II; and her Majesty the Queen Regent, in the name and behalf of Her Catholic Majesty Donna Ysabel II, his Excellency Don Jose de Heredia, Knight Grand Cross of the Royal American Order of Ysabel the Catholic, one of Her Majesty's Supreme Council of Finance, ex-Envoy Extraordinary and Minister Plenipotentiary, and President of the Royal Junta of Appeals of Credits against France; who, after having exchanged their respective full powers, have agreed upon the following articles:

ARTICLE I.

Agreement by Spain to indemnify U. S.

Her Majesty the Queen Regent and Governess, in the name and in behalf of Her Catholic Majesty Donna Ysabel II, engages to pay to the United States, as the balance on account of the claims aforesaid, the sum of twelve millions of rials *vellon*, in one or several inscriptions, as preferred by the Government of the United States, of perpetual rents, on the great book of the consolidated debt of Spain, bearing an interest of five per cent. per annum. Said inscription or inscriptions shall be issued in conformity with the model or form annexed to this Convention, and shall be delivered in Madrid to such person or persons as may be authorized by the Government of the United States to receive them, within four months after the exchange of the ratifications. And said inscriptions, or the proceeds thereof, shall be distributed by the Government of the United States among the claimants entitled thereto, in such manner as it may deem just and equitable.

ARTICLE II.

The interest to be paid in Paris half-yearly.

The interest of the aforesaid inscription or inscriptions shall be paid in Paris every six months, and the first half-yearly payment is to be made six months after the exchange of the ratifications of this Convention.

ARTICLE III.

All claims cancelled prior to the date of this convention.

The high contracting parties, in virtue of the stipulations contained in article first, reciprocally renounce, release, and cancel all claims which either may have upon the other, of whatever class, denomination, or origin they may be; from the twenty-second of February, one thousand eight hundred and nineteen, until the time of signing this Convention.

CONVENIO

Para el arreglo de las reclamaciones entre Su Magestad Catolica y los Estados Unidos de America.

Deseando S. M. la Reina Regenta Gobernadora de España, durante la minoridad de Su Magestad Catolica Doña Ysabel 2ª, su augusta hija, y el Gobierno de los Estados Unidos de America, terminar por un arreglo definitivo las reclamaciones promovidas por una y otra parte, evitando, de esta manera, todo motivo de desavenencia, y estrechando los vinculos de amistad y buena inteligencia que existen felizmente entre ambas nacionnes; han nombrado con este objeto, por sus respectivos plenipotenciarios, a saber: S. M. la Reina Regenta Gobernadora á nombre y en representacion de S. M. Catolica Dona Ysabel 2ª, al Exmo. Señor Don Jose de Heredia, Caballero Grand Cruz de la Real Orden Americana de Ysabel la Catolica, del Consejo de S. M. en el Supremo de Hacienda, Enviado Extraordinario y Ministro Plenipotenciario cesante, y Presidente de la Real Junta de Apelaciones de Creditos contra la Francia; y el Presidente de los Estados Unidos de America á Don Cornelio P. Van Ness, ciudadano de dichos Estados, y Enviado Extraordinario y Ministro Plenipotenciario cerca de S. M. Catolica Doña Ysabel 2ª, los cuales despues de haber cangeado sus respectivos plenos poderes, han convenido en los articulos siguientes:

ARTICULO 1°.

S. M. la Reina Regenta Gobernadora, á nombre y en representacion de S. M. Catolica Doña Ysabel 2ª, se obliga á pagar á los Estados Unidos por saldo de las reclamaciones arriba mencionadas, la cantidad de doce millones de reales vellon, en una ó varias inscriptiones, á eleccion del Gobierno de los Estados Unidos, de renta perpetua sobre el gran libro de la deuda consolidada de España, con el interes de cinco por ciento anual. Esta inscripcion ó inscripciones seran conformes al modelo ó formula de que va unida copia al presente conveoio: y se entregarán en Madrid cuatro meses despues del cange de sus ratificaciones, á la persona ó personas que autorize el Gobierno de los Estados Unidos para recibirlas, el cual distribuirá las expresadas inscripciones, ó su producto entre los reclamantes, que tengan derecho á el, del modo que le parezca mas justo y conveniente.

ARTICULO 2°.

El pago de los intereses de la mencionada ó mencionadas inscripciones se verificará en Paris cada seis meses; y el primer semestre sera pagado á los seis meses depues de verificado el cange de las ratificaciones del presente convenio.

ARTICULO 3°.

Las altas partes contratantes, en virtud de lo que se estipula en el articulo primero, renuncian y dan reciprocamente por satisfechas, y canceladas, todas las reclamaciones sean cual fuere su clase, titulo ú origen, que cualquiera de las dos, tenga contra la otra, desde el dia veinte y dos de Febrero de mil ochocientos diez y nueve, hasta la fecha de este convenio.

ARTICLE IV.

List of claims to be delivered to the Minister of Spain.

On the request of the Minister Plenipotentiary of Her Catholic Majesty at Washington, the Government of the United States will deliver to him, in six months after the exchange of the ratifications of this convention, a note or list of the claims of American citizens against the Government of Spain, specifying their amounts respectively, and three years afterwards, or sooner if possible, authentic copies of all the documents upon which they may have been founded.

ARTICLE V.

Ratifications to be exchanged in six months.

This convention shall be ratified, and the ratifications shall be exchanged, in Madrid, in six months from this time, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed these articles, and affixed thereto their seals.

Done in Triplicate at Madrid, this seventeenth day of February, one thousand eight hundred and thirty-four.

C. P. VAN NESS, (L. S.)
JOSE DE HEREDIA, (L. S.)

The following is a translation of the form, or model, of the inscription:

No. Cupon of dollars of rent payable in Paris on the of 183 Cupon No. 1.	Perpetual rent of Spain. Payable in Paris at the rate of 5 per cent. per annum, inscribed in the great book of the consolidated debt. This inscription is issued in pursuance of a convention concluded at Madrid on the day of 183 between H. C. M. the Queen of Spain, and the U. S. of America, for the payment of the claims of the citizens of said States. INSCRIPTION No. *Capital.* Dollars or Francs. | *Rent.* Dollars or Francs. The bearer of this is entitled to an annual rent of dollars or francs, payable at Paris every six months, on the and of by the bankers of Spain in that city, rating each dollar at 5 francs 40 centimes, in conformity with the royal decree of December 15th, 1825. Agreeably to said royal decree an appropriation of one per cent. on the nominal value of this rent is made annually at compound interest for the extinction of the same, which amount shall be employed by the abovementioned bankers in such extinction periodically at the current rate. *Madrid,* of 183 *The Secretary of State and of the Department of Finance.* *The Director of the Royal Caisse d'Amortisation.*	

In witness whereof we, the undersigned Plenipotentiaries of Her Catholic Majesty the Queen of Spain and of the United States of America, have signed this model, and have affixed thereunto our seals.

Done at Madrid, this day of

JOSE DE HEREDIA, (L. S.)
C. P. VAN NESS, (L. S.)

ARTICULO 4°.

El Gobierno de los Estados Unidos á peticion del Ministro Plenipotenciario de S. M. Catolica en Washington, le entregará, seis meses despues del cange de las ratificaciones de este convenio, una lista ó nota de las reclamaciones de los ciudadanos Americanos contra el Gobierno de España, con espresion de sus valores, y tres años despues, ó antes si fuese posible, copias autenticas de todos los documentos en que se hayan fundado.

ARTICULO 5°.

El presente convenio sera ratificado, y las ratificaciones cangeadas en esta Corte, en el termino de seis meses contadas desde su fecha, or antes se fuese posible.

En fe de lo cual, los respectivos plenipotenciarios lo han firmado, y sellado con el sello de sus armas.

Fecho por triplicado en Madrid, a diez y siete de Febrero de mil ochocientos treinta y cuatro.

JOSE DE HEREDIA, (L. S.)
C. P. VAN NESS, (L. S.)

No. Cupon de pedsos fuertes de renta pagadero en de de 183 Cupon No. 1°.	Renta perpetua de Espana, pagadera en Paris a razon de 5 p. 0-0 al anno, inscrita en el gran libro de la deuda consolidada. Esta Inscripcion se expide á consecuencia de un convenio celebrado en Madrid en de de entre S. M. Catolica la Reina de Espana y los Estados Unidos de America, para el pago de las reclamaciones de los ciudadanos de dichos Estados. INSCRIPCION No. *Capital.* Pesos fuertes ó sean francos | *Renta.* Pesos fuertes ó sean francos El portador de la presente tiene derecho á una renta anual de pesos fuertes, ó sea de francos, pagaderos en Paris por semestres en los dias de y de por los banqueros de Espana en aquella capital, á razon de 5 francos y 40 centimos por peso fuerte con arreglo al R.l decreto de 15 de Diciembre de 1825. Consiguiente al mismo real decreto se destina cada ano á la amortizacion de esta renta uno por ciento de su valor nominal, á interes compuesto cuyo importe sera empleado en su amortizacion periodica al curso corriente por dichos banqueros.—*Madrid,* de de *El Secretario de Estado y del Despacho de Hacienda.* *El Director de la R.l Caja de Amortizacion.*

En fé de lo cual, Nos los abajo firmados Plenipotenciarios de S. M. Catolica la Reyna de España, y de los Estados Unidos de America, hemos firmado la presente formula, y hemos puesto en ella, el séllo de nuestras armas.

Fecho en Madrid a de de

JOSE DE HEREDIA, (L. S.)
C. P. VAN NESS, (L. S.)

April 3, 1835.

CONVENTION WITH MEXICO.

Ratified April 20, 1836. Proclamation of the President of the U. S., April 21, 1836. Ante, p. 372.

A TREATY having been concluded and signed in the city of Mexico, on the 12th day of January, 1828, between the United States of America and the Mexican United States, for the purpose of establishing the true dividing line and boundary between the two nations, the third article of which treaty is as follows: "To fix this line with more precision, and to place the land marks 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 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 said river Arkansas, in conformity to what is 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: And the ratifications of said treaty having been exchanged in the city of Washington, on the fifth day of April, in the year of 1832, but from various causes the contracting parties have been unable to perform the stipulations contained in the above mentioned third article, and the period within which the said stipulations could have been executed, has elapsed:—and both republics being desirous that the said treaty should be carried into effect with all due solemnity, the President of the United States of America has for that purpose fully empowered on his part Anthony Butler, a citizen thereof and Chargé d'Affaires of said States in Mexico, and the acting President of the United Mexican States having in like manner fully empowered on his part their Excellencies José Maria Gutierrez de Estrada, Secretary of State for Home and Foreign Affairs, and José Mariano Blasco, Secretary of the Treasury; and the said Plenipotentiaries after having mutually exchanged their full powers, found to be ample and in form, they have agreed and do hereby agree to the following second additional article to the said treaty.

Commissioners and surveyors to be appointed to run the boundary line.

Within the space of one year, to be estimated from the date of the exchange of the ratifications of this said additional article, there shall be appointed by the Government of the United States of America and of the Mexican United States, each a commissioner and surveyor, for the purpose of fixing with more precision the dividing line, and for establishing the land marks of boundary and limits between the two nations, with the exactness stipulated by the third article of the Treaty of Limits, concluded and signed in Mexico on the 12th day of January, 1828, and the ratifications of which were exchanged in Washington city on the 5th day of April, 1832. And the present additional article shall have the same force and effect as if it had been inserted word for word in the above mentioned treaty of the 12th of January, 1828, and shall be approved and ratified in the manner prescribed by the constitutions of the respective States.

CONVENIO CON MEXICO.

Habiendose concluido y firmado en la Ciudad de Mejico á los 12 dias del Mes de Enero de 1828, un Tratado entre los Estados Unidos Mejicanos y los Estados Unidos del Norte, con el fin de establecer la verdadera linea divisoria y los limites entre las dos Naciones; y habiendose estipulado en el articulo 3° del mencionado Tratado lo siguiente: "Para fijar esta linea con mas precision, y establecer los mojones que señalen con ecsactitud los limites de ambas naciones, nombrará cada una de ellas un Comisario y Geometra que se juntarañ antes del termino de un año contado desde la fecha de la ratificacion de este Tratado, en Natchitoches, en las orillas del Rio Rojo, y procederán a señalar y demarcar dicha linea desde la embocadura del Sabina hasta el Rio Rojo y de este hasta el Rio Arkansas, y averiguar con certidumbre el origen del espresado Rio Arkansas, y fijar segun queda estipulado y convenido en este Tratado, la linea que debe seguir desde el grado 42 de latitud hasta el Mar Pacifico. Llevaran diarios y levantarañ planos de sus operaciones; y el resultado convenido por ellos se tendrá por parte de este Tratado y tendra la misma fuerza que si estuviese inserto en el, debiendo convenir amistosamente los dos Gobiernos en el arreglo de cuanto necesiten estos individuos y en la escolta respectiva que deban llevar siempre que se crea necesario." Y habiendose cangeado las ratificaciones del mencionado Tratado en la ciudad de Washington a los 5 dias del mes de Abril del año del Señor 1832, no habiendo podido las partes contratantes cumplir por varias causas las estipulaciones contenidas en el mencionado articulo 3° habiendo espirado el termino dentro del cual debian ejecutarse, y deseando ambas Republicas que el referido Tratado tenga su mas puntual cumplimiento llenandose todas las formalidades necesarias; el Presidente interino de los Estados Unidos Mejicanos ha revestido con sus plenos poderes para este objeto á los Excelentisimos Señores D. José Maria Gutierrez de Estrada, Secretario de Estado y del despacho de Relaciones interiores y exteriores y D. José Mariano Blasco, Secretario de Estado y del despacho de Hacienda, y el Presidente de los Estados Unidos del Norte al Honorable Señor Antonio Butler, encargado de Negocios de aquella Republica en Megico: y los referidos Plenipotenciarios despues de haber cambiado sus plenos poderes que se encontraron en buena y debida forma, han convenido y convienen en el siguiente segundo articulo adicional.

Se prorroga por el espacio de un año contado desde la fecha del cange de las ratificaciones del presente articulo adicional, el termino que para el nombramiento de los comisarios y geometras encargados por los Gobiernos de Megico y de Washington de fijar con mas precision la linea divisoria y establecer los mojones que señalen con ecsactitud los limites de ambas naciones, estableció el articulo 3° del Tratado de Limites concluido y firmado en Megico a los 12 dias del Mes de Enero de 1828, y cuyas ratificaciones fueron cangeadas en la Ciudad de Washington á los 5 dias del Mes de Abril de 1832. El presente 2° articulo adicional tendrá la misma fuerza y valor que si hubiese insertado palabra por palabra en el Tratado mencionado de 12 de Enero de 1828, y será aprobado y ratificado en los terminos que establecen las Constituciones de los respectivos Estados.

In faith of which the said Plenipotentiaries have hereunto set their hands and affixed their respective seals.

Done in the city of Mexico on the 3d day of April, in the year of our Lord one thousand eight hundred and thirty-five, in the fifty-ninth year of the Independence of the United States of America, and of the fifteenth of that of the United Mexican States.

A. BUTLER, (L. S.)
J. M. GUTIERREZ DE ESTRADA, (L. S.)
JOSE MARIANO BLASCO, (L. S.)

TREATY OF PEACE, FRIENDSHIP, NAVIGATION AND COMMERCE,

Between the United States of America and the Republic of Venezuela.

Jan. 20, 1836.

Ratifications exchanged, May 31, 1836. Proclamation of the President of the U. S., June 20, 1836.

THE United States of America and the Republic of Venezuela, 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 of friendship, commerce, and navigation. For this most desirable object,

Negotiators.

the President of the United States of America has conferred full powers on John G. A. Williamson, a citizen of the said States, and their Chargé d'Affaires to the said Republic, and the President of the Republic of Venezuela on Santos Michelena, a citizen of the said Republic, who, after having exchanged their said full powers, in due and proper form, have agreed to the following articles:

ARTICLE 1.

Peace and friendship.

There shall be a perfect, firm and inviolable peace and sincere friendship between the United States of America and the Republic of Venezuela, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

ARTICLE 2.

Favors of commerce to be common to both parties.

The United States of America and the Republic of Venezuela, 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.

ARTICLE 3.

Mutual benefits in trade and residence to be enjoyed.

The two high contracting parties being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equallity 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

En fée de lo cual los referidos Plenipotenciarios lo hemos firmado y sellado con nuestros sellos respectivos. Fecho en Megico á los tres dias del Mes de Abril de mil ocho cientos treinta y cinco, decimo quinto de la Independencia de los Estados Unidos Megicanos y quincuagesimo noveno de la de los Estados Unidos de America.

J. M. GUTIERREZ DE ESTRADA, (L. S.)
JOSE MARIANA BLASCO, (L. S.)
A. BUTLER, (L. S.)

TRATADO DE PAZ, AMISTAD, NAVEGACION Y COMERCIO,

Entre la Republica de Venezuela y los Estados Unidos de America.

La Republica de Venezuela y los Estados Unidos de America, deseando hacer duradera y firme la amistad 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 de paz, amistad, comercio y navegacion. Con este muy deseable objeto, el Presidente de la Republica de Venezuela ha conferido plenos poderes á Santos Michelena, ciudadano de la misma, y el Presidente de los Estados Unidos de America á John G. A. Williamson, ciudadano de dichos Estados y su encargado de negocios cerca de la dicha Republica; quienes, despues de haber cangeado sus espresados plenos poderes en debida y buena forma, han convenido en los articulos siguientes:

ARTICULO 1.

Habrá una paz perfecta, firme é inviolable y amistad sincera, entre la Republica de Venezuela y los Estados Unidos de America, en toda la estension de sus posesiones y territorios, y entre suspueblos y ciudadanos respectivamente, sin distincion de personas ni lugares.

ARTICULO 2.

La Republica de Venezuela y los Estados Unidos de America, deseando virir en paz y en armonia con las demas naciones de la tierra, por medio de una politica franca é igualmente amistosa con todas, se obligan mútuamente á no conceder favores particulares á otras naciones, con respecto á comercio y navegacion, que no se hagan immediatamente comunes á una ú otra, quien gozará de los mismos, libremente, si la concesion fúe hecha libremente, ó prestando la misma compensacion, si la concesion fuere condicional.

ARTICULO 3.

Las dos altas partes contratantes, deseando tambien establecer el comercio y navegacion de sus respectivos paises sobre las liberales bases de perfecta igualdad y reciprocidad, convienen mutuament en que los ciudadanos de cada una podrán frecuentar todas las costas y paises de la otra y residir y traficar en ellos con toda clase de producciones, manufacturas y mercaderias, y gozarán de todos los derechos, privilegios y exenciones, con respecto á navegacion y comercio, de que gozan ó

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.

ARTICLE 4.

Equalization of duties on vessels and their cargoes.

They likewise agree that, whatever kind of produce, manufactures 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 Republic of Venezuela; and that no higher or other duties upon the tonnage of the vessels and her cargo shall be levied and collected, whether the importation be made in the vessels of the one country or of the other: and, in like manner, that whatever kind of produce, manufactures or merchandize of any foreign country can be, from time to time, lawfully imported into the Republic of Venezuela 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 vessels and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other. And they 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 Republic of Venezuela.

ARTICLE 5.

Characteristics of a Venezuelan vessel.

For the better understanding of the preceding article, and taking into consideration the actual state of the commercial marine of the Republic of Venezuela, it has been stipulated and agreed, that all vessels belonging exclusively to a citizen or citizens of said Republic, and whose captain is also a citizen of the same, though the construction or crew are or may be foreign, shall be considered, for all the objects of this treaty, as a Venezuelan vessels.

ARTICLE 6.

Importations and exportations to be on a reciprocal footing.

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the Republic of Venezuela, and no higher or other duties shall be imposed on the importation into de Republic of Venezuela of any articles the produce or manufacture 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 Republic of Venezuela, 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 Republic of Venezuela, to or from the territories of the United States, or to or from the territories of the Republic of Venezuela, which shall not equally extend to all other nations.

ARTICLE 7.

Citizens of both nations to be on a footing of equality, &c.

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 re-

gozaren los ciudadanos naturales, sometiendose á las leyes, decretos y usos establecidos, á que estan sujetos dichos ciudadanos. Pero debe entenderse que este articulo no comprende el comercio de cabotage de cada uno de los paises, cuya regulacion queda reservada á las partes respectivamente, segun sus leyes propias y peculiares.

ARTICULO 4.

Ygualmente convienen en que cualquiera clase de producciones, manufacturas ó mercaderias, de cualquier pais estranjero que puedan ser en cualquier tiempo legalmente introducidas en la Republica de Venezuela en sus propios buques, puedan tambien ser introducidas en los buques de los Estados Unidos, y que no se impondrán ó cobrarán otros ó mas altos 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, cualquiera clase de producciones, manufacturas ó mercaderias de cualquiera pais estranjero, que puedan ser en cualquiere tiempo legalmente introducidas en los Estados Unidos en sus propios buques, podrán tambien ser introducidas en los buques de la Republica de Venezuela; y no se impondrán ó cobrarán otros ó mas altos derechos de tonelada ó por el cargamento, ya sea que la importacion se haga en buques de la una ó de la otra. Y convienen que todo lo que pueda ser legalmente exportado ó re-exportado de uno de los dos paises en sus propios buques para un pais estrangero, pueda de la misma manera ser exportado en los buques del otro. Y los mismos derechos, premios ó descuentos se concederán y cobrarán, sea que la exportacion ó re-exportacion se haga en los buques de la Republica de Venezuela ó en los de los Estados Unidos.

ARTICULO 5.

Para cabal inteligencia del articulo precedente, y en consideracion al estado de la marina comercial de la Republica de Venezuela, se ha estipulado y convenido que todo buque perteneciente exclusivamente á ciudadano ó ciudadanos de dicha Republica, y cuyo capitan sea tambien ciudadano de ella, aunque su construccion y tripulacion sean estranjeras, será considerado para todos los efectos de este tratado, como buque Venezolano.

ARTICULO 6.

No se impondrán otros ó mas altos derechos á la importacion en la Republica de Venezuela de cualquiera articulo, produccion ó manufactura de los Estados Unidos, ni se impondrán otros ó mas altos derechos á la importacion de cualquier articulo, produccion ó manufactura de la Republica de Venezuela, en los Estados Unidos, que los que se paguen ó pagaren por iguales articulos, produccion ó manufactura de cualquier pais estrangero; ni se impondrán otros ó mas altos derechos ó impuestos en cualquiera de los dos paises, á la esportacion de cualesquiera articulos para la Republica de Venezuela, ó para los Estados Unidos respectivamente, que los que se paguen ó pagaran á la exportacion de iguales articulos para cualquiera otro pais extrangero; ni se prohibirá la importacion ó exportacion en los territorios ó de los territorios de la Republica de Venezuela y de los Estados Unidos, de cualesquiera articulos, produccion ó manufactura de la una ó de la otra, á menos que esta prohibicion sea igualmente extensiva á todas las otras naciones.

ARTICULO 7.

Se conviene á demas, que será enteramente libre y permitido á 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 á la jurisdiccion de uno ú otro, asi respecto de las consignaciones y ventas por mayor y menor de sus efectos y mercaderias,

spect 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 favoured nation.

ARTICLE 8.

No embargo without allowing indemnification.

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.

ARTICLE 9.

Citizens to be treated as friends in cases of compulsory resort, &c.

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 favour 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.

ARTICLE 10.

Captures by pirates.

All the ships, merchandise and the 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 the respective Governments.

ARTICLE 11.

Protection in case of wreck.

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 merchandise and effects, without exacting for it any duty, impost, or contribution whatever, until they may be exported, unless they be destined for consumption.

ARTICLE 12.

Power to dispose of property within the jurisdiction of the contracting parties.

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 duties 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, nor any other charges than those which are imposed by the laws of the country.

como de la carga y descarga y despacho de sus buques, debiendo en todos casos, ser tratados como ciudadanos del pais en que residan, ó al menos puestos sobre un pié igual con los súbditos ó ciudadanos de las naciones mas favorecidas.

ARTICULO 8.

Los ciudadanos de una ú otra parte no podrán ser embargados ni detenidos con sus embarcaciones, tripulaciones, mercaderias y efectos comerciales, de su pertenencia, para alguna expedicion militar, usos publicos ó particulares, cualesquiera que sean, sin conceder á los interesados una suficiente indemnizacion.

ARTICULO 9.

Siempre que los ciudadanos de alguna de las partes contratantes se vieren precisados á buscar refugio 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, procurar viveres, y ponerse en situacion de continuar su viaje, sin obstaculo ó estorbo de ningun genero.

ARTICULO 10.

Todos los buques, mercaderias y efectos pertenecientes á 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.

ARTICULO 11.

Cuando algun buque perteneciente á los ciudadanos de alguna de las partes contratantes, naufrague, encalle, ó sufra alguna averia en las costas ó dentro de los dominios de la otra, se les dará toda ayuda y proteccion, del mismo modo que es uso y costumbre con los buques de la nacion en donde suceda la averia, permitiendoles descargar el dicho buque, si fuere necesario, de sus mercaderias y efectos, sin cobrar por esto, hasta que sean esportados, ningun derecho, impuesto ó contribucion, á menos que se destinen al consumo.

ARTICULO 12.

Los ciudadanos de cada una de las partes contratantes tendrán pleno poder 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, sucederán á sus dichos bienes personales, ya sea por testamento ó *ab intestato*, y podrán tomar posesion de ellos, ya sea, por si mismos ó por otros que otren 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 entrar en la posesion de la herencia por razon de su caracter de estrangeros, se les dara el termino de tres años para disponer de ella como juzguen conveniente, y para estrae su producto sin molestia, ni otros impuestos que los establecidos por las leyes del pais.

ARTICLE 13.

Protection to persons and property.

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 on the said trials.

ARTICLE 14.

Liberty of conscience, and rites of worship, &c. secured.

The citizens of the United States residing in the territories of the Republic of Venezuela, shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented or disturbed on account of their religious belief. Neither shall they be annoyed, molested or disturbed in the proper exercise of their religion in private houses, or in the chapels or places of worship appointed for that purpose, with the decorum due to divine worship, and with due respect to the laws, usages, and customs of the country. Liberty shall also be granted to bury the citizens of the United States who may die in the territories of the Republic of Venezuela, in convenient and adequate places, to be appointed and established by themselves, for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased; nor shall the funerals or sepulcres of the dead be disturbed, in any wise, nor upon any account. In like manner, the citizens of Venezuela shall enjoy within the Government and territories of the United States, a perfect and unrestrained liberty of conscience and of exercising their religion publicly or privately, within their own dwelling-houses, or in the chapels and places of worship appointed for that purpose, agreeable to the laws, usages, and customs of the United States.

ARTICLE 15.

Both parties at liberty to trade with those at enmity with either, &c.

It shall be lawful for the citizens of the United States of America and of the Republic of Venezuela, 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 either of the contracting parties. It shall, likewise, be lawful for the citizens aforesaid to sail with their ships and merchandises before mentioned, 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 before mentioned 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.

Free ships to make free goods.

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 shall be extended to persons who are on board a free

ARTICULO 13.

Ambas partes contratantes se comprometen y obligan formalmente á dar su proteccion especial á las personas y propiedades 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 litijios; 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 conciernan á aquellos, como igualmente al tomar todos los exâmenes y declaraciones que se ofrezcan en los dichos litijios.

ARTICULO 14.

Los ciudadanos de la Republica de Venezuela residentes en los territorios de los Estados Unidos, gozarán una perfecta é ilimitada libertad de conciencia, sin ser molestados, inquietados ni perturbados por su creencia religiosa. Ni serán molestados, inquietados ó perturbados en el ejercicio de su religion en casas privadas, en las capillas ó lugares de adoracion designados al efecto, con el decoro debido á la divinidad, y respeto á las leyes, usos y costumbres del pais. Tambien tendrán libertad para enterrar los ciudadanos de Venezuela que mueran en los territorios de los Estados Unidos, en los lugares convenientes y adecuados, designados y establecidos por ellos con acuerdo de las autoridades locales, ó en los lugares de sepultura que elijan los amigos de los muertos; y los funerales y sepulcros no serán trastornados de modo alguno ni por ningun motivo.

De la misma manera los ciudadanos de los Estados Unidos gozarán en los territorios de la Republica de Venezuela perfecta é ilimitada libertad de conciencia, y ejercerán su religion publica ó privadamente en sus mismas habitaciones, ó en las capillas y lugares de adoracion designados al efecto, de conformidad con las leyes, usos y costumbres de la Republica de Venezuela.

ARTICULO 15.

Será licito á los ciudadanos de la Republica de Venezuela y de los Estados Unidos de America, navegar con sus buques, con toda seguridad y libertad, de cualquier puerto á las plazas ó lugares de los que son ó fueren en adelante enemigos de cualquiera de las dos partes contratantes, sin hacerse distincion de quienes son los dueños de las mercancias cargadas en ellos. Será igualmente licito á los referidos ciudadanos, navegar con sus buques y mercaderias mencionadas, y traficar 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 del 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 ú otra, esceptuando siempre 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

Free ships to make free persons. Proviso.

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 shal cover the property, shall be understood as applaying 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.

ARTICLE 16.

Enemy's property, to be protected by a neutral flag, must be shipped, when.

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 stipulations, 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.

ARTICLE 17.

Contraband specified.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which 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, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2d. Bucklers, helmets, breastplates, coats of mail, infantry-belts, and clothes made up in the form and for military use.

3d. Cavalry-belts, and horses with their furniture.

4th. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials, manufactured, prepared, and form expressly to make war by sea or land.

ARTICLE 18.

Goods not contraband.

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 the citizens of both the contracting parties, even to places belonging to an enemy; excepting, only, those places which are, at that time, besieged 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.

ARTICLE 19.

Contraband only, liable to confiscation.

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

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 artículo, 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 neutral, la bandera de la neutral cubrirá la propiedad de los enemigos cuyos Gobiernos reconocen este principio, y no de otros.

ARTICULO 16.

Se conviene igualmente que en caso de que la bandera neutral de una de las partes contratantes, proteja las propiedades de los enemigos de la otra, en virtud de lo estipulado arriba, deberá siempre entenderse, que las propiedades neutrales encontradas á bordo de tales buques enemigos, han de tenerse y considerarse a como propiedades enemigas, y como tales estarán sujetas á detencion y confiscacion; esceptuando solamente aquellas propiedades 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 propiedades enemigas, entonces serán libres los efectos y mercaderias de la parte neutral embarcadas en buques enemigos.

ARTICULO 17.

Esta libertad de navegacion y comercio se estendera á todo genero de mercaderias, esceptuando aquellas solamente que se distinguen con el nombre de contrabando; y bajo este nombre de contrabando ó efectos prohibidos, se comprenderán:

1° Cañones, morteros, obuces, pedreros, trabucos, mosquetes, fusiles, rifles, carabinas, pistolas, picas, espadas, sables, lanzas, chuzos, alabardas y granadas, bombas, pólvora, mechas, balas, con las demas cosas correspondientes al uso de estas armas.

2° Escudos, casquetes, corazas, cotas de malla, fornituras, y vestidos hecho 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 hacer la guerra por mar ó tierra.

ARTICULO 18.

Todas las demas mercaderias y efectos no comprendidos en los artículos de contrabando explicitamente enumerados y clasificados en el artículo 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, aún á los lugares pertenecientes á un enemigo de una ú otra, exceptuando solamente aquellos lugares ó plazas que están al mismo tiempo sitiadas ó bloqueadas, y para evitar toda duda en el particular, se declaran sitiadas ó bloqueadas aquellas plazas que en la actualidad estuviesen atacadas por una fuerza de un beligerante capaz de impedir la entrada del neutral.

ARTICULO 19.

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

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 or 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 judgment according to law.

ARTICLE 20.

Notice of blockade.

And whereas it frequently happens that vessels sail for a port or places 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 any officer commanding a vessel 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 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, 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.

ARTICLE 21.

Examination of vessels at sea.

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 boats 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 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 his papers, or for any other purpose whatever.

ARTICLE 22.

One of the parties being engaged in war, vessels of the other to be provided with sea letters, &c.

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 ships, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that said ship really and truly belongs to the citizens of one of the parties; they have likewise agreed that such ship 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

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 entregar los articulos de contrabando al apresador, á menos que la cantidad de estos articulos sea tan grande y de tanto volúmen que no puedan ser recibidos á bordo del buque apresador sin grandes inconvenientes; pero en este, como en todos los otros casos de justa detencion, el buque detenido será enviado al puerto mas inmediato, cómodo y seguro, para ser juzgado y sentenciado conforme á las leyes.

ARTICULO 20.

Y por cuanto frecuentemente sucede que los buques navegan para un puerto ó lugar perteneciente á un enemigo, sin saber que aquel esté sitiado, bloqueado ó investido, se conviene en que todo buque en estas circumstancias se pueda hacer volver de dicho puerto ó lugar, pero no será detenido ni confiscado parte alguna de su cargamento, no siendo contrabando; á menos que despues de la intimacion de semejante bloqueo ó ataque por cualquier comandante de un buque de las fuerzas bloqueadoras, intentase otra vez entrar; pero le será permitido ir á cualquier 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, será impedido de dejar el tal lugar con su cargamento, ni si fuere hallado allí despues de la rendicion y entrega de semejante lugar, estará el tal buque ó su cargamento sujeto á confiscacion, sino que serán restituidos á sus dueños.

ARTICULO 21.

Para evitar todo genero de desorden en la visita y ecsâmen de los buques y cargamentos de ambas partes contratantes en alta mar, han convenido mútuamente, que siempre que un buque de guerra público ó particular se encontrase con un neutral de la otra parte contratante, el primero permanecerá fuero de tiro de cañon, y podrá mandar su bote con dos ó tres hombres solamente, para ejecutar el dicho ecsamen de los papeles concernientes á la propiedad y carga del buque, sin ocasionar la menor estorcion, violencia ó mal tratamiento, por lo que los comandantes de dicho buque armado serán responsables con sus personas y bienes; á cuyo efecto los comandantes de buques armados, por cuenta de particulares, estarán obligados antes de entregarseles sus comisiones ó patentes, á dar fianza suficiente para responder de los perjuicios que causen. Y se ha convenido expresamente, que en ningun caso se exigirá á la parte neutral que vaya á bordo del buque exâminador con el fin de exsîbir sus papeles, ó para cualquier otro objeto, sea el que fuere.

ARTICULO 22.

Para evitar toda clase de vejamen y abuso en el examen de los papeles relativos á la propiedad de los buques pertenencientes á 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 á los ciudadanos de la otra, serán provistos con letras de mar 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 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, estarán tambien provistos de certificados, que contengan los por menores del cargamento y el lugar de donde salio el buque, para que asi puedo saberse si hay á su bordo algunos efectos prohibidos ó de

the same; which certificates shall be made out by the officers of the place whence the ship saild, in the accustomed form: without such requisites, said vessels may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and satisfied or supplied by testimony entirely equivalent.

ARTICLE 23.

Visiting regulations to apply only to vessels without convoy.

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.

ARTICLE 24.

Prize courts only to try prize causes.

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 tribunals, 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 reason 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.

ARTICLE 25.

The neutral party not to accept a commission to cruise against the other.

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 party, so at war, under the pain of being considered as a pirate.

ARTICLE 26.

In case of war between the parties.

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 designated 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 Venezuela, 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 humanitv, the contracting parties engage to give them.

ARTICLE 27.

No sequestration of money in bank, &c.

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.

ARTICLE 28.

Official intercourse.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have

contrabando, cuyos certificados serán hechos por los oficiales del lugar de la procedencia del buque en la forma acostumbrada; sin tales requisitos el dicho buque puede ser detenido, para ser juzgado por el tribunal competente, y puede ser declarado buena presa á menos que prueben que la falta emana de accidente y satisfagan ó suplan el defecto con testimonios enteramente equivalentes.

ARTICULO 23.

Se ha convenido ademas, que las estipulaciones anteriores relativas al exâmen y visita de buques, se aplicarán solamente á los que navegan sin convoy, y cuando los dichos buques estuviesen bajo de convoy, será bastante la declaracion verbal del comandante del convoy, bajo su palabra de honor, de que los buques que estan bajo su proteccion pertenecen á la nacion cuya bandera llevan; y cuando se dirijen á un puerto enemigo, que dichos buques no tienen á su bordo articulos de contrabando de guerra.

ARTICULO 24.

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 reclamada por los ciudadanos de la otra parte, la sentencia ó decreto hará 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 per él los derechos legales.

ARTICULO 25.

Siempre que una de las parres 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 ayudar ó cooperar hostilmente con el dicho enemigo contra la dicha parte que esté asi en guerra, bajo la pena de ser tratade como pirata.

ARTICULO 26.

Si por alguna fatalidad que no puede espararse, 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 término de seú meses á los comerciantes residentes en las costas y en los puertos de entrambas, y el término de un año á los que habitan en el interior, para arreglar sus negocios y transportar 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 y dominios de la Republica de Venezuela, ó de los Estados Unidos, 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.

ARTICULO 27.

Ni las deudas contraidas por los individuos de una nacion con los individuos de la otra, ni las acciones ó dineros que puedan tener en los fondos publicos ó en los bancos publicos ó privados, seran jamas secuestrados ó confiscados en ningun caso de guerra ó de diferencia nacional.

ARTICULO 28.

Deseando ambas partes contratantes evitar toda diferencia relativa á etiqueta en sus comunicaciones y correspondencia diplomaticas, han

agreed, and do agree, to grant to the envoys, ministers and other public agents, the same favours, immunities and exemptions, which those of the most favoured nation do, or shall enjoy: it being understood that whatever favours, immunities or privileges, the United States of America or the Republic of Venezuela may find it proper to give to the ministers and other public agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE 29.

Each party to have consuls, &c. in each other's ports.

To make more effectual the protection which the United States and the Republic of Venezuela 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 favoured nation; each contracting party, however, remaining at liberty to exept those ports and places in which the admission and residence of such consul [and vice-consuls] may not seem convenient.

ARTICLE 30.

Consuls, &c. must exhibit their commissions.

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.

ARTICLE 31.

Immunities of consuls, &c.

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 kinds 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 consulates shall be respected inviolably, and, under no pretext whatever, shall any magistrate seize or in any way interfere with them.

ARTICLE 32.

May require the aid of the civil authorities to arrest deserters.

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 said consuls, and may be put in the public prisons, at the request and expence 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.

Deserters must be sent back within two months.

convenido asi mismo, y convienen en conceder á sus enviados y ministros y otros agentes diplomaticos, los mismos favores, inmunidades y exenciones de que gozan ó gozaren en lo venidero los de las naciones mas favorecidas; bien entendido, que cualquier favor, inmunidad ó privilegio que la Republica de Venezuela ó los Unidos Estados de America tengan por conveniente dispensar 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.

ARTICULO 29.

Para hacer mas efectiva la proteccion que la Republica de Venezuela 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 de todos los derechos, prerrogativas é inmunidades de los consules y vice-consules de la nacion mas favorecida; quedando no obstante en libertad cada parte contratante, para exceptuar aquellos puertos y lugares en que la admision y residencia de semejantes consules y vice-consules no parezca conveniente.

ARTICULO 30.

Para que los consules y vice consules de las dos partes contratantes puedan gozar de los derechos prerrogativas é inmunidades que les correspondan por su caracter publico, antes de entrar en el ejercicio de sus funciones, presentarán su comision ó patente, en la forma debida, al Gobierno con quien estén acreditados, y habiendo obtenido el *exequatur*, serán tenidos y considerados como tales por todas las autoridades, magistrados y habitantes del distrito consular en que residan.

ARTICULO 31.

Se ha convenido igualmente que los consules, sus secretarios, oficiales y personas agregadas al servicio de los consulados, (no siendo estas personas ciudadanos del pais en que el consul reside,) estarán exentos, de todo servicio publica, y tambien de toda especie de pechos, impuestos y contribuciones, exceptuando aquellos que estén obligados á pagar por razon de comercio ó propiedad, y á los cuales estan sujetos los ciudadanos y habitantes naturales y extrangeros del pais en que residen, quedando en todo la demas sujetos á 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 con ellos ninguna intervencion.

ARTICULO 32.

Los dichos consules tendrán poder de requerir el auxilio de las autoridades locales para la prision, detencion y custodia de los desertores de los buques públicos y particulares, de su pais, y para este objeto se dirijirán 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 ú otros documentos publicos, que aquellos hombres, eran parte de las dichas tripulaciones, y á esta demanda asi probada (menos, no obstante, cuando se probase lo contario) no se recusará la entrega. Semejantes desertores luego que sean arrestados, se pondrán á disposicion de los dichos consules, y pueden ser depositados en las prisiones publicas, á soli citud y espensas de los que lo reclamen, para ser enviados á los buque á que corresponden ó á otros de la misma nacion. Pero si no fueren mandados dentro de dos meses contados desde el dia de su arresto, serán puestos en libertad, y no volverán á ser presos por la misma causa.

ARTICLE 33.

Consular convention to be formed.

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 especially the powers and immunities of the consuls and vice consuls of the respective parties.

ARTICLE 34.

The following points agreed to.

The United States of America and the Republic of Venezuela, 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 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, 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 said term of twelve years; and it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either from the other party, this treaty in all its parts relative to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship, it shall be perpetually and permanently binding on both powers.

Individuals personally responsible for infringements.

2d. If any one of 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 harmony and good correspondence between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation.

War not to be declared until remonstrance is made, and satisfaction refused.

3d. If, (what indeed cannot be expected) unfortunately any of the articles 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 act 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 proofs, and demanded justice, and the same shall have been either refused or unreasonably delayed.

Existing treaties not to be affected.

4th. Nothing in this treaty shall, however, be constructed or operate contrary to former and existing public treaties with other sovereigns and states.

To be ratified within eight months.

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 Venezuela, with the consent and approbation of the Congress of the same; and the ratifications shall be exchanged in the city of Caracas, within eight months, to be counted 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 the Republic of Venezuela, have signed and sealed these presents.

Done in the city of Caracas, on the twentieth day of January, in the year of our Lord one thousand eight hundred and thirty-six, and in the sixtieth year of the Independence of the United States of America, and the twenty-sixth of that of the Republic of Venezuela.

JOHN G. A. WILLIAMSON, (L. S.)
SANTOS MICHELENA, (L. S.)

ARTICULO 33.

Para proteger mas efectivamente su comercio y navegacion, las dos partes contratantes se convienen en formar luego que las circunstancias lo permitan, una convencion consular, que declare mas especialmente los poderes é inmunidades de los consules y vice consules de las partes respectivas.

ARTICULO 34.

La Republica de Venezuela 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 de paz, amistad, navegacion y comercio, han declarado solemnemente, y convienen en los puntos siguentes:

1°. El presente tratado permanecerá en su fuerza y vigor por el termino de doce años, contados desde el dia del cange de las ratificationes, y ademas hasta un año despues que cualquiera de las partes contratantes haya notificado á la otra su intencion de terminarlo; reservandose las partes contratantes el derecho de hacer tal notificacion la una á la otra al fin de dicho termino de doce años. Y ademas se ha convenido que este tratado, en todo lo relativo á comercio y navegacion, quedará sin efecto transcurrido que sea un año despues de recibida dicha notificacion por cualquiera de los partes, y en todo lo relativo á paz y amistad, será perpetuamente obligatorio á ambos poderes.

2°. Si alguno ó algunos de los ciudadanos de una ú otra parte infringiesen algunos de los articulos contenidos en el presente tratado, dichos ciudadanos serán personalmente responsables, sin que por esto se interrumpa la armonia y buena correspondencia entre las dos naciones, comprometiendose cada una á no protejer de modo alguno al ofensor, ó sancionar semejante violacion.

3°. Si, (lo que á la verdad no puede esperarse) desgraciadamente algunos 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 presentado á la otra una esposicion de aquellas injurias ó daños, verificada con pruebas y testimonios competentes, exîgiendo justicia y satisfaccion, 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 navigacion será ratificado por el Presidente ó Vice Presidente de la Republica de Venezuela, encargado del Poder Executivo, con consentimiento y aprobacion del Congreso de la misma, y por el Presidente de los Estados Unidos de America, con consejo y aprobacion del Senado de los mismos; y las ratificaciones serán cangeadas en la ciudad de Caracas dentro de ocho meses contados desde este dia, ó antes si fuere posible.

En fé de lo cual, nosotros los plenipotenciarios de la Republica de Venezuela y de los Estados Unidos de America, hemos firmado y sellado las presentes.

Dadas en la ciudad de Caracas, el dia veinte de Enero, del año del Señor, mil ochocientos treinta y seis, Vigesimosexto de la independencia de Venezuela, y sexâgesimo de la de los Estados Unidos de America.

SANTOS MICHELENA, (L. S.)
JOHN G. A. WILLIAMSON, (L. S.)

Sept. 16, 1836.

Proclamation of the President of the U. S., Jan. 30, 1837.

TREATY WITH MOROCCO. (a)

In the name of God, the merciful and clement!

Emperor's seal.

Abd Errahman Ibenu Kesham, whom God exalt!

PRAISE BE TO GOD!

This is the copy of the Treaty of Peace which we have made with the Americans and written in this book; affixing thereto our blessed seal, that, with the help of God, it may remain firm forever.

Written at Meccanez, the city of Olives, on the 3d day of the month Jumad el lahhar, in the year of the Hegira 1252. (Corresponding to Sept. 16. A. D. 1836.)

Mutual agreement of the parties to 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 James R. Leib, agent of the United States, and now their resident consul at Tangier, 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 shall not take a commission from the enemy, nor fight under their colors.

Persons, &c. of one party, captured in an enemy's vessel, 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.

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.

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.

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 immediately 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

(a) For the treaty with Morocco of January 1787, see ante, page 100.

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.

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 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 gun-shot 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.

Enemy's vessels not allowed to follow for 24 hours.

ART. 11. If we shall be at war with any Christian Power, and any of our vessels sails 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 regulations 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.

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.

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 more or less.

American commerce on the most favored footing.

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.

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.

Exchange of prisoners.

ART. 16. In case of a 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.

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, &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 afterwards 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.

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.

Disputes between Americans, &c. to be decided by the consul, &c.

ART. 20. If any of the citizens of the United States, or any persons 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 our Government, to enforce his decisions, it shall be immediately granted to him.

Killing, &c. punishable by the law of the country.

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.

Persons dying intestate; care of their effects.

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 agreeably to that will, as soon as the consul shall declare the validity thereof.

Residence of consul. [It is generally at Tangier.]

ART. 23. The consul 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.

No appeal to arms until refusal of friendly arrangement.

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.

In case of war, nine months allowed to settle affairs, &c.

ART. 25. This treaty shall continue in force, with the help of God, for fifty years; after the expiration of which term, the treaty shall continue to be binding on both parties, until the one shall give twelve months' notice to the other, of an intention to abandon it; in which case, its operations shall cease at the end of the twelve months.

Treaty to last fifty years, &c.

Consulate of the United States of America.
For the Empire of Morocco.

TO ALL WHOM IT MAY CONCERN.

Be it known. Whereas the undersigned, James R. Leib, a citizen of the United States of North America, and now their resident consul at Tangier, having been duly appointed commissioner, by *letters patent*, under the signature of the President and seal of the United States of North America, bearing date, at the city of Washington, the 4th day of July A. D. 1835, for negotiating and concluding a treaty of *peace and friendship* between the United States of North America and the Empire of Morocco; I, therefore, James R. Leib, 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 North America, by and with the advice and consent of the Senate.

Final ratification reserved for President U. S.

In testimony whereof, I have hereunto affixed my signature, and the seal of this consulate, on the 1st day of October, in the year of our Lord one thousand eight hundred and thirty-six, and of the Independence of the United States the sixty-first.

JAMES R. LEIB, (L. S.)

GENERAL CONVENTION OF PEACE, FRIENDSHIP, COMMERCE, AND NAVIGATION,

Between the United States of America and the Peru-Bolivian Confederation.

Nov. 13, 1836.

Ratifications exchanged, May 28, 1838.
Proclamation of the President of the U. S., Oct. 3, 1838.

THE United States of America and the Peru-Bolivian Confederation, desiring to make firm and permanent the peace and friendship which happily subsist between them, have resolved to fix, in a clear, distinct, and positive manner, 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.

Peace and friendship.

For this desirable purpose, the President of the United States of America has conferred full powers on Samuel Larned, Chargé d'Affaires of the said States, near the Government of Peru; and the Supreme Protector of the north and south Peruvian States, President of the Republic of Bolivia, encharged with the direction of the foreign relations of the Peru-Bolivian Confederation, has conferred like powers on John Garcia del Rio, Minister of State in the Department of Finance

Negotiators.

Full powers exchanged.

of the north Peruvian State; who, after having exhibited to each other their respective full powers, found to be in due and proper form, and exchanged certified copies thereof, have agreed to the following articles, to wit:

ARTICLE I.

Firm and inviolable peace.

There shall be a perfect, firm and inviolable peace, and sincere friendship, between the United States of America and the Peru-Bolivian Confederation, in all the extent of their respective territories and possessions, and between their people and citizens, respectively, without distinction of persons or places.

ARTICLE II.

Favors granted to other nations shall become common.

The United States of America and the Peru-Bolivian Confederation, desiring to live in peace and harmony, as well with each other as with all the nations of the earth, by means of a policy frank, and equally friendly with all, engage, mutually, not to concede any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party to this treaty; who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ARTICLE III.

Citizens placed on the footing of the most favored nation, with regard to commerce and navigation.

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 with the most favored nation, mutually agree that the citizens of each may frequent with their vessels, all the coasts and countries of the other, and may reside and trade there in all kinds of produce, manufactures, and merchandize, not prohibited to all; and shall pay no other or higher duties, charges or fees, whatsoever, either on their vessels or cargoes, than the citizens or subjects of the most favored [nation] are, or shall be, obliged to pay on their vessels and cargoes; and they shall enjoy, respectively, all the rights, privileges, and exemptions, in navigation and commerce, which the citizens or subjects of the most favored nation do or shall enjoy; they submitting themselves to the laws, decrees, and usages there established, to which such citizens or subjects are, of right, subjected.

Coasting trade excepted.

But it is understood that the stipulations contained in this article do not include the coasting trade of either of the two countries; the regulation of this trade being reserved by the parties, respectively, according to their own separate laws.

ARTICLE IV.

Merchants and others free to manage their own business.

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 the other, as well with respect to the consignment and sale of their goods and merchandize, as to the purchase of their returns, unloading, loading, and sending off of their vessels.

Citizens of neither liable to any embargo, &c.

The citizens of neither of the contracting parties shall be liable to any embargo, nor to be detained with their vessels, cargoes, merchandize, or effects, for any military expedition, nor for any public or private purpose whatever, without being allowed therefor a sufficient indemnification. Neither shall they be called upon for any forced loan, or occasional contributions; nor be subject to military service on land or sea.

ARTICLE V.

Protection to citizens of either party seeking

Whenever the citizens of either of the contracting parties shall be forced to seek refuge, shelter, or relief, in the rivers, bays, ports, and dominions of the other, with their vessels, whether of war, (public or

private,) of trade, or employed in the fisheries, through stress of weather, want of water or provisions, pursuit of pirates or enemies, they shall be received and treated with humanity; and all favor and protection shall be given to them, in the repairing of their vessels, procuring of supplies, and placing of themselves in a condition to pursue their voyage, without obstacle or hindrance. refuge in the dominions of the other.

ARTICLE VI.

All ships, merchandize, and effects belonging to citizens of one of the contracting parties, which may be captured by pirates, whether on the high seas, or within the limits of its jurisdiction, 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 understood that the claim should be made within the term of two years, by the parties themselves, their attornies, or the agents of their respective Governments. Vessels, &c. captured by pirates, to be restored.

ARTICLE VII.

Whenever any vessel belonging to the citizens of either of the contracting parties shall be wrecked, founder, or suffer damage, on the coasts, or within the dominions of the other, all assistance and protection shall be given to the said vessel, her crew, and the merchandize on board, in the same manner as is usual and customary with vessels of the nation where the accident happens, in like cases; and it shall be permitted to her, if necessary, to unload the merchandize and effects on board, with the proper precautions to prevent their illicit introduction, without exacting, in this case, any duty, impost, or contribution whatever, provided the same be exported. Assistance in case of wreck.

ARTICLE VIII.

The citizens of each of the contracting parties shall have power to dispose of their personal effects, 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 effects, whether by testament or *ab intestato*, and may take possession thereof, either 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 said effects are shall be subject to pay in like cases. And if, in the case of real estate, the said heirs should be prevented from entering into possession of the inheritance on account of their character as aliens, there shall be granted to them the term of three years in which to dispose of the same, as they may think proper, and to withdraw the proceeds, which they may do without obstacle, and exempt from all charges, save those which are imposed by the laws of the country. Power to dispose of personal effects. Real estate.

ARTICLE IX.

Both the contracting parties solemnly promise and engage to give their special protection to the persons and property of the citizens of each other, of all classes and 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 as are usual and customary with the natives or citizens of the country in which they may be; for which purpose 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 that may concern them; and, likewise, at the taking of all evidence and examinations that may be exhibited in the said trials. Protection to persons and property.

No rights of citizens to be withdrawn, until, &c.

And, to render more explicit, and make more effectual, the solemn promise and engagement herein before mentioned, under circumstances to which one of the parties thereto has heretofore been exposed, it is hereby further stipulated and declared, that all the rights and privileges which are now enjoyed by, or may hereafter be conferred on, the citizens of one of the contracting parties, by or in virtue of the constitution and laws of the other, respectively, shall be deemed and held to belong to, and inhere in, them, until such rights and privileges shall have been abrogated or withdrawn by an authority constitutionally or lawfully competent thereto.

ARTICLE X.

Liberty of conscience secured.

It is likewise agreed, that perfect and entire liberty 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.

Rites of burial.

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 and suitable places, and shall be protected from violation or disturbance.

ARTICLE XI.

Citizens of both parties at liberty to trade with the enemies of either, &c.

It shall be lawful for the citizens of the United States of America and of the Peru-Bolivian Confederation, to sail with their ships, with all manner of liberty and security; no distinction being to be made who are the proprietors of the merchandise laden therein, from any port or places whatever, to the ports and places of those who are now, or hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade, with the same liberty and security, from the places, ports, and havens of those who are enemies of both, or of either party, without any opposition or disturbance whatsoever; not only directly from the places of the enemy before mentioned 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 that of several. And it is hereby stipulated, that free ships shall give freedom to goods; and that every thing shall be deemed to be free and exempt, which shall be found on board of 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; goods contraband of war being always excepted.

Free ships to make free goods, contraband of war excepted.

All persons on board a free ship to be free, except, &c.

It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board of 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 that free ship, unless they are officers or soldiers, and in the actual service of the enemy: Provided, however, and it is hereby further 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 contracting parties shall be at war with a third, and the other be neutral, the flag of the neutral shall cover the property of those enemies whose Governments acknowledge this principle, and not that of others.

Proviso.

ARTICLE XII.

Qualification of the principle as to neutral property.

It is likewise agreed, that in cases where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, in virtue of the above stipulation, it shall always be understood

that the neutral property found on board of such enemy's vessel 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 of such vessels before the declaration of war, or even afterwards, if it were done without the knowledge of such declaration: but the contracting parties agree, that six months having elapsed after the declaration, their citizens shall not be allowed to plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property on board; in this case, the goods and merchandise of the neutral, embarked in such enemy's ship, shall be free.

ARTICLE XIII.

Liberty of commerce and navigation to extend to all goods except contraband.

Contraband specified.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting only those which are distinguished by the name of contraband, or prohibited goods; under which name shall be comprehended, 1st, cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lancets, spears, halberds, grenades and bombs; powder, matches, balls, and all other things belonging to the use of these arms; 2dly, bucklers, helmets, breastplates, coats of mail, infantry belts, and clothes made up in a military 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 for the purposes of war, either by sea or land.

ARTICLE XIV.

All kinds of merchandise, except contraband, free.

All other merchandise 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, besieged 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 force capable of preventing the entry of the neutral.

ARTICLE XV.

Contraband goods only, liable to confiscation.

Vessels not to be detained, unless, &c.

The articles of contraband, of those before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation; but the rest of the cargo and the ship shall be left free, that the owners may dispose of them as they see proper. No vessel of either of the contracting parties 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, indeed, the quantity of such articles be so great, and of so large a bulk, that they cannot be received on board the capturing vessel without great inconvenience; but in this, and all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment according to law.

ARTICLE XVI.

Notice of blockade.

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 being warned of such blockade or investment, by the commanding officer of a vessel forming part of the blockading forces, she

Free egress allowed in certain cases.

shall again attempt to enter; but she shall be permitted to go to any other port or place the master or supercargo shall think proper. Nor shall any vessel of either party, 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 it, with her cargo; nor, if found therein before or after the reduction and surrender, shall such vessel, or her cargo be liable to seizure, confiscation, or any demand on the score of redemption or restitution; but the owners thereof shall be allowed to remain in the undisturbed possession of their property. And if any vessel, having thus entered the port before the blockade took place, shall take on board a cargo after the blockade be established, and attempt to depart, she shall be subject to being warned by the blockading forces to return to the port blockaded, and discharge the said cargo; and if, after receiving said warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences to which a vessel attempting to enter a blockaded port, after being warned off by the blockading forces would be liable.

Vessels not to be permitted to depart with a cargo taken on board during the blockade.

ARTICLE XVII.

Regulation of visits at sea.

To prevent all kinds of disorder and irregularity in the visiting and examining 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 at the greatest distance compatible with the possibility and safety of making the visit, under the circumstances of wind and sea, and the degree of suspicion attending the vessel to be visited, and shall send one of her small boats, with no more men than those necessary to man it, for the purpose of executing the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment; in respect of which, the commanders of said armed vessels shall be responsible, with their persons and property; for which purpose, the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the injuries and 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 the ship's papers, nor for any other purpose whatever.

ARTICLE XVIII.

In case of war, vessels to be provided with sea-letters.

To avoid all vexation and abuses in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the contracting parties, they have agreed, and do agree, that, in case one of them should be engaged in war, the ships and vessels of the other must be furnished with sea-letters, or passports, expressing the name, property, and burden of the ship, as also the name and place of residence of the master or commander thereof, in order that it may thereby appear that the said 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 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 contraband or prohibited goods are on board of 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 the said vessel may be detained, to be adjudged by the competent tribunals, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, or be satisfied or supplied by testimony entirely equivalent, in the opinion of said tribunals; to which ends, there shall be allowed a sufficient term of time for its procurement.

If not so provided, may be adjudged lawful prize.

ARTICLE XIX.

Vessels under convoy not subject to examination.

And it is further agreed, that the stipulations above expressed, relative to the visiting and examining of vessels, shall apply to those only 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 honor, 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.

ARTICLE XX.

Prize courts only to take cognizance of prizes.

It is moreover agreed, that, in all cases, the established courts for prize causes, in the country to which the prize may be conducted, shall alone take cognizance of them. And whenever such tribunal or court, of either party, shall pronounce judgment against any vessel, goods, or property, claimed by citizens of the other party, the sentence or decree shall mention the reasons or motives in 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 or property, without any excuse or delay, he paying the legal fees for the same.

ARTICLE XXI.

Citizens of neither party to engage in privateering against the other.

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 party so at war, under pain of being treated as a pirate.

ARTICLE XXII.

In the event of war between the parties, citizens may remain, &c.

If, at any time, a rupture should take place between the two contracting nations, and (which God forbid) they should become engaged in war with each other, they have agreed, and do agree now, for then, that the merchants, traders, and other citizens of all occupations, of each of the two parties residing in the cities, ports, and dominions of the other, shall have the privilege of remaining and continuing their trade and business therein, and shall be respected and maintained in the full and undisturbed enjoyment of their personal liberty and property, so long as they behave peaceably and properly, and commit no offence against the laws. And in case their conduct should render them suspected of malepractices, and, having thus forfeited this privilege, the respective Governments should think proper to order them to depart, the term of twelve months, from the publication or intimation of this order therefor, shall be allowed them, in which to arrange and settle their affairs, and remove with their families, effects, and property; to which end, the necessary safe conduct shall be given to them, and which shall serve as a sufficient protection until they arrive at the designated port, and there embark. But this favour shall not be extended to those who shall act contrary to the established laws. It is, nevertheless, to be understood, that the persons so suspected may be ordered, by the respective Governments, to remove forthwith into the interior, to such places as they shall think fit to designate.

If suspected of malpractices, and ordered to depart, time allowed, &c.

Exceptions.

ARTICLE XXIII.

Property of citizens not to be sequestered

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

ARTICLE XXIV.

Immunities of public agents.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, they have agreed, and do agree, to grant to their envoys, ministers, and other public agents, the same favors, immunities, and exemptions, as 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 Peru-Bolivian Confederation, may find it proper to grant to the envoys, ministers, and public agents of any other power, shall, by the same act, be granted and extended to those of the contracting parties, respectively.

ARTICLE XXV.

Consuls admitted into all ports open to foreign commerce, except &c.

To make more effectual the protection which the United States of America and the Peru-Bolivian Confederation, 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, within their respective consular districts, 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 functionaries may not seem convenient.

ARTICLE XXVI.

Consuls to exhibit their commissions, &c.

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 exercises of their functions, exhibit their commission, or patent, in due form, to the Government to which they are accredited; and, having received their *exequatur*, they shall be held and considered as such consuls and vice-consuls, by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

ARTICLE XXVII.

Privileges of consuls, &c.

It is likewise agreed, that the consuls, vice-consuls, their secretaries, officers and persons attached to their service, (they not being citizens of the country in which the consul or vice-consul resides,) shall be exempt from all public service, and also from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce, or their property, and from which the citizens of their respective country, resident in the other, are not exempt, in virtue of the stipulations contained in this treaty; they 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, or other person, seize, or in any way interfere with them.

Consular archives to be inviolable.

ARTICLE XXVIII.

Consuls, &c. may require the assistance of the local authorities to arrest deserters.

The said consuls and vice-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 this purpose they shall address themselves to the courts, judges, or officers competent, and shall demand the said deserters in writing, proving, by an exhibition of the ship's roll, or other public document, that the men so demanded are part of the crew of the vessel from which

it is alleged they have deserted; and on this demand, so proved, (saving, however, when the contrary is more conclusively proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said consuls or vice-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 belong or to others of the same nation; but if they should not be so sent 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.

Deserters, how to be disposed of.

ARTICLE XXIX.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form, as soon hereafter as may be mutually convenient, a consular convention, which shall declare, specially, the powers and immunities of the consuls and vice-consuls of the respective parties.

Consular convention to be formed.

ARTICLE XXX.

The United States of America, and the Peru-Bolivian Confederation, desiring to make as durable as circumstances will permit the relations which are established between the two parties in virtue of this treaty, or general convention of peace, friendship, commerce, and navigation, have declared solemnly, and do agree, as follows:

Points agreed to.

1st. The present treaty shall be in force for twelve years from the day of the exchange of the ratifications thereof; 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 them reserving to itself the right of giving such notice to the other, at the end of said term of twelve years. And it is hereby agreed between the parties, that on the expiration of one year after such notice shall have been received by either of them from the other, as above mentioned, this treaty shall, in all the points relating to commerce and navigation, altogether cease and determine; and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both powers.

Duration of the treaty.

2dly. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen or citizens shall be held personally responsible therefor, and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging, in no way, to protect the offender or offenders, or to sanction such violence, under pain of rendering itself liable for the consequences thereof.

Citizens personally responsible for violations of this treaty.

3dly. If, (which, indeed, cannot be expected,) unfortunately, any of the stipulations contained in the present treaty shall be violated or infringed in any other way whatever, it is expressly covenanted and agreed, that neither of the contracting parties will order, or authorize, any act of reprisals, nor declare or make war against the other, on complaint of injuries or damages resulting therefrom, until the party considering itself aggrieved shall first have presented to the other a statement or representation of such injuries or damages, verified by competent proofs, and have demanded redress and satisfaction, and the same shall have been either refused or unreasonably delayed.

War not to be declared until redress has been demanded, &c.

4thly. Nothing in this treaty contained shall, however, be construed to operate contrary to former and existing public treaties with other States or sovereigns.

Other treaties not to be affected by this.

Ratifications to be exchanged within eighteen months.

The present treaty of peace, friendship, 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 Supreme Protector of the north and south Peruvian States, President of the Republic of Bolivia, encharged with the direction of the foreign relations of the Peru-Bolivian Confederation; and the ratifications shall be exchanged within eighteen 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 the Peru-Bolivian Confederation, have signed and sealed these presents.

Done in the city of Lima, on the thirtieth day of November, in the year of our Lord one thousand eight hundred and thirty-six.

SAMUEL LARNED, (L. S.)
J. GARCIA DEL RIO, (L. S.)

TREATY OF COMMERCE AND NAVIGATION

Dec. 10/22, 1837. *Between the United States of America and His Majesty the King of Greece.*

Ratifications exchanged, June 13/25, 1838.

Proclamation of the President of the U. S., Aug. 30, 1838.

Desire to maintain good understanding, &c.

THE United States of America and His Majesty the King of Greece, equally animated with the sincere desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States; of extending also, and consolidating the commercial intercourse between them; and convinced that this object cannot better be accomplished than by adopting the system of an entire freedom of navigation, and a perfect reciprocity, based upon principles of equity, equally beneficial to both countries; have, in consequence, agreed to enter into negotiations for the conclusion of a treaty of commerce and navigation, and for that purpose have appointed Plenipotentiaries: The President of the United States of America, Andrew Stevenson, Envoy Extraordinary and Minister Plenipotentiary of the United States, near the court of Her Britannic Majesty, and His Majesty the King of Greece, Spiridion Tricoupi, Councillor of State on special service, His Envoy Extraordinary and Minister Plenipotentiary, near the same court, Grand Commander of the Royal Order of the Saviour, Grand Cross of the American order of Isabella, the Catholic, who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

Negotiators.

ARTICLE I.

Ports, &c. of each party, open to the other.

Citizens of each party at liberty to reside in the territories of the other.

The citizens and subjects of each of the two high contracting parties, may, with all security for their persons, vessels, and cargoes, freely enter the ports, places, and rivers of the territories of the other, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories; to rent and occupy houses and ware-houses for their commerce, and they shall enjoy, generally, the most entire security and protection in their mercantile transactions, on condition of their submitting to the laws and ordinances of the respective countries.

ARTICLE II.

Tonnage duties, &c.

Greek vessels, arriving either laden or in ballast, into the ports of the United States of America, from whatever place they may come, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, and port charges, as well as to the perquisites of public officers, and all other duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever; and, reciprocally, the vessels of the United States of America arriving either laden, or in ballast, into the ports of the Kingdom of Greece, from whatever place they may come, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, and port charges, as well as to the perquisites of public officers, and all other

TRAITÉ DE COMMERCE ET DE NAVIGATION

Entre les Etats Unis d'Amerique et sa Majesté le Roi de la Grèce.

Les Etats Unis d'Amérique et sa Majesté le Roi de la Grèce, également animé du désir sincère de maintenir les rapports de bonne intelligence qui ont si heureusement subsisté jusqu'ici, entre leurs etats respectifs, et d'en etendre et consolider les relations commerciales, et convaincus que cet objet ne saurait être mieux rempli qu'en adoptant le système d'une entière liberté de navigation et d'une parfaite reciprocité, basée sur des principes d'équité également avantageux aux deux pays; sont en conséquence convenus d'entrer en négociation pour conclure un traité de commerce et de navigation, et ont nommé à cet effet des plenipotentiaires; le President des Etats Unis d'Amérique, Andrew Stevenson, Envoyé Extraordinaire et Ministre Plenipotentiaire des Etats Unis près la cour de sa Majesté Britannique; et sa Majesté le Roi de la Grèce le Sieur Spiridion Tricoupi, son Conseiller d'Etat en service Extraordinaire, son Envoyé Extraordinaire et Ministre Plénipotentiaire, près la même Cour, Grand Commandeur de l'Ordre Royal du Sauveur, Grand Croix de l'Ordre Americain de l'Isabelle la Catholique, les quels après avoir échangé leurs pleins pouvoirs trouvés en bonne et due forme, ont arrêté les articles suivans:

ARTICLE I.

Les citoyens et sujets de chacune des deux hautes parties contractantes, pourront avec toute sureté pour leurs personnes, vaisseaux et cargaisons, aborder librement dans les ports, places, et rivières, des territoires de l'autre, partout où le commerce étranger est permis, ils pourront s'y arrêter et résider dans quelque partie que ce soit, des dits territoires; y louer et occuper des maisons et des magazins pour leur commerce, et jouiront généralement de la plus entière sécurité et protection pour les affaires de leur négoce, à charge de se soumettre aux lois et ordonnances des pays respectifs.

ARTICLE II.

Les batimens Grecs qui arriveront sur leur lest, ou chargés dans les ports des Etats Unis d'Amérique, de quelque lieu qu'ils viennent, seront traités à leur entrée, pendant leur séjour, et à leur sortie, sur le même pied que les batimens nationaux venant de même lieu, par rapport aux droits de tonnage, de fanaux, de pilotage et de port, ainsi qu'aux vacations des officiers publics, et à tout autre droit ou charge, de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du Gouvernement, des administrations locales, ou d'establissements particuliers quelconques.

Et réciproquement les batimens des Etats Unis d'Amerique qui arriveront sur leur lest ou chargés dans les ports du Royaume de la Grèce, de quelque lieu qu'ils viennent, seront traités à leur entrée, pendant leur séjour, et à leur sortie, sur le même pied que les batimens nationaux venant du même lieu, par rapport aux droits de tonnage, de fanaux, de pilotage, et de port, ainsi qu'aux vacations des officiers publics, et à

duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever.

ARTICLE III.

Vessels of U. S. may import into Greece whatever Greek vessels may, &c.

All that may be lawfully imported into the United States of America, in vessels of the said States, may also be thereinto imported in Greek vessels, from whatever place they may come, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels.

Reciprocal as to Greek vessels.

And reciprocally, all that may be lawfully imported into the Kingdom of Greece, in Greek vessels, may also be thereinto imported in vessels of the United States of America, from whatever place they may come, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels.

ARTICLE IV.

Vessels of U. S. may export from Greece whatever Greek vessels may, &c.

All that may be lawfully exported from the United States of America, in vessels of the said States, may also be exported therefrom in Greek vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities or of any private establishments whatsoever, than if exported in national vessels.

Reciprocal as to Greek vessels in U. S.

And reciprocally, all that may be lawfully exported from the Kingdom of Greece, in Greek vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

ARTICLE V.

Coasting trade excepted.

It is expressly understood, that the foregoing second, third, and fourth articles are not applicable to the coastwise navigation from one port of the United States of America, to another port of the said States, nor to the navigation of one port of the Kingdom of Greece, to another port of the said Kingdom; which navigation each of the two high contracting parties reserves to itself.

ARTICLE VI.

Neither party to grant any preference in its purchases, &c.

Each of the two high contracting parties, engages not to grant in its purchases, or in those which might be made by companies or agents, acting in its name, or under its authority, any preference to importations made in its own vessels, or in those of a third power, over those made in the vessels of the other contracting party.

ARTICLE VII.

No other or higher duties to be imposed, except, &c.

The two high contracting parties engage not to impose upon the navigation between their respective territories in the vessels of either, any tonnage or other duties of any kind, or denomination, which shall be higher or other than those which shall be imposed on every other navigation, except that which they have reserved to themselves, respectively, by the fifth article of the present treaty.

tout autre droit ou charge de quelque espèce ou dénomination que ce soit, perçus au nom, ou au profit du Gouvernement, des administrations locales, ou d'etablissemens particuliers quelconques.

ARTICLE III.

Tout ce qui pourra légalement être importe dans les Etats Unis d'Amerique, par batimens des dits Etats pourra également y etre importé par batimens Grecs, de quelque lieu qu'ils viennent, sans payer d'autres ou plus hauts droits ou charges de quelque espèce ou dénomination que ce soit, perçus au nom, ou au profit du Gouvernement, des administrations locales, ou d'etablissemens particuliers quelconques, que si l'importation avait lieu en batimens nationaux.

Et réciproquement tout ce qui pourra légalement être importé dans le Royaume de la Grèce par batimens Grecs, pourra légalement y être importé par batimens des Etats Unis d'Amerique de quelque lieu qu'ils viennent, sans payer d'autres ou plus hauts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du Gouvernement, des administrations locales, ou d'etablissemens particuliers quelconques, que si l'importation avait lieu en batimens nationaux.

ARTICLE IV.

Tout ce qui pourra légalement être exporté des Etats Unis d'Amérique par batimens des dits Etats, pourra également en être exporté par batimens Grecs, sans payer d'autres ou plus haut droits ou charge de quelque espèce ou dénomination que ce soit perçus au nom ou au profit du Gouvernment, des administrations locales, ou d'etablissemens particuliers quelconques, que si l'exportation avait lieu en batimens nationaux.

Et réciproquement, tout ce qui pourra légalement être exporté du Royaume de la Grèce par batimens Grecs, pourra également en être exporté par batimens des Etats Unis d'Amérique, sans payer d'autres ou plus hauts droits ou charges de quelque espèce ou dénomination que ce soit, perçus ou nom ou au profit du Gouvernement; des administrations locales, ou d'etablissments particuliers quelconques, que si l'exportation avait lieu en batimens nationaux.

ARTICLE V.

Il est expressement entendu que les articles précédens, deux, trois et quatre, ne sont point applicables à la navigation de côte, ou de cabotage d'un port des Etats Unis d'Amerique à un autre port des dits Etats, ni à la navigation d'un port du Royaume de la Grèce à un autre port du même Royaume, navigation que chacune des deux hautes parties contractantes se réserve.

ARTICLE VI.

Chacune des deux hautes parties contractantes s'engage à ne donner dans ses achats, ou dans ceux qui seraient faits par des compagnies ou des agens agissant en son nom, ou sous son autorité aucune préférence aux importations faites par ses batimens, ou par ceux d'une nation tierce, sur celle faites dans les batimens de l'autre partie contractante.

ARTICLE VII.

Les deux hautes parties contractantes s'engagent à ne pas etablir sur la navigation entre leurs territoires respectifs, par les batimens de l'une ou de l'autre des droits de tonnage ou autres de quelque espèce ou dénomination que ce soit, plus hauts ou autres que ceux qui seront établis sur toute autre navigation, excepté celle qu'elles se sont respectivement reservée par l'article cinque du présent traité.

ARTICLE VIII.

No prohibition, &c. to be established in U. S. on the products of Greece, unless, &c.

There shall not be established in the United States of America, upon the products of the soil, or industry of the Kingdom of Greece, any prohibition, or restriction, of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties shall likewise be established upon articles of a like nature, the growth of any other country.

Same as to Greece.

And, reciprocally, there shall not be established in the Kingdom of Greece, on the products of the soil, or industry of the United States of America, any prohibition, or restriction, of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties, be likewise established upon articles of like nature, the growth of any other country.

ARTICLE IX.

All privileges of transit, &c. to become common.

All privileges of transit, and all bounties and drawbacks which may be allowed within the territories of one of the high contracting parties, upon the importation or exportation of any article whatsoever, shall likewise be allowed on the articles of like nature, the products of the soil, or industry of the other contracting party, and on the importations and exportations made in its vessels.

ARTICLE X.

Vessels entering the ports of either party, but not wishing to unload, may depart.

The citizens or subjects of one of the high contracting parties, arriving with their vessels on the coasts belonging to the other, but not wishing to enter the port; or, after having entered therein, not wishing to unload any part of their cargo, shall be at liberty to depart and continue their voyage without paying any other duties, imposts, or charges whatsoever, for the vessel and cargo, than those of pilotage, wharfage, and for the support of lighthouses, when such duties shall be levied on national vessels in similar cases. It is understood, however, that they shall always conform to such regulations and ordinances concerning navigation and the places and ports which they may enter, as are, or shall be, in force with regard to national vessels, and that the custom-house officers shall be permitted to visit them, to remain on board, and to take all such precautions as may be necessary to prevent all unlawful commerce, as long as the vessels shall remain within the limits of their jurisdiction.

Custom-house regulations, &c. to which they must conform.

ARTICLE XI.

Vessels unloading part of their cargo, may depart without paying duties on the remainder.

It is further agreed, that the vessels of one of the high contracting parties, having entered into the ports of the other, will be permitted to confine themselves to unloading such part only of their cargoes as the captain or owner may wish, and that they may freely depart with the remainder, without paying any duties, imposts, or charges whatsoever, except for that part which shall have been landed, and which shall be marked upon and erased from the manifest exhibiting the enumeration of the articles with which the vessel was laden; which manifest shall be presented entire at the custom-house of the place where the vessel shall have entered. Nothing shall be paid on that part of the cargo which the vessel shall carry away, and with which it may continue its voyage to one or several other ports of the same country, there to dispose of the remainder of its cargo, if composed of articles whose importation is permitted on paying the duties chargeable upon it, or it may proceed to any other country. It is understood, however, that all duties, imposts, or charges whatsoever, which are or may become chargeable upon the vessels themselves, must be paid at the first port where they

Duties chargeable on the vessels, where to be paid.

ARTICLE VIII.

Il ne pourra pas être établi dans les Etats Unis d'Amerique, sur les productions du sol ou de l'industrie de la Grèce, aucune prohibition ou restriction d'importation ou d'exportation, ni aucuns droits de quelque espèce ou dénomination que ce soit, qu'autant que ces prohibitions, ces restrictions, et ces droits seraient également établis sur les objets de même nature provenant de toute autre contrée.

Et réciproquement, il ne pourra pas être établi dans le Royaume de la Grèce, sur les productions du sol ou de l'industrie des Etats Unis d'Amerique aucune prohibition ou restriction d'importation ou d'exportation, ni aucuns droits, de quelque espèce ou dénomination que ce soit, qu'autant que ces prohibitions, ces restrictions et ces droits, seraient également établis sur les objets de même nature, provenant de toute autre contrée.

ARTICLE IX.

Toute faculté d'entrepôt et toute primes et remboursemens de droits qui seraient accordés dans les territoires d'une des hautes parties contractantes, à l'importation ou à l'exportation de quelque objet que ce soit, seront également accordés aux objets de même nature, produits du sol ou de l'industrie de l'autre partie contractante, et aux importations et exportations faites dans ses batimens.

ARTICLE X.

Les citoyens ou sujets de l'une des hautes parties contractantes arrivant avec leurs batimens á l'une des côtes appartenants à l'autre, mais ne voulant pas entrer dans le port, ou, après y être entrés, ne voulant décharger aucune partie de leur cargaison, auront la liberté de partir et de poursuivre leur voyage, sans payer d'autres droits, impôts ou charges quelconques, pour le batiment ou la cargaison que les droits de pilotage, de quayage, et d'entretien de fanaux quand ces droits sont perçus sur les batimens nationaux dans les mêmes cas. Bien entendu, cependant qu'ils se conformeront toujours aux réglemens et ordonnances concernant la navigation et les places ou ports dans les quels ils pourront aborder, qui sont, ou seront en vigueur pour les batimens nationaux, et qu'il sera permis aux officiers des douanes de les visiter, de rester à bord, et de prendre telles précautions qui pourraient être necessaires pour prévenir toute commerce illicite, pendant que les batimens resteront dans l'enceinte de leur jurisdiction.

ARTICLE XI.

Il est aussi convenu que les batimens de l'une des hautes parties contractantes, étant entrés dans les ports de l'autre pourront se borner à ne décharger qu'une partie de leur cargaison, selon que le capitaine ou proprietaire le désirera, et qu'ils pourront s'en aller librement avec le reste, sans payer de droits, impôts ou charges quelconques, que pour la partie qui aura été mise à terre, et qui sera marquée et biffeé sur le manifeste, qui contiendra l'énumeration des effets dont le batiment était chargé, lequel manifeste devra être presenté en entier à la douane du lieu, où le batiment aura abordé. Il ne sera rien payé pour la partie de la cargaison que le batiment remportera et avec laquelle il pourra continuer sa route pour un ou plusieurs autres ports du même pays, et y disposer du reste de sa cargaison, si elle est composée d'objets dont l'importation est permise, en payant les droits qui y sont applicables, ou bien il pourra s'en aller dans tout autre pays. Il est cependant entendu que les droits, impôts ou charges quelconques, qui sont ou seront payables pour les batimens mêmes, doivent être acquittés au premier port où ils rompraient le chargement ou en déchargeraient une partie, mais

shall break bulk, or unlade part of their cargoes; but that no duties, imposts, or charges of the same description shall be demanded anew in the ports of the same country, which such vessels might afterwards wish to enter, unless national vessels be in similar cases, subject to some ulterior duties.

ARTICLE XII.

Consuls, &c. Their authority and privileges.

Each of the high contracting parties grants to the other the privilege of appointing in its commercial ports and places, consuls, vice-consuls, and commercial agents, who shall enjoy the full protection and receive every assistance necessary for the due exercise of their functions; but it is expressly declared that in case of illegal or improper conduct with respect to the laws or government of the country in which said consuls, vice-consuls, or commercial agents, shall reside, they may be prosecuted and punished conformably to the laws, and deprived of the exercise of their functions by the offended Government, which shall acquaint the other with its motives for having thus acted; it being understood, however, that the archives and documents relative to the affairs of the consulate shall be exempt from all search, and shall be carefully preserved under the seals of the consuls, vice-consuls, or commercial agents, and of the authority of the place where they may reside.

Archives, &c. of consulates exempt from search.

Consuls, &c. to judge and arbitrate in certain cases.

The consuls, vice-consuls, or commercial agents, or the persons duly authorized to supply their places, shall have the right as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captain, should disturb the order or tranquillity of the country; or the said consuls, vice-consuls, or commercial agents, should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

ARTICLE XIII.

Consuls, &c. may require the assistance of the local authorities for the arrest of deserters.

The said consuls, vice-consuls, or commercial agents, are authorized to require the assistance of the local authorities for the arrest, detention, and imprisonment of the deserters from the ships of war and merchant vessels of their country, and for this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews, and on this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls, or commercial agents, and may be confined in the public prisons at the request and cost of those who claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within the space of two months, reckoning from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

Deserters, when arrested, how to be disposed of.

If a deserter should be guilty of any crime, &c.

It is understood, however, that if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

qu'aucuns droits, impôts, ou charges pareils, ne seront démandés de nouveau, dans les ports du même pays, ou les dits batimens pourraient vouloir entrer, après, à moins que les batimens nationaux ne soient sujets à quelques droits ultérieurs dans le même cas.

ARTICLE XII.

Chacune des hautes parties contractantes, accorde à l'autre la faculté d'entretenir dans ses ports et places de commerce, des Consuls, Vice Consuls, ou Agens de commerce, qui jouiront de toute la protection, et reçevront toute l'assistance necessaire pour remplir duement leur fonctions; mais il est expressément déclaré que dans le cas d'une conduite illégale ou impropre envers les lois ou le Gouvernement du pays dans lequel les dits Consuls, Vice Consuls, ou Agens de commerce résideraient, ils pourront être poursuivis et punis conformément aux lois, et privés de l'exercise de leurs fonctions, par le Gouvernement offensé, qui fera connoitre à l'autre ses motifs pour avoir agi ainsi, 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 sous le scellé des Consuls, Vice Consuls, ou Agens commerciaux, et de l'autorité de l'endroit ou ils résideraient.

Les Consuls, Vice Consuls, et Agens commerciaux, ou ceux qui seraient duement autorisés à les suppléer, auront le droit comme tels de servir de juges et d'arbitres dans les differens qui pourraient s'élever entre les capitaines et les équipages des batimens de la nation dont ils soignent les interêts, sans que les autorités locales puissent y entrevenir, à moins que la conduite des équipages ou du capitaine ne troublat l'ordre ou la tranquilité du pays, ou que les dits Consuls, Vice Consuls ou Agens commerciaux ne requissent leur intervention pour faire exécuter ou maintenir leurs décisions. Bien entendu que cette espèce de jugement ou d'arbitrage ne saurait pourtant priver les parties contendants du droit qu'elles ont à leur retour de recourir aux autorités judiciaires de leur patrie.

ARTICLE XIII.

Les dits Consuls, Vice Consuls, ou Agens commerciaux seront autorisés à réquérir l'assistance des autorités locales pour l'arrestation, la détention, et l'emprisonnement de déserteurs des navires de guerre et marchands de leur pays, et ils s'adresseront pour cet objet aux tribunaux, juges, et officiers compétens et réclameront par écrit les déserteurs sus mentionnés, en prouvant par la communication des régistres des navires, ou rôles de l'equipage, ou par d'autres documens officiels que de tels individus ont fait partie des dits équipages, et cette reclamation ainsi prouvée, l'extradition ne sera point refusée.

De tels déserteurs, lorsqu'ils auront été arrêtés, seront mis à la disposition des dits Consuls, Vice Consuls, ou Agens commerciaux, et pourront être enfermés dans les prisons publiques à la réquisition et aux frais de ceux que les reclament, pour être envoyés aux navires aux quels ils appartenaient ou à d'autres de la même nation. Mais s'ils ne sont pas renvoyés dans l'espace de deux mois, à compter du jour de leur arrestation, ils seront mis en liberté, et ne seront plus arrêtés pour la même cause.

Il est entendu toute fois que si le déserteur se trouvoit avoir commis quelque crime ou délit, il pourra être sursis à son extradition jusqu'à ce que le tribunal nanti de l'affaire, aura rendu sa sentence, et que celle-ci ait reçu son exécution.

ARTICLE XIV.

Assistance to shipwrecked vessels, &c.

In case any vessel of one of the high contracting parties shall have been stranded or shipwrecked, or shall have suffered any other damage on the coasts of the dominions of the other, every aid and assistance shall be given to the persons shipwrecked, or in danger, and passports shall be granted to them to return to their country. The shipwrecked vessels and merchandise, or their proceeds, if the same shall have been sold, shall be restored to their owners, or to those entitled thereto, if claimed within a year and a day, upon paying such costs of salvage as would be paid by national vessels, in the same circumstances, and the salvage companies shall not compel the acceptance of their services, except in the same cases, and after the same delays as shall be granted to the captains and crews of national vessels. Moreover, the respective Governments will take care that these companies do not commit any vexatious or arbitrary acts.

ARTICLE XV.

Quarantine.

It is agreed, that vessels arriving directly from the United States of America, at a port within the dominions of his Majesty the King of Greece, or from the Kingdom of Greece, at a port of the United States of America, and provided with a bill of health, granted by an officer having competent power to that effect, at the port whence such vessels shall have sailed, setting forth that no malignant or contageous diseases prevailed in that port, shall be subjected to no other quarantine than such as may be necessary for the visit of the health officer of the port where such vessels shall have arrived, after which said vessels shall be allowed immediately to enter and unload their cargoes; provided, always, that there shall be on board no person who, during the voyage, shall have been attacked with any malignant or contagious diseases; that such vessels shall not during their passage have communicated with any vessel liable itself to undergo a quarantine, and that the country whence they came, shall not at that time be so far infected or suspected, that before their arrival, an ordinance had been issued, in consequence of which, all vessels coming from that country should be considered as suspected, and consequently subject to quarantine.

ARTICLE XVI.

Merchant vessels attempting to enter a blockaded port, &c.

Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom, with respect to the various events which may take place; it is agreed, that a merchant vessel belonging to either of them, which may be bound to a port supposed at the time of its departure to be blockaded, shall not, however, be captured or condemned, for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learned during its voyage, that the blockade of the place in question still continued. But all vessels which after having been warned off once shall during the same voyage attempt a second time to enter the same blockaded port, during the continuance of said blockade, shall then subject themselves to be detained and condemned.

ARTICLE XVII.

Duration of the treaty.

The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications, and if, before the expiration of the first nine years, neither of the high contracting parties shall have announced by an official notification to the other its intention to

ARTICLE XIV.

Dans le cas où quelque batiment de l'une des hautes parties contractantes aura échoué, fait naufrage ou souffert quelque autre dommage sur les côtes de la domination de l'autre, il sera donné tout aide et assistance aux personnes naufragées ou qui se trouveraient en danger, et il leur sera accordé des passeports pour retourner dans leur patrie. Les batimens et les marchandises naufragés, ou leurs produits s'ils ont été vendus, seront restitueés à leurs propriétaires ou ayant cause, s'ils sont réclamés dans l'an et jour, en payant les frais de sauvetage que payeroient les batimens nationaux dans les mêmes cas, et les compagnies de sauvetage ne pourront faire accepter leurs services, que dans les mêmes cas, et après les mêmes délais qui seraient accordés aux capitaines et aux équipages nationaux. Les Gouvernmens respectifs veilleront d'ailleurs à ce que ces compagnies ne se permettent point de vexations ou d'actes arbitraires.

ARTICLE XV.

Il est convenu que les batimens qui arriveront directement des Etats Unis d'Amerique, à un port de la domination de Sa Majesté le Roi de la Grece, ou du Royaume de la Grèce à un port des Etats Unis d'Amérique, et qui seroient pourvus d'un certificat de santé donné par l'officier compétent à cet égard du port d'où les batimens sont sortis, et assurant qu'aucune maladie maligne ou contagieuse n'existait dans ce port, ne seront soumis à aucune autre quarantaine que celle qui sera nécessaire pour la visite de l'officier de santé du port où les batimens seroient arrivés, après la quelle il sera permis à ces batimens d'entrer immédiatement et de décharger leurs cargaisons; bien entendu, toute fois, qu'il n'y ait eu personne à leur bord qui ait été attaqué pendant le voyage d'une maladie maligne, ou contagieuse; que les batimens n'aient point communiqué dans leur traversée avec un batiment qui serait lui même dans le cas de subir une quarantaine, et que la contrée d'où ils viendraient ne fut pas a cette époque si généralement infectée ou suspectée qu'on ait rendu avant leur arrivée, une ordonnance d'après la quelle tous les batimens venant de cette contrée seraient régardés comme suspects, et, en conséquence, assujettis à une quarantaine.

ARTICLE XVI.

Vû l'éloignement des pays respectifs des deux hautes parties contractantes, et l'incertitude qui en resulte sur les divers événemens qui peuvent avoir lieu, il est convenu qu'un batiment marchand appartenant à l'une d'elles qui se trouverait destiné pour un port supposé bloqué au moment du départ de ce batiment, ne sera cependant pas capturé ou condamné pour avoir essayé une prémière fois d'entrer dans le dit port, à moins qu'il ne puisse être prouvé que le dit batiment avait pu et du apprendre en route que l'Etat de blocus de la place en question durait encore; mais les batimens qui après avoir été renvoyés une fois essayeraient, pendant le même voyage d'entrer une seconde fois dans le même port bloqué, durant la continuation de ce blocus se trouveront alors sujet à être détenus et condamnés.

ARTICLE XVII.

Le présent traité sera en vigueur pendant dix années à partir du jour de l'échange des ratifications; et si avant l'expiration des neufs premières années l'une ou l'autre des Hautes Parties Contractantes n'avait pas annoncée à l'autre, par une notification officielle, son intention d'en

arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

ARTICLE XVIII.

Ratifications to be exchanged in 12 months.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate, and by His Majesty the King of Greece, and the ratifications to be exchanged at London, within the space of twelve months, from the signature, or sooner, if possible.

In faith whereof, the respective Plenipotentiaries of the high contracting parties, have signed the present treaty, both in English and French, and have affixed thereto their seals.

Done in duplicate at London, the $\frac{\text{tenth}}{\text{twenty-second}}$ of December, in the year of our Lord one thousand eight hundred and thirty-seven.

A. STEVENSON, (L. S.)
S. TRICOUPI, (L. S.)

faire cesser l'effet, ce traité restera obligatoire une année au dela, et ainsi de suite jusqu'à l'expiration des douze mois, qui suivront une semblable notification à quelqu'époque qu'elle ait lieu.

ARTICLE XVIII.

Le présent traité sera ratifié par le Président des Etats Unis d'Amérique, par et avec l'avis et le consentement du Sénat, et par sa Majesté le Roi de la Grèce, et les ratifications en seront échangées à Londres dans l'espace de douze mois, ou ploutôt, si faire se peut.

En foi de quoi les Plénipotentiaires respectifs des deux hautes parties contractantes ont signé le présent traité en Anglais et Français, et y ont apposé leurs scéaux.

Fait en duplicate à Londres le $\frac{\text{dix}}{\text{vingt-deux}}$ de Décembre, l'an de Grâce mil huit cent trente sept.

S. TRICOUPI, (L. S.)
A. STEVENSON, (L. S.)

CONVENTION

April 11, 1838.

Ratifications exchanged, July 6, 1838. Proclamation of the President of the U. S., July 6, 1838.

Between the Government of the United States of America and the Government of the Republic of Texas, to terminate the reclamations of the former Government, for the capture, seizure, and detention of the brigs Pocket, and Durango, and for injuries suffered by American citizens on board the Pocket.

ALCÉE LA BRANCHE, Chargé d'Affaires of the United States of America, near the Republic of Texas, acting on behalf of the said United States of America, and R. A. Irion, Secretary of State of the Republic of Texas, acting on behalf of the said Republic, have agreed to the following articles.

Texas agrees to indemnify U. S.

ART. 1. The Government of the Republic of Texas, with a view to satisfy the aforesaid reclamations for the capture, seizure, and confiscation of the two vessels aforementioned, as well as for indemnity to American citizens who have suffered injuries from the said Government of Texas, or its officers, obliges itself to pay the sum of eleven thousand seven hundred and fifty dollars, ($11,750,) to the Government of the United States of America, to be distributed amongst the claimants by the said Government of the United States of America.

Payment of said indemnity.

ART. 2. The sum of eleven thousand seven hundred and fifty dollars, (11,750,) agreed on in the first article shall be paid in gold or silver, with interest at six per cent. one year after the exchange of the ratifications of this convention. The said payment shall be made at the seat of Government of the Republic of Texas, into the hands of such person or persons as shall be duly authorized by the Government of the United States of America to receive the same.

Ratifications to be exchanged within three months.

ART. 3. The present convention shall be ratified, and the ratifications thereof shall be exchanged in the city of Washington, in the space of three months from this date, or sooner, if possible.

In faith whereof, the parties above named have respectively subscribed these articles, and thereto affixed their seals.

Done at the city of Houston, on the eleventh day of the month of April, one thousand eight hundred and thirty-eight.

ALCÉE LA BRANCHE, (L. S.)
R. A. IRION, (L. S.)

CONVENTION

Between the United States of America and the Republic of Texas, for marking the boundary between them. (a)

April 25, 1838.

Ratifications exchanged, Oct. 12, 1838.
Proclamation of the President of the U. S., Oct. 13, 1838.

(a) See ante, page 372.

WHEREAS the treaty of limits made and concluded on the twelfth day of January, in the year of our Lord one thousand eight hundred and twenty-eight between the United States of America on the one part and the United Mexican States on the other, is binding upon the Republic of Texas, the same having been entered into at a time when Texas formed a part of the said United Mexican States:

And whereas it is deemed proper and expedient in order to prevent future disputes and collisions between the United States and Texas in regard to the boundary between the two countries as designated by the said treaty, that a portion of the same should be run and marked without unnecessary delay:

The President of the United States has appointed John Forsyth, their plenipotentiary, and the President of the Republic of Texas has appointed Memucan Hunt its plenipotentiary:

And the said plenipotentiaries having exchanged their full powers, have agreed upon and concluded the following articles:

Commissioner and surveyor to be appointed, to run the boundary line.

ART. 1. Each of the contracting parties shall appoint a commissioner and surveyor, who shall meet before the termination of twelve months from the exchange of the ratifications of this convention, at New Orleans, and proceed to run and mark that portion of the said boundary which extends from the mouth of the Sabine, where that river enters the Gulph of Mexico, to the Red river. 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 convention, 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.

Each party to exercise jurisdiction until the line is marked.

ART. 2. And it is agreed that until this line shall be marked out, as is provided for in the foregoing article, each of the contracting parties shall continue to exercise jurisdiction in all territory over which its jurisdiction has hitherto been exercised, and that the remaining portion of the said boundary line shall be run and marked at such time hereafter as may suit the convenience of both the contracting parties, until which time each of the said parties shall exercise without the interference of the other, within the territory of which the boundary shall not have been so marked and run, jurisdiction to the same extent to which it has been heretofore usually exercised.

Ratifications to be exchanged within six months.

ART. 3. The present convention shall be ratified, and the ratifications shall be exchanged at Washington, within the term of six months from the date hereof, or sooner if possible.

In witness whereof, we, the respective plenipotentiaries have signed the same, and have hereunto affixed our respective seals. Done at Washington, this twenty-fifth day of April, in the year of our Lord one thousand eight hundred and thirty-eight, in the sixty-second year of the independence of the United States of America, and in the third of that of the Republic of Texas.

JOHN FORSYTH, (L. S.)
MEMUCAN HUNT. (L. S.)

Nov. 26, 1838.

TREATY WITH SARDINIA.

Ratifications exchanged, March 18, 1839.
Proclamation of the President of the U. S., March 18, 1839.

THE United States of America and his Majesty the King of Sardinia desirous of consolidating the relations of good understanding which have hitherto so happily subsisted between their respective States and of facilitating and extending the commercial intercourse between the two countries, have agreed to enter into negotiations for the conclusion of a treaty of commerce and navigation, for which purpose the President of the United States has conferred full powers on Nathaniel Niles, their special agent near his Sardinian Majesty, and his Majesty the King of Sardinia has conferred like powers on the Count Clement Solar de la Marguerite, Grand Cross of the military and religious order of S. Maurice and S. Lazarus, of Isabella the Catholic of Spain, and Knight of the order of Christ, his first Secretary of State for the Foreign Affairs; and the said plenipotentiaries having exchanged their full powers, found in good and due form, have concluded and signed the following articles.

ARTICLE I.

Reciprocal liberty of commerce and navigation.

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports and commercial places of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories in order to attend to their affairs, and they shall enjoy to that effect the same security and protection as the natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing.

ART. II.

Vessels of either party, arriving in the ports of the other, put on the footing of national vessels.

Sardinian vessels arriving either laden or in ballast in the ports of the United States of America, and reciprocally vessels of the United States arriving either laden or in ballast in the ports of the dominions of his Sardinian Majesty, shall be treated on their entrance, during their stay and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage and port charges, as well as to the fees and perquisites of public officers and other duties or charges of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities or of any private establishment whatsoever.

ART. III.

Importations by American vessels into Sardinia.

All kind of merchandise and articles of commerce either the produce of the soil or the industry of the United States of America or of any other country, which may be lawfully imported into the ports of the dominions of Sardinia in Sardinian vessels, may also be so imported in vessels of the United States of America without paying other or higher duties or charges of whatever kind or denomination levied in the name or to the profit of the Government, the local authorities or of any private establishment whatsoever, than if the same merchandise or produce had been imported in Sardinian vessels.

Importations by Sardinian vessels into U. S.

And reciprocally all kind of merchandise and articles of commerce, either the produce of the soil, or of the industry of the dominions of Sardinia or of any other country, which may be lawfully imported into the ports of the United States, in vessels of the said States, may also be so imported in Sardinian vessels, without

TRAITÉ À SARDAIGNE.

Les Etats Unis d'Amérique, et sa Majesté le Roi de Sardaigne désirant consolider les rapports de bonne intelligence qui ont si heureusement subsisté jusqu'ici entre leurs Etats respectifs, et de faciliter et étendre les relations commerciales entre les deux pays, sont convenus d'entrer en négociation pour conclure un traité de commerce et de navigation. A cet effet le Président des Etats Unis a muni de pleins pouvoirs Nathaniel Niles, leur agent spécial auprès de sa Majesté Sarde; et sa Majesté le Roi de Sardaigne le Comte Clément Solar de la Marguerite Chevalier Grand Cordon de l'ordre religieux et militaire de S. Maurice et S. Lazare, Grande Croix de l'ordre d'Isabelle la Catholique d'Espagne, et Chevalier de l'ordre du Christ, son premier Secrétaire d'Etat pour les Affaires Etrangères; lesquels plénipotentiaires après avoir échangé leurs pleins pouvoirs trouvés en bonne et due forme, ont arreté et signé les articles suivans:

ARTICLE I.

Il y aura entre les territoires des hautes parties contractantes, liberté et réciprocité de commerce et de navigation. Les habitans de leurs Etats respectifs pourront entrer librement dans les ports des territoires de chacune d'elles, partout où le commerce étranger est permis. Ils pourront séjourner ou résider librement dans quelque partie que ce soit des dits territoires, pour y vaquer à leurs affaires, et ils jouiront à cet effet de la même sécurité et protection que les habitans du pays dans lequel ils resident, à la condition toutefois de se soumettre aux loix et aux règlemens qui y sont en vigueur.

ART. II.

Les bâtimens Sardes arrivant chargés ou sur lest dans les ports des Etats Unis d'Amérique, et réciproquement les bâtimens des Etats Unis d'Amérique arrivant chargés ou sur lest dans les ports de sa Majesté le Roi de Sardaigne, seront traités à leur entrée, pendant leur séjour et à leur sortie, sur le même pied que les bâtimens nationaux venant des mêmes parages, par rapport aux droits de tonnage, de fanaux, de pilotage, de péage, aux droits de port, vacations d'officiers publics, ainsi qu'à toutes les taxes et charges de quelque espèce ou dénomination que se soit, perçues au nom ou au profit du Gouvernement des autorités locales, ou d'établissemens particuliers quelconques.

ART. III.

Toute espèce de marchandises et objets de commerce provenant du sol ou de l'industrie des Etats Unis d'Amérique, ou de tout autre pays, qui pourront légalement être importés dans les ports des Etats de sa Majesté le Roi de Sardaigne par des bâtimens Sardes, pourront également y être importés par des bâtimens des Etats Unis sans être tenus à payer d'autres ou de plus forts droits de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du Gouvernement, des autorités locales, ou d'établissemens particuliers quelconques, que ceux que ces mêmes marchandises ou produits payeraient dans le même cas s'ils étaient importés sur des batimens Sardes. Et réciproquement, toute espèce de marchandises et objets de commerce provenant du sol ou de l'industrie du royaume de Sardaigne ou de tout autre pays, qui pourront être légalement importés dans les Etats Unis d'Amérique par des bâti-

paying other or higher duties or charges of whatever kind or denomination levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or produce had been imported in vessels of United States of America.

ART. IV.

Preceding stipulations, how applicable.

To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding articles are to their full extent applicable to Sardinian vessels and their cargoes arriving in the ports of the United States of America. And reciprocally to vessels of the said States, and their cargoes arriving in the ports of the dominions of Sardinia, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

ART. V.

Sardinian vessels may export from the U. S., &c.

All kind of merchandise and articles of commerce, which may lawfully be exported from the ports of the United States of America in national vessels, may also be exported therefrom in Sardinian vessels without paying other or higher duties or charges of whatever kind or denomination levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or articles of commerce had been exported in vessels of the United States of America. And reciprocally all kind of merchandise and articles of commerce which may be lawfully exported from the ports of the kingdom of Sardinia in national vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties, or charges of whatever kind or denomination levied in the name or to the profit of the Government, the local authorities or of any private establishment whatsoever, than if the same merchandise or articles of commerce had been exported in Sardinian vessels.

U. S. vessels may export from Sardinia, &c.

ART. VI.

No other or higher duties to be imposed on importations, &c.

No higher or other duties shall be imposed on the importation into the United States of any article the produce or manufacture of Sardinia: and no higher or other duties shall be imposed on the importation into the kingdom of Sardinia of any article the produce or manufacture of the United States than are or shall be payable on the same article being the produce, or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce of, or the manufacture of the United States or of Sardinia, to or from the ports of the United States, or to or from the ports of the kingdom of Sardinia which shall not equally extend to all other nations.

ART. VII.

Coasting trade excepted.

It is expressly understood and agreed that the preceding articles do not apply to the coastwise navigation of either of the two countries, which each of the two high contracting parties reserves exclusively to itself.

ART. VIII.

No preference of importations to be given by either party.

No priority or preference shall be given directly or indirectly by either of the high contracting parties, nor by any company corporation or agent acting in their behalf, or under their authority in the purchase of

mens de ces mêmes Etats, pourront également y être importés par des bâtimens Sardes, sans payer d'autres ou de plus forts droits de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du Gouvernement, des autorités locales, ou d'un établissement particulier quelconque, que ceux que ces mêmes marchandises ou produits payeraient dans le même cas s'ils étaient importés sur des bâtimens des Etats Unis d'Amérique.

ART. IV.

Afin de prévenir toute espèce de mésentendu, il est convenu que les dispositions contenues dans les articles 2 et 3 sont applicables dans toute leur étendue aux bâtimens Sardes et à leurs cargaisons, arrivant dans les ports des Etats Unis d'Amérique, et réciproquement aux bâtimens des dits Etats et à leurs cargaisons arrivant dans les ports de sa Majesté le Roi de Sardaigne, soit que ces bâtimens viennent directement des ports du pays auquel ils appartiennent, soit de ceux de tout autre pays étranger.

ART. V.

Toute espèce de marchandises et objets de commerce qui pourront être légalement exportés des ports des Etats Unis d'Amérique sur des bâtimens nationaux, pourront en être également exportés sur des bâtimens Sardes, sans payer d'autres ou de plus forts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du Gouvernement, des autorités locales, ou d'un établissement particulier quelconque que ceux qui seraient payés pour les mêmes marchandises et objets de commerce qui auraient été exportes sur des bâtimens des Etats Unis d'Amérique; et réciproquement toute espèce de marchandises ou objets de commerce qui pourront être légalement exportés des ports de sa Majesté le Roi de Sardaigne sur des bâtimens nationaux pourront également en être exportés sur des bâtimens des Etats Unis d'Amérique, sans payer d'autres ou de plus forts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du Gouvernement, des autorités locales, ou d'établissemens particuliers quelconques, que ceux qui seraient payés pour les mêmes marchandises ou objets de commerce, s'ils avaient été exportés sur des bâtimens Sardes.

ART. VI.

Il ne sera imposé d'autres ou de plus forts droits sur l'importation dans les Etats Unis d'Amérique de tout article provenant du sol ou de l'industrie du royaume de Sardaigne, et il ne sera imposé d'autres ou de plus forts droits sur l'importation dans le royaume de Sardaigne de tout article provenant du sol ou de l'industrie des Etats Unis, que ceux qui sont ou seront imposés sur de semblables articles provenant du sol ou de l'industrie de tout autre pays étranger. De même on ne mettra aucune entrave ou prohibition quelconque à l'importation ou à l'exportation de tout article provenant du sol ou de l'industrie des Etats Unis d'Amérique ou du royaume de Sardaigne, à l'entrée ou à la sortie des ports de chaques pays, qui ne soit pas également applicable à toute autre nation.

ART. VII.

Il est expressément entendu que les articles, précédens ne sont point applicables à la navigation de côte ou cabotage de chacun des deux pays que l'une et l'autre des deux nations se reservent exclusivement.

ART. VIII.

Aucune priorité ou préférence quelconque ne sera accordée directement ou indirectement par l'une ou l'autre des parties contractantes, ni par aucune compagnie, corporation ou agent agissant en son nom ou

any article of commerce lawfully imported on account of, or in reference to the character of the vessel, whether it be of the one party or the other, in which such article was imported, it being the true intent and meaning of the contracting parties, that no distinction or difference whatever shall be made in this respect.

ART. IX.

Favors granted by either party to other nations, to become common.

If either party shall hereafter grant to any other nation any particular favor in commerce or navigation, it shall immediately become common to the other party, freely where it is freely granted to such other nation, or on yielding the same or an equivalent compensation when the grant is conditional.

ART. X.

Vessels, &c. to be on the same footing as those of the most favored nations.

Vessels of either of the high contracting parties arriving on the coasts of the other, but without the intention to enter a port, or having entered not wishing to discharge the whole, or any part of their cargoes, shall enjoy in this respect the same privileges, and be treated in the same manner as the vessels of the most favored nations.

ART. XI.

Assistance in case of shipwreck, &c.

When any vessel belonging to either of the contracting parties, or to their citizens, or subjects shall be wrecked, foundered, or otherwise suffer damage on the coasts, or within the dominions of the other, there shall be given to such vessel and all persons on board every aid and protection, in like manner as is usual and customary to vessels of the nation where such shipwreck or damage happens, and such shipwrecked vessel, its merchandise, and other effects, or their proceeds, if the same shall have been sold, shall be restored to their owners, or to those entitled to receive them, upon the payment of such costs of salvage as would have been paid by national vessels in the same circumstances.

ART. XII.

Vessels forced into port, &c., exempt from port charges, provided, &c.

Sardinian merchant vessels being forced from stress of weather or other unavoidable causes to enter a port of the United States of America, and reciprocally, merchant vessels of the said States, entering the ports of his Sardinian Majesty from similar causes, shall be exempt from port charges and all other duties levied to the profit of the Government, in case the causes which have rendered such entry necessary are real and evident, provided such vessel does not engage in any commercial operation while in port, such as loading and unloading merchandize, it being understood nevertheless that the unloading, and reloading rendered necessary for the repair of the said vessel shall not be considered an act of commerce affording ground for the payment of duties, and provided also that the said vessel shall not prolong her stay in port beyond the time necessary for the repair of her damages.

ART. XIII.

Vessels attempting to enter a blockaded port, &c.

Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom with respect to the various events which may take place, it is agreed that a merchant vessel, belonging to either of them which may be bound to a port supposed, at the time of its departure to be blockaded, shall not however be captured, or condemned for having attempted a first time to enter said port, unless it can be proved that said vessel could, and ought to have learned during its voyage, that the blockade of the place in

par son autorité, pour l'achat d'aucun objet de commerce, légalement importé par considération ou préférence pour la nationalité, du bâtiment qui aurait importé les dits objets, soit qu'il appartienne à l'une ou à l'autre des parties dans les ports de laquelle ces objets de commerce auront été importés, l'intention et la volonté précise des hautes parties contractantes, étant qu'aucune différence ou distinction quelconque n'ait lieu à cet égard.

ART. IX.

Si par la suite l'une des parties contractantes accordait quelque faveur spéciale à d'autres nations en fait de commerce ou de navigation, cette faveur deviendra immédiatement commune à l'autre partie qui en jouira sans charge d'aucune espèce, si elle a été accordée gratuitement à l'autre nation, ou en accordant la même compensation ou une autre équivalente, si la concession a été conditionelle.

ART. X.

Les bâtimens de l'une des deux parties contractantes abordant à quelque côte de la dépendance de l'autre, mais n'ayant pas l'intention d'entrer au port, ou y étant entrés ne voulant pas y décharger tout ou une partie de leur cargaison, jouiront des mêmes privilèges et seront traités à cet égard de la même manière que les bâtimens des nations les plus favorisées.

ART. XI.

S'il arrivait qu'un vaisseau appartenant à l'une des deux parties contractantes ou bien à ses citoyens ou sujets, fit naufrage, sombrât, ou souffrit quelqu'autre dommage sur les côtes ou dans les Etats soumis à l'autre partie, il sera accordé à ces navires et à toutes les personnes qui seront à bord le même secours et la même protection dont jouissent ordinairement les bâtimens de la nation où le naufrage a eu lieu; et ces vaisseaux naufragés les marchandises ou autres effets qu'ils contiendront, ou leur produit, si ces objets avaient été déjà vendus, seront restitués à leurs propriétaires ou à leurs ayant droit, en payant un droit de sauvetage égal à celui qui serait payé dans le même cas, par un vaisseau national.

ART. XII.

Tout bâtiment de commerce Sarde entrant en relâche forcée dans un port des Etats Unis d'Amérique; et réciproquement tout bâtiment de commerce des dits Etats entrant en relâche forcée dans un port de sa Majesté le Roi de Sardaigne, y sera exempt de tout droit de port et de navigation, perçu ou à percevoir au profit de l'Etat, si les causes qui ont nécessité la relâche sont réelles et évidentes, pourvu qu'ils ne se livrent dans le port de relâche à aucune opération de commerce en chargeant où déchargeant des marchandises; bien entendu toutefois que les déchargemens et rechargemens motivés par l'obligation de réparer le bâtiment ne seront point considérés comme opérations de commerce donnant ouverture au payement des droits, et pourvu que le bâtiment ne prolonge pas son séjour dans le port au delà du tems nécessaire d'après les causes qui auront donné lieu à la relâche.

ART. XIII.

Vu l'éloignement des pays respectifs des deux hautes parties contractantes et l'incertitude qui en résulte sur les divers évènemens qui peuvent avoir lieu; il est convenu qu'un bâtiment marchand appartenant à l'une d'elles qui se trouverait destiné pour un port supposé bloqué au moment du départ 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 avait pu et dû apprendre en route que l'état du blocus de la place en question du-

question still continued. But all vessels which after having been warned off once, shall, during the same voyage, attempt a second time to enter the same blockaded port during the continuance of the said blockade, shall then subject themselves to be detained and condemned.

ART. XIV.

Articles of commerce allowed to pass from Genoa through the Sardinian territories, &c.

All articles of commerce the growth or manufacture of the United States of America, and the products of their fisheries, with the exception of salt, gunpowder and tobacco manufactured for use, shall be permitted to pass in transitu from the free port of Genoa through the territories of his Sardinian Majesty to any point of the inland frontier of the said territories, and *vice versa*, all articles of commerce coming from any one point of the Sardinian inland frontier destined for the United States, shall be permitted to pass the territories of his Sardinian Majesty to the free port of Genoa without being liable to the payment of any duty whatever levied in the name or to the profit of the Government, the local authorities or of any private establishment whatsoever, other than such as are required to meet the expenses of the necessary precautionary measures against smuggling, which precautionary measures to be observed in regard to transit to the frontier shall be the same whether the said articles of commerce are imported by the vessels of the one or of the other of the high contracting parties. But if peculiar circumstances or considerations should render the re-establishment of transit duties necessary on the said articles of commerce directed to any one point of the Sardinian frontier, the Sardinian Government, in reserving to itself the full right to establish such duty, engages to notify to the Government of the United States such determination six months before any such transit duty shall be exacted. It is also understood that all articles of commerce imported directly from the United States of America shall be taken and considered as the products of the said States, and shall be entitled equally and in like manner, with the exceptions above mentioned in the present article, to a free transit through the territories of his Sardinian Majesty.

Notice of any transit duty to be given.

Articles imported directly from U. S. to be considered as the produce thereof.

ART. XV.

Each party to have consuls, &c. in each other's ports.

Of consuls engaging in commerce.

The two high contracting parties reciprocally grant to each other the liberty of having each in the ports and other commercial places of the other, consuls, vice-consuls and commercial agents of their own appointment, who shall enjoy the same privileges, powers and exemptions as those of the most favoured nations. But if any of such consuls shall exercise commerce, they shall be subjected to the same laws and usages to which the private individuals of their nation, or subjects or citizens of the most favored nations are subject in the same places, in respect to their commercial transactions.

ART. XVI.

In case of citizens of one party being appointed consuls by the other.

It is especially understood that whenever either of the two contracting parties shall select for a consular agent to reside in any port or commercial place of the other party a subject or citizen of this last, such consul or agent shall continue to be regarded, notwithstanding his quality of a foreign consul, as a subject or citizen of the nation to which he belongs, and consequently shall be submitted to the laws and regulations to which natives are subjected in the place of his residence. This obligation however shall in no respect embarrass the exercise of his consular functions, or affect the inviolability of the consular archives.

ART. XVII.

The said consuls, vice-consuls and commercial agents are authorized to require the assistance of the local authorities for the search, arrest,

rait encore. Mais les bâtimens qui, après avoir été renvoyés une première fois, essayeraient pendant le même voyage d'entrer une seconde fois dans le même port bloqué durant la continuation de ce blocus, se trouveront alors sujets à être détenus et condamnés.

ART. XIV.

Les articles de commerce, produits du sol ou des manufactures des Etats Unis d'Amérique, et des pêches de ce pays, excepté le sel, la poudre à canon et le tabac fabriqué, pourront librement passer du port-franc de Gênes à travers le territoire de sa Majesté Sarde à un point quelconque de la frontière intérieure du dit territoire; et *vice versa* tous les articles de commerce venant par un point quelconque de la frontière intérieure Sarde, qui seront destinés pour les Etats Unis, pourront traverser les Etats de sa Majesté le Roi de Sardaigne jusqu'au port-franc de Gênes sans être tenus de payer aucune espèce de droit perçus au nom ou au profit du Gouvernement, des autorités locales ou d'un etablissement particulier quelconque excepté ceux nécessaires pour couvrir les frais qu'exigent les précautions et les mesures contre la fraude et la contrebande, et qui ne seraient pas également applicables au transit des mêmes articles importés par les bâtimens de l'une ou l'autres des hautes parties contractantes. Mais si par des circonstances et des motifs particuliers il était jugé convenable ou nécessaire de retablir des droits de transit sur les articles susmentionnés dirigés par un point de la frontière Sarde, le Gouvernement de S. M. le Roi de Sardaigne s'en reserve le plein droit, s'engageant toutefois à notifier cette détermination au Gouvernement des Etats Unis six mois avant son exécution. Il est aussi convenu que tous les articles de commerce importés directement des Etats Unis d'Amérique seront reçus et considérés comme des produits des dits Etats et en cette qualité, auront également droit au libre transit à travers les Etats de sa Majesté le Roi de Sardaigne, sauf les exceptions mentionnés dans le présent article.

ART. XV.

Les deux hautes parties contractantes s'accordent mutuellement le droit d'envoyer dans les ports et villes commerçantes de leurs Etats respectifs des consuls, vice-consuls et agens commerciaux nommés par elles qui jouiront des mêmes privilèges, pouvoirs et exemptions dont jouissent ceux des nations les plus favorisées; mais dans le cas où quelques uns de ces consuls voudraient exercer le commerce, ils seront tenus de se soumettre aux mêmes loix et usages aux quels sont soumis dans le même lieu par rapport à leurs transactions commerciales, les particuliers de leur nation, et les sujets des états les plus favorisés.

ART. XVI.

Il est spécialement entendu que lorsqu'une partie contractante choisira pour son agent consulaire pour resider dans un port ou une ville commerçante de l'autre partie un sujet ou citoyen de celle-ci, ce consul ou agent continuera à être considéré malgré sa qualité de consul étranger, comme sujet ou citoyen de la nation à laquelle il appartient et qu'il sera par consèquent soumis aux loix et règlemens qui régissent les nationaux dans le lieu de sa résidence, sans que cette obligation puisse cependant gêner en rien l'exercice de ses fonctions consulaires, ni porter atteinte à l'inviolabilité des archives consulaires.

ART. XVII.

Les dits consuls, vice-consuls et agens commerciaux seront autorisés à requérir l'assistance des autorités locales pour la recherche, l'arresta-

Consuls, &c. may require the aid of the civil authorities to arrest deserters.

detention, and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents that such individuals formed part of the crews; and this reclamation thus substantiated, the surrender shall not be refused. Such deserters when arrested shall be placed at the disposal of the said consuls, vice-consuls or commercial agents and may be confined in the public prisons at the request and cost of those who shall claim them in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation or any other vessel whatsoever. But if not sent back within three months from the day of their arrest, they shall be set at liberty and shall not again be arrested for the same cause. If however the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case should be depending shall have pronounced its sentence and such sentence shall have been carried into execution.

Deserters must be sent back within three months.

ART. XVIII.

Power to dispose of personal goods, &c.

The citizens and subjects of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives, being citizens or subjects 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 will, paying such taxes and 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 representatives such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case until the lawful owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall finally be decided 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 one of the contracting parties such real estate would by the laws of the land descend on a citizen or subject of the other party who by reason of alienage may be incapable of holding it, he shall be allowed a reasonable time to sell such real estate, and to withdraw and export the proceeds without molestation and without paying to the profit of the respective Governments any other dues, taxes or charges than those to which the inhabitants of the country wherein said real estate is situated shall be subject to pay in like cases.

In case of real estate, alien heirs allowed time to dispose of the same.

ART. XIX.

Duration of the treaty.

The present treaty shall continue in force for ten years counting from the day of the exchange of the ratifications, and if, twelve months before the expiration of that period, neither of the high contracting parties shall have announced to the other by an official notification its intention to arrest the operation of the said treaty, it shall remain obligatory one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification, whatever is the time at which it may take place.

tion, la détention et l'emprisonnement des déserteurs des bâtimens de guerre et marchands de leur pays. Ils s'adresseront à cet effet aux tribunaux, juges, et officiers compétens, et reclameront par écrit les déserteurs susmentionnés en prouvant par la communication des régistres des bâtimens ou rôles des equipages, ou par d'autres documens officiels que ces individus ont fait partie des dits équipages. Cette reclamation ainsi prouvée l'extradition ne sera point refusée. Ces déserteurs lorsqu'ils auront été arrêtés seront mis à la disposition des dits consuls, vice-consuls ou agens commerciaux et pourront être enfermés dans les prisons publiques à la requisition et aux frais de ceux qui les reclament pour être retenus jusqu'au moment ou ils pourront être rendus aux bâtimens aux quels ils appartiennent, ou pour être renvoyès dans leur pays sur des bâtimens nationaux ou autres. Mais s'ils ne sont pas renvoyés dans l'espace de trois mois, à compter du jour de leur arrestation, ils seront mis en liberté et ne pourront plus être arrêtés pour la même cause. Toutefois si le déserteur se trouvait avoir commis quelque crime ou delit, il pourra être sursis à son extradition jusqu'à ce que le tribunal saisi de l'affaire ait rendu sa sentence, et que celle-ci ait reçu son exécution.

ART. XVIII.

Les sujets ou citoyens de chacune des parties contractantes pourront librement disposer par testament, donation, ou autrement, des biens personnels qu'ils posséderont dans les etats de l'autre, et leurs heritiers qui seront sujets ou citoyens de l'autre nation pourront succeder à leurs biens personnels soit en vertu d'un testament soit *ab intestato* et en prendre possession, soit en personne soit par d'autres agissant en leur nom: ils pourront en outre en disposer à leur gré en ne payant à cet effet que les mêmes impositions, taxes ou droits aux quels sont assujettis dans des cas semblables les habitans du pays où se trouvent les dits biens. En cas d'absence des heritiers, on donnera pour la conservation des dits biens les mêmes dispositions qu'on prendrait en pareil cas pour les propriétés des natifs du pays jusqu'à ce que le propriétaire ait fait les arrangemens nécessaires pour recueillir l'héritage. S'il s'élevait des contestations entre différens prétendans quant aux droits que chacun d'eux soutiendrait avoir sur la succession elles seront decidées en dernier ressort par les juges et selon les loix du pays où ces biens seront situés. Et si par la mort d'une personne possédant des biens fonds sur le territoire d'une des deux parties contractantes, ces biens fonds venaient à passer par la dernière volonté de leur possesseur à un citoyen ou sujet de l'autre partie qui par sa qualité d'étranger serait inhabile à les posséder, on lui accordera un délai convenable pour les vendre, pour en retirer et emporter le produit sans obstacles d'aucune sorte et sans qu'on lui impose au profit du Gouvernement respectif aucune taxe, imposition ou droit plus forts que ceux aux quels seraient soumis en pareils cas les habitans du pays où ces biens sont situés.

ART. XIX.

Le présent traité sera en vigueur pendant dix années à compter du jour de l'échange des ratifications et si un an avant ce terme l'une des parties contractantes n'avait pas annoncé à l'autre par une notification officielle, son intention d'en faire cesser l'effet le dit traité restera obligatoire pendant douze mois au delà de ce terme et ainsi de suite jusqu'à l'expiration des douze mois qui suivront une semblable déclaration quelle que soit l'époque à laquelle elle aurait eu lieu.

ART. XX.

Ratifications to be exchanged within ten months.

The present treaty 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 his Majesty the King of Sardinia, and the ratifications shall be exchanged in the city of Washington within ten months from the date of the signature thereof or sooner if possible.

In faith whereof the plenipotentiaries of the contracting parties have signed the present treaty and thereto affixed their respective seals.

Done at Genoa this 26th of November 1838.

NATHANIEL NILES, (L. S.)
SOLAR DE LA MARGUERITE, (L. S.)

SEPARATE ARTICLE.

U. S. at liberty to establish differential duties, in case, &c.

Circumstances of a peculiar nature rendering it necessary for his Sardinian Majesty to continue for a time differential duties to the disadvantage of foreign flags, on grain, olive oil, and wine, imported directly from the Black Sea, the ports of the Adriatic, and those of the Mediterranean, as far as Cape Trafalgar, notwithstanding the general provisions of the articles No. 2, 3, and 4 of the present treaty, it is distinctly understood and agreed by the high contracting parties, that the United States shall have full and entire liberty to establish countervailing differential duties on the same articles imported from the same places to the disadvantage of the Sardinian flag, in case the existing or any other differential duties on the said articles, shall be continued in force, to the disadvantage of the flag of the United States of America by his Sardinian Majesty, beyond a period of four years, counting from the day of the exchange of the ratifications of the present treaty and separate article, but all countervailing differential duties on the said articles shall cease to be exacted from the time the United States Government shall have been informed officially of the discontinuance of differential duties on the part of his Sardinian Majesty.

Effect of this article.

The present separate article shall have the same force and value as if it were inserted word for word in the treaty signed this day and shall be ratified in the same time.

In faith whereof, we the undersigned, by virtue of our full powers, have signed the present separate article and thereto affixed our respective seals.

Done at Genoa the 26th November 1838.

NATHANIEL NILES, (L. S.)
SOLAR DE LA MARGUERITE, (L. S.)

ART. XX.

Le présent traité sera approuvé et ratifié par le President des Etats Unis d'Amérique, par et avec l'avis et le consentement du Senat des dits Etats, et par sa Majesté le Roi de Sardaigne, et les ratifications en seront échangées à Washington dans dix mois de la date de la signature ou plutôt si faire se peut.

En foi de quoi les plénipotentiaires respectifs ont signé le présent traité et y ont apposé leurs cachets respectifs.

Fait à Gênes le 26 Novembre, 1838.

NATHANIEL NILES, (L. S.)
SOLAR DE LA MARGUERITE, (L. S.)

ARTICLE SÉPARÉ.

Sa Majesté Sarde jugeant convenable par des motifs particuliers de continuer à perçevoir pour à présent des droits differentiels au détriment des pavillons étrangers sur les bleds, l'huile d'olive et le vin importé directement de la mer Noire, des ports de la Mer Adriatique et de ceux de la Méditerannée jusqu'au Cap Trafalgar nonobstant les articles 2, 3, et 4 du présent traité, il est spécialement entendu et établi entre les hautes parties contractantes que les Etats Unis auront pleine et entière liberté d'établir des droits différentiels équivalens sur les mêmes articles importés des mêmes pays au détriment du pavillon Sarde dans le cas où la perception des droits différentiels continuerait à être exercée au détriment du pavillon des Etats Unis d'Amérique par sa Majesté le Roi de Sardaigne au delà de l'espace de quatre ans à compter du jour de l'échange des ratifications du présent traité et article séparé. Mais ces droits différentiels équivalens de quelque espèce qu'ils soyent sur les dits articles de commerce, cesseront d'être perçus du moment où le Gouvernement des Etats Unis aura été informé d'office de la cessation des droits différentiels de la part de sa Majesté Sarde.

Le présent article séparé aura la même force et valeur que s'il avait été inséré mot à mot dans le traité signé ajourd'hui et sera ratifié en même tems.

En foi de quoi nous soussignés en vertu de nos pleinspouvoirs avons signé le présent article séparé et y avons apposé nos cachets respectifs.

Fait à Gênes le 26me Novembre, 1838.

NATHANIEL NILES, (L. S.)
SOLAR DE LA MARGUERITE, (L. S.)

Jan. 19, 1839.

TREATY WITH THE KING OF THE NETHERLANDS. (a)

Ratifications exchanged, May 23, 1839. Proclamation of the President of the U. S., May 24, 1839.

THE United States of America and his Majesty the King of the Netherlands, anxious to regulate the commerce and navigation carried on between the two countries in their respective vessels, have, for that purpose, named plenipotentiaries, that is to say:

The President of the United States has appointed John Forsyth, Secretary of State of the said United States; and his Majesty the King of the Netherlands, Jonkheer Evert Marius Adrian Martini, member of the body of nobles of the province of North Brabant, knight of the order of the Netherland Lion, and his Chargé d'Affaires near the United States, who having exchanged their respective full powers, found in good and due form, have agreed to the following articles:

ARTICLE I.

Duties on imports and exports.

Goods and merchandise, whatever their origin may be, imported into or exported from the ports of the United States, from or to the ports of the Netherlands in Europe, in vessels of the Netherlands, shall pay no higher or other duties than shall be levied on the like goods and merchandise so imported or exported in national vessels. And reciprocally, goods and merchandise, whatever their origin may be, imported into, or exported from, the ports of the Netherlands in Europe, from or to the ports of the United States, in vessels of the said States, shall pay no higher or other duties, than shall be levied on the like goods and merchandise so imported or exported in national vessels.

Bounties, &c. granted by either party in favor of its own vessels, to be granted to the other.

The bounties, drawbacks, or other favours of this nature, which may be granted in the States of either of the contracting parties, on goods imported or exported in national vessels, shall also and in like manner be granted on goods directly exported or imported in vessels of the other country, to and from the ports of the two countries; it being understood, that in the latter as in the preceding case, the goods shall have been loaded in the ports from which such vessels have been cleared.

ARTICLE II.

Tonnage duties, &c.

Neither party shall impose upon the vessels of the other, whether carrying cargoes between the United States and the ports of the Netherlands in Europe, or arriving in ballast from any other country, any duties of tonnage, harbour dues, light-houses, salvage, pilotage, quarantine, or port charges of any kind or denomination which shall not be imposed in like cases on national vessels.

ARTICLE III.

Privileges of consuls, &c.

It is further agreed between the two contracting parties, that the Consuls and Vice Consuls of the United States in the ports of the Netherlands in Europe; and reciprocally the Consuls and Vice Consuls of the Netherlands in the ports of the said States, shall continue to enjoy all privileges, protection and assistance, as may be usual and necessary for the duly exercising of their functions, in respect also of the deserters from the vessels, whether public or private, of their countries.

(a) For another treaty between the United States and the Netherlands, see ante, page 32.

TRAATEN MIT DER KONING DER NEDERLANDEN.

Zyne Majesteit de Koning der Nederlanden en de Vereenigde Staten van Amerika, den handel en de scheepvaart wenschende te regelen, welke tusschen de twee landen in derzelver schepen respectivelyk wordt gedreven, hebben daartoe Gevolmagtigden benoemd, te weten:

Zyne Majesteit de Koning der Nederlanden heeft benoemd: Jonkheer Evert Marius Adriaan Martini, lid van de ridderschap van de provincie Noord Braband, ridder der orde van den Nederlandschen leeuw, en Hoogstdeszelfs Zaakgelastigde by de Vereenigde Staten; en de President der Vereenigde Staten: John Forsyth, Secretaris van Staat van gezegde Vereenigde Staten; dewelke na hunne wederzydsche volmagten te hebben uitgewisseld, die in goede en behoorlyke orde bevonden zyn, over de volgende artikelen zyn overeengekomen:

ARTIKEL I.

Goederen en koopwaren onverschillig welke derzelver herkomst zy, ingevoerd of uitgevoerd wordende, in of uit de havens der Nederlanden in Europa van of naar de havens der Vereenigde Staten, in Nederlandsche schepen zullen geene hoogere of andere regten betalen, dan zullen worden geheven op gelyke goederen en koopwaren ingevoerd of uitgevoerd in nationale schepen. En wederkeerig zullen goederen en koopwaren, onvershillig welke derzelver herkomst zy, ingevoerd of uitgevoerd wordende, in of uit de havens der Vereenigde Staten van of naar de havens der Nederlanden in Europa, in de schepen dier Staten geene hoogere of andere regten betalen, dan zullen worden geheven op gelyke goederen en koopwaren ingevoerd of uitgevoerd in nationale schepen. De premien, teruggave van regten of andere begunstigingen van dien aard, in de Staten van eene der contracterende partyen aan den inof uitvoer met nationale schepen toegekend, zullen insgelyks bewilligd worden, wanneer de regtstreeksche in of uitvoer tusschen de havens der twee landen zal geschieden met schepen van den anderen Staat, met dien verstande, dat zoowel in dit, als in het vorige geval, de goederen werkelyk zullen moeten zyn ingeladen in de havens, van waar die schepen respectivelyk zyn uitgeklaard.

ARTIKEL II.

Geene der partyen zal op de schepen der andere, hetzy dezelve ladingen tusschen de havens der Nederlanden in Europa en die der Vereenigde Staten overbrengen, of wel in ballast aankomen van eenig ander land, eenige regten heffen voor tonnen–haven–baken–berg–of reddingloon, (salvage,)–loods–quarantine–of havengelden van welke soort of benaming ook, welke in gelyke gevallen niet zullen worden gelegd op nationale schepen.

ARTIKEL III.

Verder is tusschen de beide contracteerende partyen overeengekomen, dat de Nederlandsche Consuls en Vice Consuls in de havens der Vereenigde Staten, en wederkeerig de Consuls en Vice Consuls dier Staten in de Nederlandsche havens in Europa, voortdurend al zoodanige voorregten, bescherming en bystand zullen genieten, als gebruikelyk zyn, en vereischt worden tot de behoorlyke waarneming hunner ambtspligten, ook met betrekking tot de deserteurs van de schepen hunner landen, zoowel oorlogschepen als koopvaarders.

ARTICLE IV.

What shall be considered national vessels.

The contracting parties agree to consider and treat as vessels of the United States and of the Netherlands, all such as, being furnished by the competent authority with a passport or sea-letter, shall, under the then existing laws and regulations, be recognised as national vessels by the country to which they respectively belong.

ARTICLE V.

Assistance to shipwrecked vessels, &c.

In case of shipwreck or damage at sea, each party shall grant to the vessels, whether public or private, of the other, the same assistance and protection which would be afforded to its own vessels in like cases.

ARTICLE VI.

Duration of the treaty.

The present treaty shall be in force for the term of ten years, commencing six weeks after the exchange of the ratifications; and further until the end of twelve months after either of the contracting parties shall have given to the other notice of its intention to terminate the same: each of the contracting parties reserving to itself the right of giving such notice to the other, after the expiration of the said term of ten years. And it is hereby mutually agreed, that in case of such notice this treaty, and all the provisions thereof, shall, at the end of the said twelve months, altogether cease and determine.

ARTICLE VII.

Ratifications to be exchanged within six months.

The present treaty shall be ratified, and the ratifications shall be exchanged at Washington, within six months of its date, or sooner, if practicable.

In witness whereof, the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done in duplicate, at the City of Washington, this nineteenth day of January in the year of our Lord one thousand eight hundred and thirty-nine.

JOHN FORSYTH, (L. S.)
ADR. MARTINI, (L. S.)

CONVENTION

April 11, 1839.

For the adjustment of claims of citizens of the United States of America upon the Government of the Mexican Republic.

Proclamation of the President of the U. S., April 8, 1840.

WHEREAS a convention for the adjustment of claims of citizens of the United States upon the Government of the Mexican Republic was concluded and signed at Washington on the 10th day of September, 1838, which convention was not ratified on the part of the Mexican Government, on the alleged ground that the consent of His Majesty the

ARTIKEL IV.

De contracteerende partyenkomen overeen, om als schepen der Nederlanden en der Vereenigde Staten te beschouwen en te behandelen al dezulke, welke, door de bevoegde autoriteit voorzien van een paspoort of zeebrief, onder de in der tyd bestaande wetten en verordeningen als nationale schepen zullen worden erkend door het land, tot hetwelk zy respectivelyk behooren.

ARTIKEL V.

In geval van schipbreuk of zeeschade zal elke party aan de schepen van de andere, hetzy dezelve oorlogschepen of koopvaaders zyn, dezelfde hulp en bystand verleenen, welke in gelyke gevallen aan hare eigene schepen zouden worden verstrekt.

ARTIKEL VI.

Het tegenwoordige traktaat zal van kracht zyn voor den tyd van tien jaren, te beginnen zes weken na de uitwisseling der ratificatien; en verder tot aan het einde van twaalf maanden, na dat eene der contracteerende partyen aan de andere kennis zal gegeven hebben van haar voornemen om hetzelve te doen ophouden; behoudende elk der contracteerende partyen zich het regt voor, om zoodanige kennisgeving aan de andere te doen na het einde van het voornoemde tydperk van tien jaren: en is men hierby onderling overeengekomen dat, ingeval van zoodanige kennisgeving, dit traktaat en al dezelfs bepalingen gezamenlyk, na verloop der gestelde twaalf maanden, zullen ophouden en eindigen.

ARTIKEL VII.

Het tegenwoordige traktaat zal bekrachtigd worden, en de bekrachtigingen zullen worden uitgewisseld te Washington, binnen zes maanden na de dagteekening, of zoo mogelyk vroeger.

Ter oorkonde waarvan de wederzydsche gevolmagtigden deze hebben geteekend, en met het zegel hunner wapenen voorzien.

Gedaan in duplikaat, te Washington, den negentiensten dag van January, in het jaar onzes Heeren een duizend acht honderd negen en dertig.

ADR. MARTINI, (L. S.)
JOHN FORSYTH, (L. S.)

CONVENCION

Para el arreglo de reclamaciones de ciudadanos de los Estados Unidos de America contra el Gobierno de la República Mexicána.

Por cuanto en 10 de Septiembre de 1838 fue concluida y firmada en Washington una convencion para el arreglo de reclamaciones de ciudadanos de los Estados Unidos de America contra el Gobierno de la Republica Mexicána, cuya convencion no fue ratificada por parte del Gobierno Mexicano, fundandose en que no podia obtenerse de Su Ma-

King of Prussia to provide an arbitrator to act in the case provided by said convention could not be obtained:

And whereas the parties to said convention are still, and equally, desirous of terminating the discussions which have taken place between them in respect to said claims, arising from injuries to the persons and property of the citizens of the United States by Mexican authorities, in a manner equally advantageous to the citizens of the United States, by whom said injuries have been sustained, and more convenient to Mexico than that provided by said convention: the President of the United States has named for this purpose, and furnished with full powers, John Forsyth, Secretary of State of the said United States; and the President of the Mexican Republic has named his excellency Señor Don Francisco Pizarro Martinez, accredited as Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic to the United States, and has furnished him with full powers for the same purpose: And the said plenipotentiaries have agreed upon and concluded the following articles:

ARTICLE I.

Certain claims to be referred to a board of four commissioners. Manner of their appointment.

It is agreed that all claims of citizens of the United States upon the Mexican 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 diplomatic agent of the United States at Mexico until the signature of this convention, shall be referred to four commissioners, who shall form a board, and be appointed in the following manner, namely: two commissioners shall be appointed by the President of the United States, by and with the advice and consent of the Senate thereof, and two commissioners by the President of the Mexican Republic. The said 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 the United States and the Mexican Republic respectively.

ARTICLE II.

The board to have two secretaries, &c.

The said board shall have two secretaries, versed in the English and Spanish languages; one to be appointed by the President of the United States, by and with the advice and consent of the Senate thereof, and the other by the President of the Mexican Republic. And the said secretaries shall be sworn faithfully to discharge their duty in that capacity.

ARTICLE III.

Meeting of the board.

The said board shall meet in the city of Washington within three months after the exchange of the ratifications of this convention, and within eighteen months from the time of its meeting shall terminate its duties. The Secretary of State of the United States shall, immediately after the exchange of the ratifications of this convention, give notice of the time of the meeting of the said board, to be published in two newspapers in Washington, and in such other papers as he may think proper.

ARTICLE IV.

Documents to be delivered to the board.

All documents which now are in, or hereafter, during the continuance of the commission constituted by this convention, may come into the possession of the Department of State of the United States, in relation to the aforesaid claims, shall be delivered to the board. The Mexican Government shall furnish all such documents and explanations as may be in their possession, for the adjustment of the said claims according to the principles of justice, the law of nations, and the stipulations of the treaty of amity and commerce between the United States and

gestad el Rey de Prúsia que consintiese en nombrar un arbitradór que actuáse en el caso prevenido en dicha convencion:

Y por cuanto las partes interesadas en ella continuan igualmente deseosas de terminar las discusiones que han tenido, con respecto á las espresadas reclamaciones por daños causados á las personas y propiedades de ciudadanos de los Estados Unidos per autoridades Mexicánas, de una manera igualmente ventajosa á los ciudadanos de los Estados Unidos que han sufrido dichos daños, y mas conveniente para Mexico que la estipulada en la mencionada convencion: ha conferido el Presidente de la República Mexicana plenos poderes, á este efecto, á Francisco Pizarro Martinez, Enviado Estraordinario y Ministro Plenipotenciario de la misma Republica cerca de los Estados Unidos; y el Presidente de estos ha nombrado y autorizado plenamente, con el propio fin, al honorable Señor Juan Forsyth, Secretario de Estado de dichos Estados Unidos; quienes han ajustado y convenido en los articulos siuientes:

ARTICULO I.

Todas las reclamaciones de ciudadanos de los Estados Unidos contra el Gobierno Mexicano, á cerca de las cuales se haya representado solicitando la interposicion del de los Estados Unidos, y hayan sido exhibidas al Departamento de Estado ó al agente diplomatico de los mencionados Estados Unidos en Mexico hasta que esta convencion sea firmada, se pasarán á cuatro comisionados, que formarán una junta, y serán nombrados de la manera siguiente: á saber, dos de ellos lo serán por el Presidente de la República Mexicána, y los otros dos por el de los Estados Unidos, con consentimiento y aprobacion del Senado de los mismos. Los dichos comisionados nombrados segun se ha espresado, prestarán juramento de ecsáminar y fallár imparcialmente sobre dichas reclamaciones, con arreglo á las pruebas que se les presentáren por parte de la República Mexicána y de los Estados Unidos.

ARTICULO II.

La mencionada junta tendrá dos secretarios, versados en los idiomas Castelláno é Ynglés; uno de los cuales será nombrado por el Presidente de la República Mexicána, y otro por el de los Estados Unidos, con consentimiento y aprobacion del Senado de los mismos; y dichos secretarios prestarán juramento de cumplir fielmente los deberes de su destino.

ARTICULO III.

Se reunirá la mencionada comision en la ciudad de Washington, dentro del termino de tres meses, contados desde el cánge de las ratificaciones de este convenio, y á los diez y ocho meses, despues del dia en que se reunire terminarán sus funciones. Ynmediatamente despues de que las ratificaciones de esta convencion hayan sido cangeadas, anunciará el Secretaria de Estado de los Estados Unidos, en dos de los periodicos de Washington, y otros que le parezca conveniente, la epoca en que dicha comision se reunirá.

ARTICULO IV.

Todo documento que en la actualidad se halle, ó que en lo succesivo viniere á poder del Departamento de Estado de los Estados Unidos, durante la ecsistencia de la comision establecida por este convénio, y sea relativo á las mencionadas reclamaciones, se entregará á la comision. El Gobierno Mexicano subministrará cuantos documentos y aclaraciones estén á su alcance, para el ajuste de las espresadas reclamaciones, segun los principios de justicia, el derécho de gentes, y las estipulaciones del tratádo de amistad y comercio entre Mexico y los Estados Unidos de 5

Mexico of the 5th of April, 1831; the said documents to be specified when demanded at the instance of the said commissioners.

ARTICLE V.

The commissioners to decide on the justice of said claims, &c.

The said commissioners shall, by a report under their hands and seals, decide upon the justice of the said claims and the amount of compensation, if any, due from the Mexican Government in each case.

ARTICLE VI.

Mexico at liberty to issue treasury notes for the amount found due.

It is agreed that if it should not be convenient for the Mexican Government to pay at once the amount so found due, it shall be at liberty, immediately after the decisions in the several cases shall have taken place, to issue Treasury notes, receivable at the maritime custom-houses of the Republic in payment of any duties which may be due or imposed at said custom-houses upon goods entered for importation or exportation: said Treasury notes to bear interest at the rate of eight per centum per annum from the date of the award on the claim in payment of which said Treasury notes shall have been issued until that of their receipt at the Mexican custom-houses. But as the presentation and receipt of said Treasury notes at said custom-houses in large amounts might be inconvenient to the Mexican Government, it is further agreed that, in such case, the obligation of said Government to receive them in payment of duties, as above stated, may be limited to one half the amount of said duties.

ARTICLE VII.

In case of the commissioners differing in relation to the claims, &c.

It is further agreed that in the event of the commissioners differing in relation to the aforesaid claims, they shall, jointly or severally, draw up a report stating, in detail, the points on which they differ, and the grounds upon which their respective opinions have been formed. And it is agreed that the said report or reports, with authenticated copies of all documents upon which they may be founded, shall be referred to the decision of His Majesty the King of Prussia. But as the documents relating to the aforesaid claims are so voluminous that it cannot be expected His Prussian Majesty would be willing or able personally to investigate them, it is agreed that he shall appoint a person to act as an arbiter in his behalf; that the person so appointed shall proceed to Washington; that his travelling expenses to that city, and from thence on his return to his place of residence in Prussia, shall be defrayed, one half by the United States and one half by the Mexican Republic; and that he shall receive as a compensation for his services a sum equal to one half of the compensation that may be allowed by the United States to one of the commissioners to be appointed by them, added to one half the compensation that may be allowed by the Mexican Government to one of the commissioners to be appointed by it. And the compensation of such arbiter shall be paid, one half by the United States and one half by the Mexican Government.

ARTICLE VIII.

The King of Prussia to be invited to appoint an umpire, in case, &c.

Immediately after the signature of this convention, the plenipotentiaries of the contracting parties (both being thereunto competently authorized) shall, by a joint note, addressed to the Minister for Foreign Affairs of His Majesty the King of Prussia, to be delivered by the minister of the United States at Berlin, invite the said monarch to appoint an umpire to act in his behalf in the manner above-mentioned, in case this convention shall be ratified respectively by the Governments of the United States and Mexico.

de Abril de 1831; y se especificará cuales sean dichos documentos, al tiempo de pedirlos, á instancia de los mencionados comisionados.

ARTICULO V.

Los dichos comisionados fallarán, por médio de una relacion autorizada con sus firmas y sellos respectivos, sobre la justicia de las mencionadas reclamaciones, y el importe á que puede ascender la compensacion de que resulte deudor, en cada caso, el Gobierno Mexicano.

ARTICULO VI.

Se ha convenido igualmente, que si al Gobierno Mexicano no lo fuere cómodo satisfacer al contado el importe de que resultáre deudor, podrá inmediatamente despues de pronunciados los fállos en los diversos casos, emitir libranzas recibidéras en las aduanas maritimas de la República en pagamento de cualesquiera derechos que en ellas se adeudáren ó se impusieren á los efectos, tanto á su importacion, como á su esportacion. Dichas libranzas estarán sujetas á un interés anual de ocho por ciento, desde la fecha en que se dén los decretos sobre las reclamaciones en cuya satisfaccion hayan sido emitidas dichas libranzas, hasta la en que se perciban en las espresadas aduanas. Pero como la presentacion y recibo de dichas libranzas en las mencionadas aduanas en grandes sumas podria no convenir al Gobierno Mexicáno, se ha acordado, ademas, que en tal caso la obligacion de recibirlas dicho Gobierno, en pagamento de derechos, segun se ha espresado arriba, pueda limitarse á una mitad del importe á que asciendan dichos derechos.

ARTICULO VII.

Se ha convenido ademas que, en caso de no estar conformes los comisionados con respecto á las precitadas reclamaciones, estiendan junta ó separadamente, una relacion circunstanciada de los puntos en que sean de opinion contraria, y de las razones sobre que funden sus respectivos juicios. Y se ha acordado que dicha relacion ó relaciones, acompañadas de copias auténticas de todos los documentos en que se apoyen, se refieran á la decision de Su Magestad el Rey de Prúsia. Pero como los documentos relativos á las precitadas reclamaciones son tan voluminosos que no puede esperarse que Su Magestad Prusiana quiera ó pueda ecsaminarlos por si, se ha convenido en que nombre una persona que como árbitro le represente; que la persona nombrada del modo que va espresado se trasladará á Washington; que los gastos de su viage á esta ciudad, y de ella al punto de su residencia en Prúsia, serán costeádos una mitad por la República Mexicána y otra por los Estados Unidos; y que recibirá, como honorarios por sus servicios, una suma igual á la mitad de la que el Gobierno Mexicano señaláse á uno de los comisionados que ha de nombrar, con otra mitad de la que por los suyos señaláren los Estados Unidos á uno de los comisionados que por su parte han de nombrarse: cuyos honorarios serán satisfechos una mitad por la Republica Mexicána y la otra por los Estados Unidos.

ARTICULO VIII.

Ynmediatamente despues que los plenipotenciarios de las partes contratantes hayan firmado esta convencion, dirigirán de mancomun, (para lo cual estan ambos competentemente autorizados,) por conducto del señor enviado de los Estados Unidos á Berlin, á su escelencia el Ministro de Relaciones Estrangeras de Su Magestad el Rey de Prusia, una nota invitando á dicho monarca para nombrar una persona que como arbitro lo represente de la manera arriba mencionada, en caso de que esta convencion sea ratificada respectivamente por los Gobiernos de Mexico y los Estados Unidos.

ARTICLE IX.

In case of the King of Prussia declining, &c.

It is agreed that, in the event of His Prussian Majesty's declining to appoint an umpire to act in his behalf, as aforesaid, the contracting parties, on being informed thereof, shall, without delay, invite Her Britannic Majesty, and in case of her declining his Majesty the King of the Netherlands, to appoint an umpire to act in their behalf, respectively, as above provided.

ARTICLE X.

Decision of the umpire to be final.

And the contracting parties further engage to consider the decision of such umpire to be final and conclusive on all the matters so referred.

ARTICLE XI.

Treasury notes to be issued.

For any sums of money which the umpire shall find due to citizens of the United States by the Mexican Government, Treasury notes shall be issued in the manner aforementioned.

ARTICLE XII.

Mexico exonerated from certain claims.

And the United States agree for ever to exonerate the Mexican Government from any further accountability for claims which shall either be rejected by the board or the arbiter aforesaid, or which, being allowed by either, shall be provided for by the said Government in the manner beforementioned.

ARTICLE XIII.

Compensation of commissioners, &c.

And it is agreed that each Government shall provide compensation for the commissioners and secretary to be appointed by it; and that the contingent expenses of the board shall be defrayed, one moiety by the United States and one moiety by the Mexican Republic.

ARTICLE XIV.

Ratifications to be exchanged within twelve months.

This convention shall be ratified, and the ratifications shall be exchanged at Washington within twelve months from the signature hereof, or sooner if possible.

In faith whereof, we, the plenipotentiaries of the United States of America and of the Mexican Republic, have signed and sealed these presents.

Done in the city of Washington, on the eleventh day of April, in the year of our Lord one thousand eight hundred and thirty-nine, in the sixty-third year of the independence of the United States of America and the nineteenth of that of the Mexican Republic.

JOHN FORSYTH, (L. S.)
FRAN. PIZARRO MARTINEZ, (L. S.)

ARTICULO IX.

Se ha convenido ademas que, si Su Magestad Prusiana rehusáre hacer el nombramiento de que habla el articulo anterior, procederán al momento que lo sepan las partes contratantes á invitar á Su Magestad Britanica, y si tambien ella se rehusaré, á Su Magestad el Rey de Holanda, á fin que nombre un arbitrador que le represente segun queda pactado.

ARTICULO X.

Las partes contratantes se obligan ademas á considerar como final y decisivo el fallo del mencionado arbitrador, en todas las materias que se hayan sujetado á su ecsámen.

ARTICULO XI.

Se emitirán libranzas, en los terminos arriba espresados, por el importe del dinero que el arbitrador encuentre que sea deudor á ciudadanos de los Estados el Gobierno Mexicano.

ARTICULO XII.

Y los Estados Unidos convienen en descargar para siempre al Gobierno Mexicáno de toda responsabilidad ùlterior, por reclamaciones que sean rechazadas, bien por la junta ó por el mencionado arbitrador, ó que admitidas por cualquiera de ellos, haya dicho Gobierno provisto á su compensacion en los terminos antes espresados.

ARTICULO XIII.

Se ha convenido en que cada Gobierno señále á los comisionados y secretarios que ha de nombrar los honorarios respectivos; y que los gastos contingentes de la junta sean costeados, una mitad por la Republica Mexicana, y otra por los Estados Unidos.

ARTICULO XIV.

La presente convencion será ratificada, y las ratificaciones serán cangeadas en Washington dentro de doce meses de este dia, ó antes si fuere posible.

En fé de lo cual noso tros los plenipotenciarios de la República Mexicana y de los Estados Unidos de America, hemos firmado y sellado las presentes.

Fecho en la ciudad de Washington, á los once dias de Abril del año del Señor mil ochocientos treinta y nueve, decimo nono de la yndependencia de la Republica Mexicana, y el sexagesimo tercio de la de los Estados Unidos de America.

FRAN. PIZARRO MARTINEZ, (L. S.)
JOHN FORSYTH, (L. S.)

TREATY WITH ECUADOR.

June 13, 1839.

Ratifications exchanged at Quito, April 9, 1842.— Proclamation of the President, Sept. 23, 1842.

THE United States of America and the Republic of Ecuador, 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 of friendship, commerce, and navigation. For this most desirable object, the President of the United States of America has conferred full powers on James C. Pickett, a citizen of the said States, and the President of the Republic of Ecuador, on Doctor Luis de Saá, Minister of Finance, charged with the Department of the Interior and Foreign Relations; who, after having exchanged their said full powers, in due and proper form, have agreed to the following articles:

ARTICLE I.

To be a perfect, firm, and inviolable peace, and sincere friendship.

There shall be a perfect, firm and inviolable peace and sincere friendship, between the United States of America and the Republic of Ecuador, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

ARTICLE II.

Favors granted by either, to other nations, to be common to the other.

The United States of America and the Republic of Ecuador, 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.

ARTICLE III.

Mutual benefits in trade and residence to be equally enjoyed.

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 merchandise; 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. And it is further agreed, that this article shall be subject to the following modification. That whereas by a law of Ecuador of March 21st, 1837, vessels built in the dock-yard of Guayaquil, shall be exempted from various charges, therefore, vessels of the United States cannot claim this privilege, but shall enjoy it if it should be granted to vessels belonging to Spain, or to Mexico, and to the other Hispano-American Republics.

Except as to the coasting trade.

And the privileges granted to vessels built in the dock-yard at Guayaquil.

ARTICLE IV.

Equalization of duties on vessels and their cargoes.

They likewise agree, that whatever kind of produce, manufactures or merchandise of any foreign country can be, from time to time, lawfully imported into the United States, in their own vessels, may be

TRACTADO CON ECUADOR.

La República del Ecuador y los Estados Unidos de America, deseando hacer duradera y firme la amistad y buena inteligencia que felizmente existe entre ambas potencias, han resuelto fijar de una manera clara, distinta y positíva, las reglas que deben observar religiosamente en lo venidero, por medio de un tratado de paz, amistad, comercio y navegacion. Con este muy deseable objeto, el Presidente de la República del Ecuador ha conferido plenos poderes al Doctor Luis de Saá, Ministro de Hacienda y encargado del Ministerio del Interior y Relaciones Esteriores, y el Presidente de los Estados Unidos de America á Santiago C. Pickett ciudadano de dichos Estados; quienes, despues de haber cangeado sus espresados plenos poderes en debida y buena forma, han convenido en los articulos siguientes:

ARTICULO I.

Habrá una paz perfecta, firme é inviolable y amistad sincera, entre la República del Ecuador 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.

ARTICULO II.

La República del Ecuador y los Estados Unidos de America, deseando vivir en paz y en armonia 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 á comercio y navegacion, que no se hagan inmediatamente comunes á una ú otra, quien gozará de los mismos, libremente, ó prestando la misma compensacion, si la concesion fuere condicional.

ARTICULO III.

Las dos altas partes contratantes, deseando tambien establecer el comercio y navegacion de sus respectivos paises, sobre las liberales bases de perfecta igualdad y reciprocidad, convienen, mutuamente en que los ciudadanos de cada una podrán frecuentar todas las costas y paises de la otra y residir y traficar en ellos con toda clase de producciones, manufacturas y mercaderias, y gozarán de todos los derechos, privilegios y exenciones, con respecto á navegacion y comercio, de que gozan ó gozaren los ciudadanos naturales, sometiendose á las leyes, decretos y usos establecidos, á que estan sujetos dichos ciudadanos. Pero debe entenderse que este articulo no comprende el comercio de cabotage de cada uno de los paises, cuya regulacion queda reservada á las partes respectivamente, segun sus leyes propias y peculiares. Y debe entenderse ademas, que este articulo estará sugeto á la modificacion siguiente; que por cuanto, una ley del Ecuador, fecha de Marzo 21 de 1837, dispone, que los buques construidos en el astillero de Guayaquil, serán libres de derechos de varias clases, los buques de los Estados Unidos no podrán pretender esta misma libertad; pero la gozarán, si se concediese á los buques de la España, de Mejico y de las demas Republicas Hispano Americanas.

ARTICULO IV.

Ygualmente convienen en que cualquiera clase de producciones, manufacturas ó mercaderias, de cualquier pais estranjero que puedan ser en cualquier tiempo legalmente introducidas en la República del Ecuador

also imported in the vessels of the Republic of Ecuador; and that no higher or other duties upon the tonnage of the vessel and her cargo, shall be levied and collected, whether the importation be made in the vessels of the one country or of the other: and, in like manner, that whatever kind of produce, manufactures or merchandise of any foreign country, can be, from time to time, lawfully imported into the Republic of Ecuador 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 and her cargo, shall be levied or collected, whether the importation be made in vessels of the one country or of the other.

Vessels of both nations on the same footing as to exportations, drawbacks thereon, &c.

And they 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 Republic of Ecuador.

ARTICLE V.

What shall be considered Ecuadorian vessels.

For the better understanding of the preceding article, and taking into consideration the actual state of the commercial marine of Ecuador, it has been stipulated and agreed, that all vessels belonging exclusively to a citizen or citizens of said Republic, and whose captain is also a citizen of the same, though the construction or the crew are or may be foreign, shall be considered, for all the objects of this treaty, as an Ecuadorian vessel.

ARTICLE VI.

Importations and exportations to be on a reciprocal footing.

No higher or other duties shall be imposed on the importation into the United States, of any articles, the produce or manufactures of the Republic of Ecuador; and no higher or other duties shall be imposed on the importation into the Republic of Ecuador, 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 Republic of Ecuador, 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 Republic of Ecuador, to or from the territories of the United States, or to or from the territories of the Republic of Ecuador, which shall not equally extend to all other nations.

No partial prohibitions to be established.

ARTICLE VII.

Citizens of either, free to manage their own business in the country of the other; to be treated as citizens thereof, or as those of the most favored nation — subject to taxes, &c.

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. They shall be subject, however, to such general taxes and contributions, as are or may be established by law.

ARTICLE VIII.

No embargo, &c. without indemnification.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandises,

en sus propios buques, puedan tambien ser introducidas en los buques de los Estados Unidos, y que no se impondrán ó cobrarán otros ó mas altos 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 cualquiera clase de producciones, manufacturas ó mercaderias de cualquier pais estrangero, que puedan ser en cualquier tiempo legalmente introducidas en los Estados Unidos en sus propios buques, podrán, tambien ser introducidas en los buques de la República del Ecuador; y no se impondrán ó cobrarán otros ó mas altos derechos de tonelada ó por el cargamento, ya sea que la importacion se haga en buques de la una ó de la otra. Y convienen que todo lo que pueda ser legalmente esportado ó re-esportado de uno de los dos paises en sus propios buques para un pais estrangero, pueda de la misma manera ser esportado ó re-esportado en los buques del otro. Y los mismos derechos, premios ó descuentos se concederán y cobrarán, sea que la esportacion ó re-esportacion se haga en los buques de la República del Ecuador ó en los de los Estados Unidos.

ARTICULO V.

Para cabal inteligencia del articulo precedente, y en consideracion al estado de la marina comercial de la República del Ecuador, se ha estipulado y convenido que todo buque perteneciente exclusivamente á ciudadano ó ciudadanos de dicha República, y cuyo capitan sea tambien ciudadano de ella, aunque su construccion y tripulacion sean estrangeras, será considerado para todos los effectos de este tratado, como buque Ecuadoriano.

ARTICULO VI.

No se impondrán otros ó mas altos derechos á la importacion en la República del Ecuador de cualquier articulo, produccion ó manufactura de los Estados Unidos, ni se impondrán otros ó mas altos derechos á la importacion de cualquier articulo, produccion ó manufactara de la República del Ecuador, en los Estados Unidos, que los que se paguen ó pagaren por iguales articulos, produccion ó manufactura de cualquier pais estrangero; ni se impondrán otros ó mas altos derechos ó impuestos en cualquiera de los dos paises, á la esportacion de cualesquiera articulos para la Republica del Ecuador, ó para los Estados Unidos respectivamente, que los que se paguen ó pagaren á la esportacion de iguales articulos para cualquier otro pais estrangero; ni se prohibirá la importacion ó esportacion en los territorios ó de los territorios de la República del Ecuador y de los Estados Unidos, de cualesquiera articulos, produccion ó manufactura de la una ó de la otra, á menos que esta prohibicion sea igualmente estensiva á todas las otras naciones.

ARTICULO VII.

Se con viene ademas, que será enteramente libre y permitido á 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 á la jurisdiccion de uno ú otro, asi respecto de las consignaciones y ventas por mayor y menor de sus efectos y mercaderias, como de la carga y 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. Estarán sugetos, sin embargo, á los impuestos y contribuciones generales, establecidas por ley, ó que por ella, se establecieren.

ARTICULO VIII.

Los ciudadanos de una ú otra parte no podrán ser embargados ni detenidos con sus embarcaciones, tripulaciones, mercaderias y effectos

or effects for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ARTICLE IX.

Vessels seeking refuge from stress of weather, &c., to be protected, &c.

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.

ARTICLE X.

Captures by pirates to be restored.

All the ships, merchandise, and the 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.

ARTICLE XI.

Assistance to be given in cases of wrecks, &c.

When any vessels 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 merchandise and effects, without exacting for it any duty, impost, or contribution whatever, unless they be destined for consumption.

ARTICLE XII.

Citizens of either party may dispose of their personal goods within the jurisdiction of the other.

In case of real estate, alien heirs allowed three years to dispose of their property.

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 by others acting for them, and dispose of the same at their will, paying such duties 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, nor any other charges than those which are imposed by the laws of the country.

ARTICLE XIII.

Protection to persons and property.

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, no-

comerciales, de su pertenencia, para alguna expedicion militar, usos públicos ó particulares, cualesquiera que sean, sin conceder á los interesados una suficiente indemnizacion.

ARTICULO IX.

Siempre que los ciudadanos de alguna de las partes contratantes se vieren precisados á buscar refugio 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, procurar viveres, y ponerse en situacion de continuar su viage, sin obstaculo ó estorbo de ningun genero.

ARTICULO X.

Todos los buques, mercaderias y efectos pertenecientes á 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.

ARTICULO XI.

Cuando algun buque perteneciente á los ciudadanos de alguna de las partes contratantes, naufrague, encalle ó sufra alguna averia en las costas ó dentro de los dominios de la otra, se les dará toda ayuda y proteccion, del mismo modo que es uso y costumbre con los buques de la nacion en donde suceda la averia; permitiendoles descargar el dicho buque, si fuere necesario, de sus mercaderias y efectos, sin cobrar por esto, ningun derecho, impuesto ó contribucion, á menos que se destinen al consumo.

ARTICULO XII.

Los ciudadanos de cada una de las partes contratantes tendrán pleno poder 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, sucederán á sus dichos bienes personales, ya sea por testamento ó *ab intestato*, y podrán 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 entrar 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 estraer su producto sin molestia, ni otros impuestos que los establecidos por las leyes del pais.

ARTICULO XIII.

Ambas partes contratantes se comprometen y obligan formalmente á dar su proteccion especial á las personas y propiedades 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 defenza de sus derechos, aquellos abogados,

taries, agents and factors as they 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 on the said trials.

ARTICLE XIV.

Liberty of conscience, and the rites of burial, secured.

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.

ARTICLE XV.

Both parties at liberty to trade with those at enmity with either, &c.

It shall be lawful for the citizens of the United States of America and of the Republic of Ecuador, 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 either of the contracting parties. It shall likewise be lawful for the citizens aforesaid, to sail with their ships and merchandises before mentioned, 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 before mentioned, 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 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 shall be extended to persons who are on board a free ship, with this effect, that, although they may 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 — contraband excepted.

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.

ARTICLE XVI.

Enemy's property, to be protected by a neutral flag, must be shipped within six months after the declaration of war, &c.

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 stipulations, 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 contract-

procuradores, escribanos, agentes ó factores, que juzguen conveniente, en todos sus asuntos y litijios; 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 conciernan á aquellos, como igualmente al tomar todos los examenes y declaraciones que se ofrescan en los dichos litijios.

ARTICULO XIV.

Se conviene igualmente, en que los ciudadanos de ambas partes contratantes, gozen la mas perfecta y entera seguridad de conciencia en los paises sugetos á la jurisdiccion de una ú 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 cadáveres 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 protegidos, contra toda violacion ó trastorno.

ARTICULO XV.

Será licito á los ciudadanos de la República del Ecuador, y de los Estados Unidos de America, navegar con sus buques, con toda seguridad y libertad, de cualquier puerto á las plazas ó lugares de los que son ó fueren en adelante enemigos de cualquiera de las dos partes contratantes, sin hacerse distinccion de quienes son los dueños de las mercancias cargadas en ellos. Será igualmente licito á los referidos ciudadanos, navegar, con sus buques y mercaderias mencionadas, y traficar 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 del enemigo arriba mencionados á lugares neutros, sino tambien de un lugar perteneciente a 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, aun que toda la carga ó parte de ella pertenezca á enemigos de una ú otra, esceptuando siempre 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 neutral, la bandera de la neutral cubrirá la propiedad de los enemigos cuyos Gobiernos reconocen este principio, y no de otros.

ARTICULO XVI.

Se conviene igualmente que en caso de que la bandera neutral de una de las partes contratantes, proteja las propriedades de los enemigos de la otra, en virtud de lo estipulado arriba, debera siempre entenderse, que las propiedades 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; esceptuando solamente aquellas propiedades que hubiesen sido puestas á bordo de tales buques antes de la declaracion de la guerra, y aun des-

ing parties agree, that six 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.

ARTICLE XVII.

Contraband specified.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which 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, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades; bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2d. Bucklers, helmets, breastplates, coats of mail, infantry belts, and clothes made up in military form, and for military use.

3d. Cavalry belts, and horses with their furniture.

4th. 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.

ARTICLE XVIII.

Goods not contraband.

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 the citizens of both the contracting parties, even to places belonging to an enemy, excepting only those places which are, at that time, besieged 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 a neutral.

Definition of a blockade.

ARTICLE XIX.

Contraband only liable to confiscation.

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 may see proper.

Vessels delivering up contraband not to be detained.

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, or 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 judgment according to law.

ARTICLE XX.

In cases of blockade, vessels to be notified but not detained, &c.

And whereas it frequently happens that vessels sail for a port or places 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 any officer commanding a vessel of the blockading forces, they shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper.

pues, si hubiesen sido embarcadas en dichos buques sin tener noticia de la guerra: y se conviene que pasados seis 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 propiedades enemigas, entonces serán libres los efectos y mercaderias de la parte neutral embarcadas en buques enemigos.

ARTICULO XVII.

Esta libertad de navegacion y comercio se estenderá á todo genero de mercaderias, esceptuando aquellas solamente que se distinguen con el nombre de contrabando; y bajo este nombre de contrabando ó efectos prohibidos, se comprenderán.

1°. Cañones, morteros, obuces, pedreros, trabucos, mosquetes, fusiles, rifles, carabinas, pistolas, picas, espadas, sables, lanzas, chuzos, alabardas, y granadas, bómbas, pólvora, mechas, balas, con las demas cosas correspondientes al uso de estas 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 hacer la guerra por mar ó tierra.

ARTICULO XVIII.

Todas las demas mercaderias y efectos no comprendidos 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 á un enemigo de una ú otra, esceptuando solamente aquellos lugares ó plazas que estan al mismo tiempo sitiadas ó bloqueadas, y para evitar toda duda en el particular, se declaran sitiadas ó bloqueadas aquellas plazas que en la actualidad estuviesen atacadas por una fuerza de un beligerante capaz de impedir la entrada del neutral.

ARTICULO XIX.

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 entregar los articulos de contrabando al apresador, á menos que la cantidad de estos articulos sea tan grande y de tanto volúmen que no puedan ser recibidos á bordo del buque apresador sin grandes inconvenientes; pero en este, como en todos los otros casos de justa detencion, el buque detenido será enviado al puerto mas inmediato, comodo y seguro, para ser juzgado y sentenciado conforme á las leyes.

ARTICULO XX.

Y por cuanto frecuentemente sucede que los buques navegan para un puerto ó lugar perteneciente á un enemigo, sin saber que aquel esté sitiado, bloqueado ó investido, se conviene en que todo buque en estas circunstancias se pueda hacer volver de dicho puerto ó lugar, pero no será detenido ni confiscado parte alguna de su cargamento, no siendo contrabando; á menos que despues de la intimacion de semejante bloqueo ó ataque por cualquier comandante de un buque de las fuerzas bloqueadoras, intentase otra vez entrar; pero le será permitido ir á cualquier otro puerto ó lugar que juzgue conveniente. Ni nin-

Vessels entering before blockade, may quit unmolested;

And not to be disturbed when found therein.

Nor shall any vessel of either, that may have entered into such port 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, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE XXI.

During a visit at sea, armed vessels to remain out of cannot shot—examination, how to be made, &c.

In order to prevent all kinds 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 boats, 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 his papers, or for any other purpose whatever.

ARTICLE XXII.

In case of war, sea-letters, certificates of cargo, &c. to be furnished, showing to whom the property belongs.

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 ships; as also the name and place of habitation of the master and commander of said vessel, in order that it may thereby appear that said ship 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 such requisites said vessels may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and satisfied or supplied by testimony entirely equivalent.

ARTICLE XXIII.

Visiting regulations apply only to vessels without convoy.

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 honor, 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.

ARTICLE XXIV.

Prize causes to be tried in the established courts only.

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 tribunals,

gun buque de una de las partes que haya entrado en semejante puerto ó lugar, antes que estuviese sitiado, bloqueado ó investido por la otra, será impedido de dejar el tal lugar con su cargamento, ni si fuere hallado allí despues de la rendicion y entrega de semejante lugar, estará el tal buque ó su cargamento sujeto á confiscacion, sino que serán restituidos á sus dueños.

ARTICULO XXI.

Para evitar todo genero de desorden en la visita y ecsámen de los buques y cargamentos de ambas partes contratantes en alta mar, han convenido mutuamente, que siempre que un buque de guerra público ó particular se encontrase con un neutral de la otra parte contratante, el primero permanecerá fuera de tiro de cañon, y podrá mandar su bote con dos ó tres hombres solamente, para ejecutar el dicho ecsámen de los papeles concernientes á la propiedad y carga del buque, sin ocasionar la menor estorsion, violencia ó mal tratamiento, por lo que los comandantes de dichos buques armados serán responsables con sus personas y bienes; á cuyo efecto los comandantes de buques armados, por cuenta de particulares, estarán obligados antes de entregarseles sus comisiones ó patentes, á dar fianza suficiente para responder de los perjuicios que causen. Y se ha convenido espresamente, que en ningun caso se ecsigirá á la parte neutral que vaya á bordo del buque ecsaminador con el fin de ecisibir sus papeles, ó para cualquier otro objeto, sea el que fuere.

ARTICULO XXII.

Para evitar toda clase de vejamen y abuso en el ecsamen de los papeles relativos á la propiedad de los buques pertenecientes á 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 á los ciudadanos de la otra, serán provistos con letras de mar 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 y verdaderamente pertenece á los ciudadanos de una de las partes; y han convenido igualmente, que estando cargados los expresados buques, ademas de las letras de mar ó pasaportes, estarán 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 serán hechos por los oficiales del lugar de la procedencia del buque en la forma acostumbrada; sin tales requisitos el dicho buque puede ser detenido, para ser juzgado por el tribunal competente, y puede ser declarado buena presa á menos que prueben que la falta emana de accidente y satisfagan ó suplan el defecto con testimonios enteramente equivalentes.

ARTICULO XXIII.

Se ha convenido ademas, que las estipulaciones anteriores relativas al ecsámen y visita de buques, se aplicarán solamente á los que navegan sin convoy, y cuando los dichos buques estuviesen bajo de convoy, será bastante la declaracion verbal del comandante del convoy, bajo su palabra de honor, de que los buques que estan bajo su proteccion pertenecen á la nacion cuya bandera llevan; y cuando se dirijen á un puerto enemigo, que dichos buques no tienen á su bordo articulos de contrabando de guerra.

ARTICULO XXIV.

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

Decree of condemnation to set forth the reasons thereof.

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.

ARTICLE XXV.

Citizens of neither party to engage in the service of an enemy of the other.

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 party so at war, under the pain of being considered as a pirate.

ARTICLE XXVI.

In case of war, merchants allowed time to arrange their business, and transport their effects, &c.

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 designated port. The citizens of all other occupations, who may be established in the territories or dominions of the United States and the Republic of Ecuador, 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.

Citizens of other occupations to be protected.

ARTICLE XXVII.

No confiscations in case of war.

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.

ARTICLE XXVIII.

Ministers and other public agents to enjoy the same favors as those of the most favored nation.

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 Ecuador may find it proper to give to the ministers and other public agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE XXIX.

Consuls and vice-consuls admitted into ports open to foreign commerce.

To make more effectual the protection which the United States and the Republic of Ecuador 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 and vice-consuls may not seem convenient.

semejante tribunal de cualquiera de las partes, pronunciase sentencia contra algun buque, ó efectos ó propiedad reclamada por los ciudadanos de la otra parte, la sentencia ó decreto hará 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 él los derechos legales.

ARTICULO XXV.

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 ayudar ó cooperar hostilmente con el dicho enemigo contra la dicha parte que esté asi en guerra, bajo la pena de ser tratado como pirata.

ARTICULO XXVI.

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 arreglar sus negocios y transportar 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 y dominios de la República del Ecuador, ó de los Estados Unidos, 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 comprometan á prestarles.

ARTICULO XXVII.

Ni las deudas contraidas por los individuos de una nacion con los individuos de la otra, ni las acciones ó dineros que puedan tener en los fondos publicos ó en los bancos publicos ó privados, serán jamas secuestrados ó confiscados en ningun caso de guerra ó de diferencia nacional.

ARTICULO XXVIII.

Deseando ambas partes contratantes evitar toda diferencia relativa á etiqueta en sus comuniciones y correspondencias diplomaticas, han convenido asi mismo, y convienen en conceder á sus enviados y 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 favor, inmunidad ó privelegio que la República del Ecuador ó los Estados Unidos de America tengan por conveniente dispensar 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.

ARTICULO XXIX.

Para hacer mas efectiva la proteccion que la República del Ecuador y los Estados Unidos 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 de todos los derechos, prerogativas é inmunidades de los consules y vice-consules de la nacion mas favorecida; quedando no ostante en libertad cada parte contratante, para esceptuar aquellos puertos y lugares en que la admision y residencia de semejantes consules y vice-consules no parezca conveniente.

ARTICLE XXX.

Consuls to exhibit their commissions and obtain exequaturs before they shall be considered as such.

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.

ARTICLE XXXI.

Consuls, &c., exempt from certain taxes.

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 exempted from all kinds 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 consulates shall be respected inviolably; and, under no pretext whatever, shall any magistrate seize or in any way interfere with them.

Their archives and papers inviolable.

ARTICLE XXXII.

Consuls may require the assistance of the authorities in securing deserters.

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 register 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 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.

Mode of proceeding.

Deserters, how to be disposed of.

ARTICLE XXXIII.

A consular convention to be formed.

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, especially, the powers and immunities of the consuls and vice-consuls of the respective parties.

ARTICLE XXXIV.

Construction to be put upon the words, "*most favored nation.*"

It is further agreed, that the words, "*most favored nation,*" that occur in this treaty, shall not be so construed as to prevent either of the contracting parties from concluding any treaty or convention with any other nation or state it may think proper, as freely and as fully as though said words were not used: *Provided, however,* That notwithstanding any such treaty or convention, the citizens of the United States shall be placed in Ecuador, with respect to navigation and commerce, upon an equal footing with the subjects of Spain and with the citizens of Mexico and of the other Hispano-American States, with which treaties have been, or may be, concluded; and that the citizens of Ecuador shall be entitled to enjoy, in the United States, the same rights and privileges, with respect to navigation and commerce, that the citizens of the United States enjoy, or shall enjoy, in Ecuador.

Proviso.

ARTICULO XXX.

Para que los consules y vice-consules de las dos partes contratantes puedan gozar de los derechos, prerogativas é inmunidades que les correspondan por su caracter publico, antes de entrar en el ejercicio de sus funciones, presentarán su comision ó patente, en la forma debida, al Gobierno con quien esten acreditatos, y habiendo obtenido el *exequatur*, serán tenidos y consideraros como tales, por todas las autoridades, magistrados y habitantes del distrito consular en que residan.

ARTICULO XXXI.

Se ha convenido igualmente que los consules, sus secretarios, oficiales y personas agregadas al servicio de los consulados, (no siendo estas personas ciudadanos del pais en que el consul reside,) estarán escentos de toda clase de pechos, impuestos y contribuciones, esceptuando aquellos que estén obligados á pagar por razon ce comercio ó propiedad, y á los cuales estan sujetos los ciudadanos y habitantes naturales y estrangeros del pais en que residen, quedando en todo lo demas, sujetos á 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 con ellos ninguna intervencion.

ARTICULO XXXII.

Los dichos consules tendrán poder de requerir el ausilio de las autoridades locales para la prision, detencion y custodia de los desertores de los buques publicos y particulares, de su pais, y para este objeto se dirijirán 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 de equipage ú otros documentos públicos, que aquellos hombres, eran parte de las dichas tripulaciones, y á esta demanda así probada (menos, no ostante, cuando se probase lo contrario) no se recusará la entrega. Semejantes desertores luego que sean arrestados, se pondrán á disposicion de los dichos consules, y pueden ser depositados en las prisiones públicas, á solicitud y espensas de los que los reclamen, para ser enviados á los buques á que correspondan ó á otros de la misma nacion. Pero sino fueren mandados dentro de dos meses contados desde el dia de su arresto, serán puestos en libertad, y no volverán á ser presos por la misma causa.

ARTICULO XXXIII.

Para proteger mas efectivamente su comercio y navegacion, las dos partes contratantes se convienen en formar luego que las circunstancias lo permitan, una convencion consular, que declare mas especialmente los poderes é inmunidades de los consules y vice-consules de las partes respectivas.

ARTICULO XXXIV.

Se conviene ademas, que las palabras, "*la nacion mas favorecida*," que se encuentran en este tratado, no serán entendidas de modo, que impidan á la una ó á la otra, de las partes contratantes, celebrar el tratado ó convenio, con cualquier nacion ó estado, que tenga por conveniente, tan libre y estensamente, como si dichas palabras no ecsistiesen; con tal que, no ostante tal tratado ó convenio, los ciudadanos de los Estados Unidos, estén puestos, en el Ecuador, con respecto á navegacion y comercio, sobre un pie igual con los subditos de la España, y con los ciudadanos de Mejico y de los otros estados Hispano-Americanos, con quienes haya de tratar ó tenga tratados ecsistentes; y que los ciudadanos del Ecuador sean admitidos á gozar, en los Estados Unidos, de los mismos derechos y privilegios, respecto de navegacion y comercio, que gozan ó gozaren los ciudadanos de los Estados Unidos en el Ecuador.

ARTICLE XXXV.

Points agreed upon as to the duration of this treaty.

The United States of America and the Republic of Ecuador, 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 of peace, amity, commerce and navigation, have declared solemnly, and do agree to the following points:

To remain in force 12 years, &c.

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of exchange of the ratifications, 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 said term of twelve years: And it is hereby agreed between them, that, on the expiration of one year after such notice shall have been received by either, from the other party, this treaty, in all its parts relative to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship, it shall be perpetually and permanently binding on both powers.

Citizens personally responsible for infringing this article.

2d. 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 harmony and good correspondence between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation.

Reprisals not to be authorized, nor war declared, until justice has been demanded and refused, or unreasonably delayed.

3d. If (what indeed cannot be expected) unfortunately, any of the articles contained in the present treaty, shall be violated or infringed in any way whatever, it is expressly stipulated, that neither of the contracting parties will order or authorize any act 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 proofs, and demanded justice, and the same shall have been either refused or unreasonably delayed.

Treaties with other powers not contravened by this.

4th. Nothing in this treaty shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns and states.

This treaty to be ratified and the ratifications to be exchanged, within 3 years.

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 Ecuador, with the consent and approbation of the Congress of the same; and the ratifications shall be exchanged in the city of Quito, within three years, to be counted 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 the Republic of Ecuador, have signed and sealed these presents.

Signed 13th June, 1839.

Done in the city of Quito, on the thirteenth day of June, in the year of our Lord one thousand eight hundred and thirty-nine, and in the sixty-third year of the Independence of the United States of America and the twenty-ninth of that of the Republic of Ecuador.

J. C. PICKETT, [L. S.]
LUIS DE SAA', [L. S.]

ARTICULO XXXV.

La República del Ecuador y los Estados Unidos de America, deseando hacer tan duraderas y firmes como las circunstancias lo permitan, las relacionas que han de establecerse entre las dos potencias en virtud del presente tratado 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, y ademas hasta un año despues que cualquiera de las partes contratantes haya notificado á la otra su intencion de terminarlo; reservandose las partes contratantes el derecho de hacer tal notificacion la una á la otra al fin de dicho termino de doce años. Y ademas se ha convenido que este tratado, en todo lo relativo á comercio y navegacion, quedará sin efecto transcurrido que sea un año despues de recibida dicha notificacion por cualquiera de las dos partes, y en todo lo relativo á paz y amistad, sera perpetuamente obligatorio á ambos poderes.

2°. Si alguno ó algunos de los ciudadanos de una ú otra parte infringiesen algunos de los articulos contenidos en el presente tratado, dichos ciudadanos serán personalmente responsables, sin que por esto se interrumpa la armonia y buena correspondencia entre las dos naciones, comprometiendose cada una á no protejer de modo alguno al ofensor, ó sancionar semejante violacion.

3°. Si, (lo que á la verdad no puede esperarse,) desgraciadamente algunos 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 declararará la guerra contra la otra, por quejas de injurias ó daños, hasta que la parte que se crea ofendida, haya presentado á la otra una esposicion de aquellas injurias ó daños, verificada con pruebas y testimonios suficientes, ecsigiendo justicia y satisfaccion, 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 públicos anteriores, ecsistentes con otros soberanos ó estados.

El presente tratado de paz, amistad, comercio, y navegacion será ratificado por el Presidente ó Vice Presidente de la República del Ecuador, 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 aprobacion del Senado de los mismos; y las ratificaciones serán cangeadas en la ciudad de Quito dentro de tres años contados desde este dia, ó antes si fuere posible.

En fe de lo cual, nosotros los plenipotenciaros de la República del Ecuador y de los Estados Unidos de America, hemos firmado y sellado las presentes.

Dadas en la ciudad de Quito, el dia trece de Junio del año del Señor, mil ochocientos treinta y nueve, vigesimo nono de la Yndependencia de la República del Ecuador y sexagesimo tercero de la de los Estados Unidos de America.

LUIS DE SAA', [L. S.]
J. C. PICKETT, [L. S.]

May 20, 1840.

TREATY WITH THE KING OF HANOVER.

Ratifications exchanged, Nov. 14, 1840.
Proclamation of the President of the U. S., Jan. 2, 1841.

The United States of America and His Majesty the King of Hanover, equally animated by the desire of extending as far as possible the commercial relations between, and the exchange of the productions of their respective states, have agreed, with this view, to conclude a treaty of commerce and navigation.

Negotiators.

For this purpose, the President of the United States of America has furnished with full powers, Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of Prussia; and His Majesty the King of Hanover has furnished with the like full powers, Le Sieur Auguste de Berger, his Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of Prussia, Lieutenant-General, Knight Grand-Cross of the order of Guelph, the red eagle of Prussia, the order of merit of Oldenburg &c., who after exchanging their said full powers, found in good and due form, have concluded and signed, subject to ratification, the following articles.

ART. I.

Reciprocal liberty of commerce and navigation.

There shall be between the territories of the High Contracting Parties a reciprocal liberty of commerce and navigation.

Inhabitants of either allowed admission into the territories of the other.

The inhabitants of their respective states shall mutually have liberty to enter, with or without their ships, and cargoes, the ports, places, waters and rivers of the territories of each party wherever foreign commerce is permitted.

Residence, &c. permitted them.

They shall be permitted to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and also to hire and occupy houses and warehouses, for the purposes of their commerce, provided they submit to the laws as well general as special, relative to the right of residing and trading.

Allowed to manage their own business.

Whilst they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business in all the territories subject to the jurisdiction of each party, in respect to the consignment, and sale of their goods, by wholesale or retail, as with respect to the loading, unloading and sending off their ships, or to employ such agents and brokers as they may deem proper, they being, in all these cases, to be treated as the citizens or subjects of the country in which they reside, it being nevertheless understood that they shall remain subject to the said laws and regulations also in respect to sales by wholesale or retail.

Free access to tribunals of justice.

They shall have free access to the tribunals of justice in their litigious affairs on the same terms which are granted by the law and usage of the country to native citizens or subjects, for which purpose they may employ in defence of their rights such advocates, attorneys and other agents as they may judge proper.

ART. II.

Duties to be the same as on national vessels.

No higher or other duties shall be imposed in any of the ports of the United States on Hanoverian vessels, than those payable in the same ports by vessels of the United States; nor in the ports of the Kingdom of Hanover on the vessels of the United States than shall be payable in the same ports on Hanoverian vessels.

Vessels to which the privileges secured by this article extend.

The privileges secured by the present article to the vessels of the respective high contracting parties shall only extend to such as are built within their respective territories, or lawfully condemned as prize of

TRAITÉ A LE ROI DE HANÔVRE.

Les Etats Unis d'Amérique et Sa Majesté le Roi de Hanôvre, également animés du désir d'étendre autant que possible les relations commerciales, et l'échange des produits entre leurs états respectifs, sont convenus, dans ce but, de conclure un traité de commerce et de navigation.

A cet effet, le Président des Etats Unis d'Amérique a muni de pleins pouvoirs Henry Wheaton, leur Envoyé Extraordinaire et ministre plénipotentiaire près Sa Majesté le Roi de Prusse; et Sa Majesté le Roi de Hanôvre a muni des mêmes pouvoirs le Sieur Auguste de Berger, son envoyé extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Prusse, Lieutenant Général, Chevalier Grand-Croix de l'ordre des Guelphes, de l'aigle rouge de Prusse, de l'ordre pour le mérite d'Oldenburg, &c. &c. &c.; lesquels plénipotentiaires, après avoir échangé leurs dits pleins pouvoirs trouvés en bonne et due forme, ont arrêté et signé, sous la réserve de la ratification, les articles suivans.

ART. I.

Il y aura entre les territoires des Hautes Parties Contractantes liberté et reciprocité de commerce et de navigation.

Les habitants de leurs états respectifs pourront, réciproquement, entrer avec ou sans leurs vaisseaux et cargaisons, dans les ports, places, eaux, et rivières des territoires de chacune d'elles, partout où le commerce étranger est permis.

Ils seront libres de s'y arrêter et résider dans quelque partie que ce soit des dits territoires, pour y vaquer à leurs affaires, et de louer et occuper des maisons et magazins pour leur négoce, pourvu qu'ils se soumettent aux lois, tant générales que spéciales, rélatives au droit d'y résider et d'y faire le commerce.

En se conformant aux lois et règlemens en vigueur, ils pourront, eux-mêmes diriger librement leurs propres affaires dans tous les territoires soumis à la juridiction de chacune d'elles, tant pour ce qui a rapport à la consignation et à la vente, en gros et en détail, de leurs denrées et marchandises, que pour ce qui regarde le chargement, déchargement, et expédition de leurs bâtimens, ou d'employer tels agens et courtiers qu'ils trouveront convenables; ils seront, dans tous ces cas, traités comme les citoyens ou sujets du pays dans lequel ils résident; néanmoins, il est bien entendu qu'ils restent assujettis aux dits lois et règlemens, aussi en ce qui regarde les ventes en gros et en détail.

Ils auront pleine liberté de recourir aux tribunaux de justice pour leurs affaires litigeuses aux mêmes conditions qui seront accordées par la loi et l'usage aux citoyens ou sujets du pays, et d'employer dans leurs procès, pour la défence de leurs droits, tels avocats, avoués, ou autres agens qu'ils trouveront convenables de choisir.

ART. II.

Il ne sera imposé d'autres ni de plus forts droits ou charges sur les vaisseaux Hanôvriens dans les ports des Etats Unis que ceux payables dans les mêmes ports par les vaisseaux des Etats Unis; ni dans les ports du royaume de Hanôvre sur les vaisseaux des Etats Unis que ceux qui sont payables dans les mêmes ports pas des vaisseaux Hanôvriens.

Les privilèges accordés par cet article aux vaisseaux des hautes parties contractantes respectives ne seront applicables qu'aux vaisseaux construits dans leurs territoires respectifs, ou légalement condamnés

war, or adjudged to be forfeited for a breach of the municipal laws of either of the parties, and belonging wholly to their citizens or subjects respectively, and of which the master, officers and two-thirds of the crew shall consist of the citizens or subjects of the country to which the vessel belongs.

Same duties on imports, whether in vessels of U. S. or of Hanover.

The same duties shall be paid on the importation into the ports of the United States of any articles, the growth, produce or manufacture of the Kingdom of Hanover, or of any other country belonging to the Germanic Confederation and the kingdom of Prussia, from whatsoever ports of the said country the said vessels may depart, whether such importation shall be in vessels of the United States or in Hanoverian vessels; and the same duties shall be paid on the importation into the ports of the Kingdom of Hanover, of any articles, the growth, produce or manufacture of the United States and of every other country of the continent of America and the West India Islands, from whatsoever ports of the said countries the vessels may depart whether such importation shall be in Hanoverian vessels or the vessels of the United States.

Same duties on exports, whether in vessels of U. S. or of Hanover.

The same duties shall be paid and the same bounties allowed on the exportation of any articles, the growth, produce or manufacture of the Kingdom of Hanover, or of any other country, belonging to the Germanic Confederation and the Kingdom of Prussia, to the United States, whether such exportation shall be in vessels of the United States, or in Hanoverian vessels, departing from the ports of Hanover, 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 and of every other country on the continent of America and the West India Islands, to the Kingdom of Hanover, whether such exportation shall be in Hanoverian vessels or in vessels of the United States, departing from the ports of the United States.

ART. III.

Same duties on importation of certain articles, the growth, &c. of either party, as, &c.

No higher or other duties shall be imposed on the importation into the United States of any articles, the growth, produce or manufacture of the Kingdom of Hanover and no higher or other duties shall be imposed on the importation into the Kingdom of Hanover of any articles, the growth, produce or manufacture 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.

Exportations.

No higher or other duties and charges shall be imposed in the United States, on the exportation of any articles to the Kingdom of Hanover, or in Hanover on the exportation of any articles to the United States, than such as are or shall be payable on the exportation of the like articles to any other foreign country.

All prohibitions shall be general.

No prohibition shall be imposed on the exportation or importation of any articles, the growth, produce or manufacture of the United States, or the Kingdom of Hanover, to or from the ports of said Kingdom or of the said United States, which shall not equally extend to all other nations.

ART. IV.

Coasting trade excepted.

The preceding articles are not applicable to the coasting trade and navigation of the High Contracting Parties which are respectively reserved by each exclusively to its own citizens or subjects.

ART. V.

No preference of importations to be given.

No priority or preference shall be given by either of the Contracting Parties, nor by any company, corporation or agent, acting on their behalf, or under their authority in the purchase of any article of commerce lawfully imported on account or in reference to the national

comme de prises de guerre, ou confisqués pour la violation des lois municipales de l'une ou de l'autre des parties, et appartenant exclusivement à leurs citoyens ou sujets respectifs, et desquels le capitaine, les sous-officiers, et les deux tiers de l'équipage seront des citoyens ou sujets du pays auquel le vaisseau appartient.

Les mêmes droits seront payés sur l'importation, dans les ports des Etats Unis, des articles provenant du sol ou de l'industrie du Royaume de Hanôvre, ou de tout autre pays de la Confédération Germanique et du royaume de Prusse, n'importe de quels ports des pays susmentionnés qué ces vaisseaux sortent, si ces mêmes articles sont importés dans les vaisseaux des Etats Unis, ou dans les vaisseaux Hanôvriens; et les mêmes droits seront payés sur l'importation dans les ports du Royaume de Hanôvre des articles provenant du sol ou de l'industrie des Etats Unis, ou de tout autre pays du continent de l'Amérique et des Antilles, n'importe de quels ports des pays susmentionnés que ces vaisseaux sortent, ci ces mêmes articles sont importés dans les vaisseaux Hanôvriens, ou dans les vaisseaux des Etats Unis.

Les mêmes droits seront payés, et les mêmes primes accordées, sur l'exportation aux Etats Unis des articles provenant du sol ou de l'industrie du Royaume de Hanôvre, ou de tout autre pays de la Confédération Germanique et du royaume de Prusse, si ces mêmes articles sont exportés dans les vaisseaux des Etats Unis, ou dans les vaisseaux Hanôvriens qui sortent de ports Hanôvriens; et les mêmes droits seront payés, et les mêmes primes accordées, sur l'exportation au Royaume de Hanôvre des articles provenant du sol ou de l'industrie des Etats Unis, et de tout autre pays du continent de l'Amérique et des Antilles, si ces mêmes articles sont exportés dans les vaisseaux Hanôvriens, ou dans ceux des Etats Unis, qui sortent des ports des Etats Unis.

ART. III.

Il ne sera imposé d'autres ni de plus forts droits sur l'importation aux Etats Unis des articles provenant du sol ou de l'industrie du Royaume de Hanôvre, et il ne sera imposé d'autres ni de plus forts droits sur l'importation dans le Royaume de Hanôvre, des articles provenant du sol ou de l'industrie des Etats Unis, que ceux qui sont ou seront imposés sur les mêmes articles provenant du sol ou de l'industrie de tout autre pays étranger.

Il ne sera imposé d'autres ni de plus forts droits dans les Etats Unis, sur l'exportation des articles de marchandise au Royaume de Hanôvre ou dans le Royaume de Hanôvre sur l'exportation des articles de marchandise aux Etats Unis, que ceux qui sont ou seront imposés sur l'exportation des mêmes articles à tout autre pays étranger.

Il ne sera imposé sur l'exportation ou sur l'importation des articles provenant du sol ou de l'industrie des Etats Unis, ou du royaume de Hanôvre, à la sortie ou à l'entrée du même royaume ou des Etats Unis, aucune prohibition qui ne soit pas également applicable à toute autre nation.

ART. IV.

Les articles précédens ne sont pas applicables au commerce ou à la navigation de côte ou de cabotage des Hautes Parties Contractantes, que l'une et l'autre se réservent exclusivement à ses propres citoyens ou sujets.

ART. V.

Il ne sera accordé par l'une et par l'autre des Parties Contractantes, ni par aucune compagnie, corporation, ou agent agissant en son nom, et par son autorité, aucune priorité ou préférence quelconque, pour l'achat d'aucun objet de commerce légalement importé, à cause ou en con-

character of the vessel, whether it be of the one party or of the other in which such article was imported.

ART. VI.

Consuls, &c. Their authority and privileges.

The 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, who shall enjoy the same privileges and powers as those of the most favored nations; but if any of the said consuls, shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

Consuls, &c. to judge and arbitrate in certain cases.

The consuls, vice-consuls and commercial agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation, whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country; or the said consuls, vice-consuls or commercial agents should require their assistance to cause their decisions to be carried into effect or supported.

Contending parties not thereby deprived, &c.

It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort on their return, to the judicial authority of their own country.

Consuls, &c. may require the assistance of the local authorities to arrest deserters.

The said consuls, vice-consuls and commercial agents are authorized to require the assistance of the local authorities for the search, arrest and imprisonment of the deserters from the ships of war, and merchant vessels of their country.

Manner in which the demand is to be made.

For this purpose they shall apply to the competent tribunals, judges and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being thus substantiated, the surrender shall not be refused.

Deserters, how to be disposed of.

Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls, or commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty and shall not be again arrested for the same cause. However if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal, before which his case shall be pending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

ART. VII.

Power to dispose of personal property.

The citizens or subjects of each party shall have power to dispose of their personal property within the jurisdiction of the other, by sale, donation, testament or otherwise.

Personal representatives may succeed.

Their personal representatives, being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or *ab intestato*.

Possession to be had, on payment of certain duties.

They may take possession thereof, either by themselves or by others acting for them, at their will, and dispose of the same, paying such duties only as the inhabitants of the country wherein the said personal property is situate, shall be subject to pay in like cases.

Care to be taken of it in the absence of the representatives.

In case of the absence of the personal representatives, the same care shall be taken of the said property as would be taken of the property of a native in like case, until the lawful owner may take measures for receiving it.

sidération de la nationalité du navire qui aurait importé les dits objets, soit qu'il appartient à l'une des parties soit à l'autre.

ART. VI.

Les Parties Contractantes se sont accordé mutuellement la faculté de tenir dans leurs ports respectifs, des consuls, vice-consuls, agens, ou commissaires de leur choix, qui jouiront des mêmes privilèges et pouvoirs dont jouissent ceux des nations les plus favorisées; mais dans le cas où les dits consuls veuillent faire le commerce, ils seront soumis aux mêmes lois et usages, auxquels sont soumis les particuliers de leur nation à l'endroit où ils resident.

Les consuls, vice-consuls, et agens commerciaux auront le droit, comme tels, de servir de juges et d'arbitres dans les différends qui pourraient s'élever entre les capitaines et les équipages des bâtimens de la nation dont ils soignent les interêts, sans que les autorités locales puissent y intervenir, à moins que la conduite des équipages ou du capitaine ne troublât l'ordre ou la tranquillité du pays, ou que les dits consuls, vice-consuls, ou agens commerciaux, ne requissent leur intervention pour exécuter ou maintenir leurs décisions.

Il est, néanmoins, bien entendu que cette espèce 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 pays.

Les dits consuls, vice-consuls, ou agens commerciaux, sont autorisés à requérir l'assistance des autorités locales pour la recherche, l'arrestation, la détention, et l'emprisonnement des déserteurs des navires de guerre et marchands de leur pays.

Ils s'adresseront pour cet objet aux tribunaux, juges, et officiers compétens, et réclameront, par écrit, les déserteurs susmentionnés, en prouvant par la communication des régistres des navires, ou rôles d'équipage, ou par d'autres documens officiels, que de tels individus ont fait partie des dits équipages; et cette réclamation ainsi prouvée, l'extradition ne sera point refusée.

De tels deserteurs, lorsqu'ils auront été arrêtés, seront mis à la disposition des dits consuls, vice-consuls, ou agens commerciaux, et pourront être enfermés dans les prisons publiques, à la réquisition et aux frais de ceux qui les réclament, pour être envoyés aux navires auxquels ils appartenaient, ou à d'autres de la même nation. Mais s'ils ne sont pas renvoyés dans l'espace de trois mois, à compter du jour de leur arrestation, ils seront mis en liberté, et ne seront plus arrêtés pour la même cause. Toutefois, si le déserteur se trouvait avoir commis quelque crime ou délit, il pourra être sursis à son extradition, jusqu'a ce que le tribunal nanti de l'affaire aura rendu sa sentence, et que celle-ci ait reçu son exécution.

ART. VII.

Les citoyens ou sujets de chacune des Parties Contractantes, auront, dans les états de l'autre, la liberté de disposer de leurs biens meubles et immeubles, soit par vente, donation, testament, ou autrement.

Leurs héritiers, étant sujets ou citoyens de l'autre partie contractante, succéderont à leurs biens, soit en vertu d'un testament ou *ab intestato*.

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 habitans du pays où se trouvent les dits biens sont assujettis en pareille occasion.

En cas d'absence des héritiers, on prendra provisoirement des dits biens les mêmes soins qu'on aurait pris en pareille occasion des biens de natifs du pays, jusqu'à ce que le propriétaire légitime ait agrée des arrangements pour recueillir l'héritage.

In case of several claimants.

If any question should arise among several claimants to which of them the said property belongs, the same shall be finally decided by the laws and judges of the country wherein it is situate.

In case of real estate, alien heirs allowed time to dispose of the same.

Where, on the decease of any person, holding real estate within the territories of 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 citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of *detraction* on the part of the government of the respective states.

Effects, &c. of persons removing, exempt from duties.

The capitals and effects which the citizens or subjects of the respective parties, in changing their residence, shall be desirous of removing from the place of their domicile, shall likewise be exempt from all duties of *detraction* or emigration on the part of the respective governments.

ART. VIII.

Right to wrecks abolished.

The ancient and barbarous right to wrecks of the sea shall be entirely abolished with respect to the property belonging to the citizens or subjects of the Contracting Parties.

Assistance in case of shipwreck, &c.

When any vessel of either party shall be wrecked, stranded or otherwise damaged on the coasts, or within the dominions of the other, their respective citizens or subjects 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 accident happens.

Salvage payable.

They shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

Duties payable in case of unloading to repair.

If the operations of repair shall require that the whole or any part of the cargo be unloaded, they shall pay no duties of custom, charges or fees, on the part which they shall reload and carry away, except as are payable in the like cases by national vessels.

Cargo liable for storage on goods, &c.

It is nevertheless understood, that if, whilst the vessel is under repair, the cargo shall be unladen, and kept in a place of deposite, destined to receive goods, the duties on which have not been paid, the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouses.

ART. IX.

Duration of the treaty.

The present treaty shall be in force for the term of twelve years from the date hereof: and further until the end of twelve months after the Government of the United States on the one part or that of Hanover on the other, shall have given notice of its intention of terminating the same.

ART. X.

Ratifications to be exchanged in ten months.

The present treaty shall be approved and ratified by the President of the United States of America by and with the advice and consent of their Senate; and by His Majesty the King of Hanover; and the ratifications thereof shall be exchanged at the city of Berlin, within the space of ten months from this date, or sooner if possible.

The signatures in two languages not to be cited as a precedent.

In faith whereof the respective plenipotentiaries have signed the above articles as well in French as in English, and have affixed thereto the seals of their arms, declaring at the same time that the signature in the two languages shall not hereafter be cited as a precedent, nor in any manner prejudice the contracting parties.

Done in quadruplicate at the city of Berlin the twentieth day of May in the year of our Lord, one thousand eight hundred and forty, and the sixty-fourth of the independence of the United States of America.

HENRY WHEATON, (L. S.)
AUGUSTUS DE BERGER, (L. S.)

S'ils s'élèvent des contestations entre différens prétandans ayant droit à la succession, elles seront decidées en dernier ressort, selon les lois, et par les juges du pays où la succession est vacante.

Si par la mort de quelque personne possédant des biens fonds sur le territoire de l'une des parties contractantes, ces biens fonds venaient à passer à un citoyen ou sujet de l'autre partie; celui-ci, si par sa qualité d'étranger il est inhabile à les posséder, obtiendra un délai convenable pour les vendre, et pour en retirer le produit sans obstacle, et exempts de tout droit de détraction de la part du Gouvernement des états respectifs.

Les capitaux et fonds que les citoyens ou sujets des parties respectives, en changeant de demeure, voudront faire sortir de l'endroit de leur domicile, seront aussi exempts de tout droit de détraction ou d'émigration de la part des Gouvernemens respectifs.

ART. VIII.

L'ancien et barbare droit de naufrage sera entièrement aboli à l'égard des sujets ou citoyens des deux Parties Contractantes.

Au cas que quelque vaisseaux appartenant à l'une des parties contractantes aurait fait naufrage, échoué, ou souffert quelque autre avarie sur les côtes ou sous la domination de l'autre, les sujets ou citoyens respectifs recevront, tant pour eux que pour les vaisseaux et effets, la même assistance qui aurait été fournie aux habitans du pays où l'accident arrive.

Ils payeront seulement les mêmes charges et droits de sauvetage, auxquels les dits habitans auraient été assujettis en pareil cas.

Si la réparation du vaisseau exigeait que la cargaison fût déchargée en tout ou en partie, ils ne payeront aucun impôt, charge, ou droit, de ce qui sera rembarqué et remporté, qui ne soit ou sera payé en pareil cas par les vaisseaux nationaux de leurs cargaisons.

Toutefois il est entendu, que si pendant la réparation d'un vaisseau, la cargaison était déchargée et gardée dans un dépôt destinés à recevoir les marchandises, dont les droits n'ont pas encore été payés, la cargaison ne pourra pas être exemptée des charges et droits dûs aux entre preneurs des dépôts susmentionnés.

ART. IX.

Le présent traité sera en vigueur pendant douze ans, à dater de ce jour; et au delà de ce terme jusqu'à l'expiration de douze mois après que le Gouvernement des Etats Unis d'une part, ou celui du Hanôvre de l'autre, aura annoncé à l'autre son intention de le terminer.

ART. X.

Le présent traité sera approuvé et ratifié par le President des Etats Unis d'Amérique, par et avec l'avis et le consentement du Sénat des dits Etats, et par Sa Majesté le Roi de Hanôvre; et les ratifications en seront échangées en la ville de Berlin dans l'espace de dix mois, à dater de ce jour, ou plutôt si faire se peut.

En foi de quoi, les plénipotentiaires respectifs ont signé les articles ci-dessus, tant en Français qu'en Anglais, et y ont apposé leurs sceaux; déclarant toutefois que la signature dans ces deux langues ne doit pas, par la suite, être citée comme exemple, ni, en aucune manière, porter préjudice aux parties contractantes.

Fait par quadruplicata, en la cité de Berlin, le vingt du mois de Mai, l'an de grâce mille huit-cent et quarante, et la soixante-quatrième de l'indépendance des Etats Unis d'Amérique.

HENRY WHEATON, (L. S.)
AUGUSTE DE BERGER, (L. S.)

Aug. 26, 1840.

TREATY WITH PORTUGAL.

Ratifications exchanged, April 23, 1841. Proclamation of the President of the U. S., April 24, 1841.

In the Name of the Most Holy and Undivided Trinity.

THE United States of America, and Her Most Faithful Majesty the Queen of Portugal and of the Algarves, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective states; of extending, also, and consolidating the commercial intercourse between them; and convinced that this object cannot better be accomplished than by adopting the system of an entire freedom of navigation, and a perfect reciprocity based upon principles of equity equally beneficial to both countries; have, in consequence, agreed to enter into negotiations for the conclusion of a treaty of commerce and navigation: and they have appointed as their plenipotentiaries for that purpose, to wit: the President of the United States of America, Edward Kavanagh, their chargé d'affaires at the court of Her Most Faithful Majesty; and Her Most Faithful Majesty, the most illustrious and most excellent John Baptist de Almeida Garrett, first historiographer to her said Majesty, of her council, member of the Cortes, knight of the ancient and most noble order of the tower and sword, knight commander of the order of Christ, officer of the order of Leopold in Belgium, judge of the superior court of commerce, envoy extraordinary and minister plenipotentiary to Her Catholic Majesty; who, after having exchanged their respective full powers, found to be in due and proper form, have agreed upon, and concluded, the following articles:

ARTICLE I.

Reciprocal liberty of commerce and navigation.

Liberty of residence, &c. secured.

There shall be, between the territories of the high contracting parties, a reciprocal liberty of commerce and navigation. The citizens and subjects of their respective States shall, mutually, have liberty to enter the ports, places and rivers of the territories of each party, wherever foreign commerce is, or shall be, permitted. They shall be at liberty to sojourn and reside in all parts of said territories, in order to attend to their affairs; and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

ARTICLE II.

Vessels of either party, arriving in the ports of the other, put on the footing of national vessels.

Vessels of the United States of America arriving, either laden or in ballast, in the ports of the kingdom and possessions of Portugal; and, reciprocally, Portuguese vessels arriving, either laden or in ballast, in the ports of the United States of America, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels, coming from the same place, with respect to the duties of tonnage, light-house duties, pilotage, port charges, as well to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied upon vessels of commerce, in the name or to the profit of the Government, the local authorities, or of any public, or private establishment, whatsoever.

ARTICLE III.

No higher or other duties shall be imposed on the importation, into the kingdom and possessions of Portugal, of any article, the growth,

TRACTADO COM PORTUGAL.

En Nome da Santissima e Indivisel Trindade.

Os Estados Unidos da America, e sua Magestade Fidelissima, a Raynha de Portugal e dos Algarves, igualmente animados do desejo de manter as relações de boa intelligencia, que até aqui tem felizmente subsistido entre seus respectivos Estados; e de estender outro sim, e consolidar as relações commerciaes entre elles; e convencidos de que este objecto se não póde melhor conseguir do que pela adopção de um systema de inteira liberdade de navegação e perfeita reciprocidade fundada nos principios de equidade igualmente beneficos para ambos os payes; assentarão, em consequencia, de entrar em negociações para a conclusão de um tractado de commercio e navegação; para cujo fim nomearão para seus plenipotenciarios, a saber: o Presidente dos Estados Unidos da America, ao Senhor Edward Kavanagh, encarregado de negocios dos mesmos Estados n'esta côrte; e sua Magestade a Raynha de Portugal, ao illustrissimo e excellentissimo João Baptista de Almeida Garrett, seu chronista mór, e do seu concelho, deputado da nação Portugueza, cavalleiro da antiga e muito nobre ordem da torre e espada do valor, lealdade, e merito, commendador da ordem de Christo, official da de Leopoldo na Belgica, juiz do tribunal superior de commercio, enviado extraordinario e ministro plenipotenciario juncto a sua Magestade Catholica; os quaes, depois de terem communicado, um ao outro, os seus respectivos plenos poderes, que se acharam em boa e devida fórma, ajustaram e concluiram os artigos seguintes:

ARTIGO I.

Haverá, entre os territorios das altas partes contractantes, reciproca liberdade de commercio de navegação. Os cidadãos e subditos dos seus respectivos estados poderão, mutua e livremente, entrar nos portos, logares, e rios dos territorios de cada uma das dittas partes contractantes, aonde quer que o commercio estrangeiro é, ou vier a ser, permittido. Terão igualmente liberdade de pousar e residir em qualquer parte dos dittos territorios, afim de tractar de seus negocios; e gozarão, para esse fim, a mesma segurança e protecção que os naturaes do paiz onde residem, sob condição de se sujeitarem ás leis e ordens do governo que ahi regerem, especialmente aos regulamentos commerciaes em vigor.

ARTIGO II.

Os navios dos Estados Unidos da America que aportarem, carregados ou em lastro, aos portos do reino e possessões de Portugal; e, reciprocamente, os navios Portuguezes, que aportarem, carregados ou em lastro, nos portos dos Estados Unidos da America, serão tractados, á entrada, durante a sua estada no porto, e á sahida d'elle, do mesmo modo que os navios nacionaes vindos de iguaes procedencias, em relação aos direitos de tonelagem, de farões, pilotagem, e ancoradouro, e bem assim quanto aos emolumentos e propinas das auctoridades publicas, ou quaesquer outros encargos e direitos, de qualquer natureza ou denominação que sejão, e que costumam levar-se aos navios de commercio, ou seja por conta do Governo, das auctoridades locaes, ou de qualquer outro estabelecimento publico ou particular.

ARTIGO III.

Não se imporão outros nem maiores direitos, na importação, em o reino de Portugal e suas possessões, de nenhum genero de producto

No other or higher duties to be imposed on importations, &c.

produce or manufacture of the United States of America; and no higher or other duties shall be imposed on the importation, into the United States of America, of any article, the growth, produce or manufacture of the kingdom and possessions of Portugal, than such as are, or shall be, payable on the like article, being the growth, produce, or manufacture of any other foreign country.

All prohibitions to be general.

Nor shall any prohibition be imposed on the importation or exportation of any article, the growth, produce or manufacture of the United States of America, or of the kingdom and possessions of Portugal, to or from, the ports of the said kingdom and possessions of Portugal, or of the said States, which shall not equally extend to all other foreign nations.

No other or higher duties to be imposed on exportations, &c.

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 of America, or to the kingdom of Portugal, respectively, than such as are payable on the exportation of the like articles to any other foreign country.

Proviso.

Provided, however, that nothing contained in this article shall be understood, or intended, to interfere with the stipulation entered into by the United States of America, for a special equivalent, in regard to French wines, in the convention made by the said States and France, on the fourth day of July, in the year of our Lord one thousand eight hundred and thirty-one; which stipulation will expire, and cease to have effect, in the month of February, in the year of our Lord one thousand eight hundred and forty-two.

ARTICLE IV.

Same duties on importations, &c. in vessels of either party.

The same duties shall be paid, and the same bounties, deductions, or privileges allowed, on the importation, into the kingdom and possessions of Portugal, of any article, the growth, produce, or manufacture of the United States of America, whether such importation shall be in vessels of the said States, or in Portuguese vessels; and, reciprocally, the same duties shall be paid, and the same bounties, deductions, or privileges allowed, on the importation, into the United States of America, of any article, the growth, produce, or manufacture of the kingdom and possessions of Portugal, whether such importation shall be in Portuguese vessels, or in vessels of the said States.

ARTICLE V.

Favors granted by either party to other nations, to become common.

It is agreed by the high contracting parties, that, whenever there may be lawfully imported into all or any of the ports of the kingdom and possessions of Portugal, in vessels of any foreign country, articles of the growth, produce, or manufacture of a country other than that to which the importing vessels shall belong, the same privilege shall immediately become common to vessels of the United States of America, with all the same rights and favors as may, in that respect, be granted to the most favored nation. And, reciprocally, in consideration thereof, Portuguese vessels shall, thereafter, enjoy, in the same respect, privileges, rights, and favors, to a correspondent extent, in the ports of the United States of America.

ARTICLE VI.

No higher or other duties on exportations, &c. than are paid by national vessels.

All kinds of merchandise and articles of commerce, which may be lawfully exported or re-exported from the ports of either of the high contracting parties to any foreign country, in national vessels, may also be exported or re-exported therefrom in vessels of the other party, respectively, without paying other or higher duties or charges, of whatever kind or denomination, than if the same merchandise or articles of commerce were exported or re-exported in national vessels.

natural ou de manufactura dos Estados Unidos da America; nem outros ou maiores direitos serão impostos na importação, em os Estados Unidos da America, de genero algum de producção natural ou de manufactura do reino de Portugal e suas possessões, alem daquelles que pagão, ou vierem a pagar, iguaes generos de producção natural ou de manufactura de qualquer outro paiz estrangeiro.

Nem se estabelecerá prohibição alguma na importação ou exportação de qualquer genero de producção natural ou manufactura dos Estados Unidos da America, ou do reino de Portugal e suas possessões, respectivamente, em algum d'elles, que do mesmo modo se não estabeleça igualmente para todas as outras nações estrangeiras.

Nem se estabelecerão outros ou maiores direitos ou encargos, em qualquer dos dous paizes, sobre a exportação de quaesquer generos para os Estados Unidos da America, ou para o reino de Portugal, respectivamente, alem dos que se pagão pela exportação de iguaes generos para outro paiz estrangeiro.

Intendendose, todavia, que nada do que neste artigo se contem poderá prejudicar a estipulação admittida pelos Estados Unidos da America, por um equivalente especial, a respeito dos vinhos Francezes, na convenção, celebrada entre os dittos Estados e a França, em quatro de Julho do anno do nascimento de nosso Senhor Jesu Christo de mil oitocentos e trinta e um; a qual estipulação hade terminar e deixar de ter effeito, no mez de Fevereiro, do anno do nascimento de nosso Senhor Jesu Christo de mil oitocentos e quarenta e dous.

ARTIGO IV.

Pagar-se-hao os mesmos direitos, e serão concedidos os mesmos favores, deducções, ou privilegios pela importação, em o reino e possessões de Portugal, de qualquer genero de producção natural ou manufactura dos Estados Unidos da America, quer a ditta importação se faça em navios dos dittos Estados, ou em navios Portuguezes: e, reciprocamente, se pagarão os mesmos direitos, e serão concedidos os mesmos favores, deducções, e privilegios pela importação, em os Estados Unidos da America, de qualquer genero de producção natural ou manufactura de Portugal e suas possessões, quer a ditta importação seja feita em navios Portuguezes, ou em navios dos dittos Estados.

ARTIGO V.

Convierão as altas partes contractantes, que se, em algum tempo, fôr permittido o importar em todos ou alguns dos portos o reino e possessões de Portugal, em navios de qualquer nação estrangeira, alguns generos de producção natural ou manufactura de outro paiz que não seja aquelle á que os dittos navios pertencerem, o mesmo favor será immediatamente extensivo aos navios dos Estados Unidos da America, com os mesmos direitos e favores que, para esse fim, forem concedidos á nação, mais favorecida. Em consideração, do que, e reciprocamente, os navios Portuguezes gozarão, d'ahi em diante, e para o mesmo fim, privilegios, direitos, e favores, na mesma extenção correspondente, nos portos dos Estados Unidos da America.

ARTIGO VI.

Toda a sorte de mercadorias e artigos de commercio que legalmente podem ser exportados ou re-exportados dos portos de uma das altas partes contractantes, para qualquer paiz estrangeiro, em navios nacionaes, poderão igualmente ser exportados ou re-exportados dos dittos portos em os navios da outra parte, respectivamente, sem pagar outros ou maiores direitos ou encargos, de qualquer modo ou denominação que sejam, do que se as dittas mercadorias ou artigos de commercio fossem exportados ou re-exportados em navios nacionaes.

Bounties, &c. the same, in vessels of either party.

And the same bounties and drawbacks shall be allowed, whether such exportation or re-exportation be made in vessels of the one party or the other.

ARTICLE VII.

Coasting trade excepted.

It is expressly understood that nothing contained in this treaty shall be applicable to the coastwise navigation of either of the two countries, which each of the high contracting parties reserves exclusively to itself.

ARTICLE VIII.

Foregoing stipulations not applicable to certain ports.

It is mutually understood that the foregoing stipulations do not apply to ports and territories, in the kingdom and possessions of Portugal, where foreign commerce and navigation are not admitted; and that the commerce and navigation of Portugal, directly to and from the United States of America and the said ports and territories, are also prohibited.

Said ports, &c. when opened to any foreign nation, to be open to U. S.

But Her Most Faithful Majesty agrees that, as soon as the said ports and territories, or any of them, shall be opened to the commerce or navigation of any foreign nation, they shall, from that moment, be also opened to the commerce and navigation of the United States of America, with the same privileges, rights and favors as may be allowed to the most favored nation, gratuitously, if the concession was gratuitously made, or on allowing the same compensation, or an equivalent, if the concession was conditional.

ARTICLE IX.

Protection to vessels seeking refuge, &c.

Whenever the citizens or subjects of either of the contracting parties shall be forced to seek refuge or asylum in any of the rivers, bays, ports, or territories of the other, with their vessels, whether merchant, or of war, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor, facility 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.

ARTICLE X.

Each party to have consuls, &c. in each other's ports

The two contracting parties shall have 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 nation. But, before any consul, vice-consul, agent, or commissary shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent.

Of consuls engaging in commerce.

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, in respect of their commercial transactions.

In case of consuls violating the laws.

And, it is hereby declared that, in case of offense against the laws, such consul, vice-consul, agent or commissary may either be punished according to law, or be sent back, the offended Government assigning, to the other, reasons for the same.

Consular archives to be inviolable.

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.

Disputes between Americans, &c. to be decided by the consul, &c.

The consuls, vice-consuls, and commercial agents, shall have the right, as such, to sit as judges and arbitrators, in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or

E conceder-ce-hão, os mesmos favores e deducções de direitos, quer a exportação ou a re-exportação seja feita em navios de uma ou da outra das dittas partes.

ARTIGO VII.

Fica expressamente intendido que nenhuma das estipulações conthendas no presente tractado será applicavel á navegação costeira, ou de cabotagem, de qualquer dos dous paizes, que cada uma das altas partes contractantes exclusivamente se reserva.

ARTIGO VIII.

Fica mutuamente entendido que as precedentes estipulações não são applicaveis aos portos e territorios no reino e possessões de Portugal, em que não são admittidos o commercio e navegação estrangeiros; e que o commercio e navegação de Portugal, directamente dos dittos portos para os Estados Unidos da America, e dos dittos Estados para os dittos portos e territorios, são igualmente prohibidos.

Mas sua Magestade Fidelissima consente em que, quando, em algum tempo, os dittos portos e territorios, ou algum d'elles, vierem a ser abertos ao commercio ou navegação de qualquer nação estrangeira, desde esse momento figuem abertos ao commercio e navegação dos Estados Unidos da America, com os mesmos privilegios, direitos, e favores, que fôrem concedidos á nação mais favorecida; gratuitamente, se a concessão tiver sido gratuita, ou pela mesma compensação, ou um equivalente d'ella, se a concessão tiver sido condicional.

ARTIGO IX.

Os cidadãos e subditos de qualquer das partes contractantes que fôrem obrigados a procurar refugio ou asilo em algum dos rios, bahias, portos, ou territorios da outra, com seus navios, ou sejão mercantes ou de guerra, por causa do temporal, perseguição de piratas, ou inimigos, serão recebidos e tractados com humanidade, dando-se-lhes todo o favor, facilidade, e protecção para reparar os seus navios, procurar mantimentos, e por-se em estado de continuar a sua viagem, sem nenhum obstaculo ou molestação.

ARTIGO X.

As duas partes contractantes terão a liberdade de nomear para os portos, uma da outra, consules, vice-consules, agentes e commissarios os quaes gozarão dos mesmos privilegios e poderes que os da nação mais favorecida. Mas, antes que qualquer consul, vice-consul, agente, ou commissario possa funccionar como tal, será, na devida e usual forma, approvado e admittido pelo Governo do paiz a que é mandado.

Mas, se algum d'estes consules exercitar o commercio, ficará sujeito ás mesmas leis e usos a que são sujeitos os individuos particulares de sua nação, nos mesmos logares, relativamente ás suas transacções commerciaes.

E aqui fica declarado, que no caso de offensa contra as leis, o ditto consul, vice-consul, agente, ou commissario poderá ser, ou punido conforme o direito, ou mandado, sahir, declarando o Govêrno offendido, ao outro, as rasões do seu procedimento.

Os archivos e papeis dos consulados serão respeitados inviolavelmente; e por nenhum pretexto poderá qualquer magistrado embarga-los, ou, de outro modo, intervir a respeito d'elles.

Os consules, vice-consules, e agentes commerciaes terão o direito, como taes, de exercer as funcções de juizes e arbitros, nas questões que venhão a levantar se entre os mestres e companhas dos navios da nação cujos interesses lhe são commettidos, sem intervenção das auctoridades locaes, excepto se o procedimento das dittas companhas e mestres per-

of the captains, should disturb the order or the tranquillity, or offend the laws, of the country; or the said consuls, vice-consuls, or commercial agents should require their assistance to cause their decisions to be carried into effect, or supported.

Contending parties may resort to judicial authorities, &c.

It is, however, understood that this species of judgment, or arbitration, shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authorities of their country.

ARTICLE XI.

Consuls, &c. may require the aid of the civil authorities to arrest deserters.

The said consuls, vice-consuls and commercial agents are authorized to require the assistance of the local authorities, for the search, arrest, detention and imprisonment of the deserters from the ships of war and merchant vessels of their country.

How the demand shall be made.

For this purpose, they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand the said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and, this reclamation being thus substantiated, the surrender shall be made, without delay.

Deserters, when arrested, how to be disposed of.

Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls, or commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country, by a vessel of the same nation, or any other vessel whatsoever. But, if not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter shall be found to have committed any crime or offense, the surrender may be delayed until the tribunal, before which his case shall be pending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE XII.

Power to dispose of personal goods, &c.

The citizens and subjects of each of the high contracting parties shall have power to dispose of their personal goods, within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives 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 will, paying to the profit of the respective Governments such dues only as the inhabitants of the country, wherein the said goods are, shall be subject to pay in like cases.

In case of real estate, time allowed to sell the same, &c.

And where, on the death of any person holding real estate, within the territories of one of the high contracting parties, such real estate would, by the laws of the land, descend on a citizen or subject of the other party, who, by reason of alienage, may be incapable of holding it, he shall be allowed the time fixed by the laws of the country; and, in case the laws of the country actually in force may not have fixed any such time, he then shall be allowed a reasonable time to sell, or otherwise dispose of, such real estate, and to withdraw and export the proceeds without molestation, and without paying to the profit of the respective Governments any other dues than those to which the inhabitants of the country, wherein said real estate is situated, shall be subject to pay in like cases.

ARTICLE XIII.

Favors in navigation, &c. to become common.

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

turbar a ordem ou a tranquillidade, ou offender as leis, do paiz; ou tambem se os dittos consules, vice-consules, ou agentes commerciaes requererem o seu auxilio para haver de levar á effeito as suas decisões.

É, com tudo, entendido que esta especie de julgamento, ou arbitragem, de nenhum modo privará os litigantes do direito que teem a recorrer depois ás auctoridades judiciaes do seu paiz.

ARTIGO XI.

Os dittos consules, vice-consules, e agentes commerciaes são auctorisados a requerer o auxilio das auctoridades locaes, para a busca, prisão, detenção, e custodia dos desertores dos navios de guerra e mercantes da sua nação.

Para este fim, poderão dirigir se aos competentes tribunaes, juizes, e officiaes publicos, e pedirão, por escripto, os ditos desertores, provando pela exhibição dos registos dos navios, matricula dos marinheiros, ou poz qualquer outro documento official, que taes individuos pertenciáo á tripulação d'elles; e documentada assim a reclamação, será feita a entrega sem demora.

Os desertores apenas prezos serão postos á disposição dos dittos consules, vice-consules, ou agentes commerciaes, e poderão ser detidos nas cadeas publicas, a rôgo e á custa dos que os reclamarem, para haverem de ser detidos, atè se restituirem aos navios a que pertenciáo, ou mandados para o seu paiz, por um navio da mesma nação, ou por qualquer outro. Se porem não forem mandados para o seu paiz dentro de quatro mezes contados do dia da prisão serão postos em liberdade, e não tornarão a ser presos pela mesma causa. Mas, se vier a conhecer-se que o dezertor commetten algum crime ou offensa contra as leis do paiz, será demorada a entrega d'elle atè que o tribunal, a que o caso estiver affecto pronuncie sentença, e a sentença se execute.

ARTIGO XII.

Os cidadãos e subditos de cada uma das altas partes contractantes poderam dispôr dos seus bens moveis que se acharem dentro da jurisdicção da outra, por testamento, doação, ou por qualquer outro modo; e os seus representantes poderam succeder nos ditos bens particulares, por testamento, ou *ab intestato*, e poderam tomar posse d'elles por si ou por seus procuradores, e dispor livremente dos mesmos, pagando sómente aus respectivos Governos o que os habitantes do paiz, em que os dittos bens estiverem, forem obrigados a pagar em iguaes casos.

E se, por morte de alguma pessoa que possua, bens de raiz dentro do territorio de uma das altas partes contractantes, esses bens de raiz tiverem de passar, conforme as leis do paiz, a um cidadão ou subdito da outra parte, e a ditta pessoa as não poder possuir por sua qualidade de estrangeiro, sêr-lhe-ha dado o tempo marcado pelas leis do paiz; ou se estas o não tiverem marcado sêr-lhe-ha dado o tempo rasoavel para vender, ou de qualquer outro modo dispôr dos dittos bens de raïz, e retirar ou exportar o seu producto sem gravame e sem ter de pagar para os respectivos Governos outro algum direito alem dos que, em iguaes casos são impostos aos habitantes do païz aonde os dittos bens de raïz fôrem situados.

ARTIGO XIII.

Se uma das partes contractantes vier a conceder a qualquer outra nação qualquer favor particular em navegação ou em commercio, o ditto favor será immediatamente extensivo á outra parte; livremente se livre-

nation, or on yielding the same compensation, or an equivalent, *quam proximè*, where the grant is conditional.

ARTICLE XIV.

The following points agreed to.

The United States of America and her Most Faithful Majesty, 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 reciprocal liberty of commerce and navigation, have declared solemnly, and do agree to the following points:

Duration of the treaty.

1st. The present treaty shall be in force for six 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 any time after the expiration of the said term of six years; and it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either from the other party, this treaty shall altogether cease and terminate.

Citizens personally responsible for violations of this treaty.

2d. If any one or more of the citizens or subjects of either party shall infringe any of the articles of this treaty, such citizen or subject shall be held personally responsible for the same; and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

Reprisals not to be authorized, nor war declared, until, &c.

3d. If, (which, indeed, cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated or infringed, in any way whatever, it is expressly stipulated, that neither of the contracting parties will order or authorise 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.

Ratifications to be exchanged within eight months.

4th. The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by Her Most Faithful Majesty, with the previous consent of the General Cortes of the nation, and the ratifications shall be exchanged, in the City of Washington, within eight months from the date hereof, or sooner, if possible.

In witness whereof, the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done in triplicate, in the city of Lisbon, the twenty-sixth day of August, in the year of our Lord one thousand eight hundred and forty.

EDWARD KAVANAGH, (L. S.)

mente fôr concedido, ou pela mesma compensação, ou por outra equivalente, *quam proximè*, se a concessão fôr condicional.

ARTIGO XIV.

Os Estados Unidos da America e su a Magestade Fidelissima, desejando fazer tam duraveis quanto as circumstancias o permittão, as relações que vão estabelecer-se entre as duas partes, em virtude deste tractado ou geral convenção de reciproca liberdade de commercio e navegação, declarão solemnemente e consentem nos seguintes pontos:

1°. O presente tractado durara e estará em plena força e vigor por espaço de seis annos contados da data d'este, e por um anno mais depois que uma das partes contractantes tiver intimado á outra a sua intenção de terminar o mesmo; reservando se cada uma das partes contractantes o direito de fazer essa intimação em qualquer tempo depois de ter expirado o referido termo de seis annos: e do mesmo modo fica ajustado entre ellas, que, um anno depois de ser recebida por uma d'ellas, da outra parte, a ditta intimação, esse tractado cessará e terminará inteiramente.

2°. Se um ou mais cidadãos ou subditos de uma das partes contractantes infringir qualquer dos artigos d'este tractado, será o mesmo cidadão ou subdito pessoalmente responsavel por aquella infracção; e a boa harmonia e correspondencia entre as duas naçoes não será por isso interrompido; obrigando-se cada uma das dittas partes a não proteger de nenhum modo o offensor, e a não sanccionar tal violação.

3°. Se, (o que não é de esperar,) infelizmente algum ou algums dos artigos, no presente tractado conthendos, vier a ser por qualquer modo violado ou infringido, expressamente se estipula que nenhuma das partes contractantes poderá ordenar ou auctorizar nenhum acto de represaha, nem declarar guerra á outra, por agravos de injurias ou damnos, até que a ditta parte, que offendida se considera, tenha primeiro appresentado á outra uma exposição das dittas injurias ou damnos provados por competentes documentos, e pedido justiça e satisfacção, que ou lhe tinha sido recusada, ou desarresoadamente demorada.

4°. O presente tractado será approvado e ratificado pelo Presidente dos Estados Unidos da America, por e com annuencia e consentimento do Senado dos dittos Estados, e por sua Magestade Fidelissima, com previo consentimento das Cortes Geraes da nação, e as ratificações serão trocadas na cidade de Washington, no prazo de outo meses contados da data da assignatura, ou antes se possivel fôr.

Em testemunho do que, os respectivos plenipotenciarios o assignaram, e lhe appozerão o sêllo de suas armas.

Feito em triplicado, na cidade de Lisboa, aos vinte-e-seis dias de Agosto do anno do nascimento de nosso Senhor Jesu Christo de mil outocentos e quarenta.

JOAO BAPTISTA DE ALMEIDA GARRETT, (L. S.)

March 17, 1841.

CONVENTION WITH PERU.

Proclamation of the President of the U. S., Feb. 21, 1844.

Commissioners appointed.

The United States of America and the Republic of Peru, desirous of consolidating permanently, the good understanding and friendship now happily existing between the parties, have resolved to arrange and terminate their differences and pretensions, by means of a Convention that shall determine exactly, the responsibilities of Peru, with respect to the claims of certain citizens of the United States against her: And with this intention, the President of the United States has appointed James C. Pickett, Chargé d'Affaires of said States, near Peru, and his excellency the President of the Republic of Peru, has appointed Don Manuel del Rio, principal officer of the Department of Finance, acting minister of the same Department and supernumerary Councillor of State; and both Commissioners, after having exchanged their powers, have agreed upon and signed the following articles:

ARTICLE I.

Peru to pay U. S. $300,000.

The Peruvian Government, in order to make full satisfaction for various claims of citizens of the United States, on account of seizures, captures, detentions, sequestrations and confiscations of their vessels, or for the damage and destruction of them, of their cargoes, or other property, at sea, and in the ports and territories of Peru, by order of said Government of Peru, or under its authority, has stipulated, to pay to the United States, the sum of three hundred thousand dollars, which shall be distributed among the claimants, in the manner and according to the rules that shall be prescribed by the Government of the United States.

ARTICLE II.

To be paid in ten annual instalments.

The sum of three hundred thousand dollars, which the Government of Peru has agreed to pay, in the preceding article, shall be paid at Lima, in ten equal annual instalments of thirty thousand dollars each, to the person or persons that may be appointed by the United States, to receive it. The first instalment shall be paid on the first day of January, in the year one thousand eight hundred and forty-four, and an instalment on the first day of each succeeding January, until the whole sum of three hundred thousand dollars shall be paid.

ARTICLE III.

Interest at the rate of four per centum.

The Peruvian Government agrees also, to pay interest on the before mentioned sum of three hundred thousand dollars, at the rate of four per centum per annum, to be computed from the first day of January one thousand eight hundred and forty-two, and the interest accruing on each instalment, shall be paid with the instalment. That is to say; interest shall be paid on each annual instalment, from the first day of January one thousand eight hundred and forty-two.

ARTICLE IV.

To be paid in hard dollars.

All the annual payments made on account of the three hundred thousand dollars, shall be paid in hard dollars of the same standard and

value as those now coined at the mint in Lima, and the annual payments, as well as the accruing interest, may be exported from Peru, free of all duty whatever.

ARTICLE V.

No further demand for claims presented by S. Larned.

There shall not be demanded of the Government of Peru, any other payment or indemnification, on account of any claim of the citizens of the United States, that was presented to it by Samuel Larned esquire, when Chargé d'Affaires of the United States, near Peru. But the claims subsequent to those presented by Mr. Larned to the Government of Peru, shall be examined and acted upon hereafter.

ARTICLE VI.

Optional with Peru to pay with orders on custom-house at Callao.

It is further agreed, that the Peruvian Government shall have the option of paying each annual instalment, when it is due, with orders on the custom-house at Callao, which shall be endorsable in sums of any amount, and receivable in the Treasury, as cash, in payment of duties on importations of all kinds; and the orders shall be given in such a manner as, that in case similar orders shall be at a discount in the market, the full value of each annual payment shall be secured and made good to the United States, as though it had been paid in cash, at the time of its falling due; and any loss occasioned by discount, or delay in the collection, shall be borne and made good by the Peruvian Government.

ARTICLE VII.

To be ratified in two years.

This Convention shall be ratified by the contracting parties, and the ratifications shall be exchanged within two years from its date, or sooner, if possible, after having been approved by the President and Senate of the United States, and by the Congress of Peru.

In witness whereof, the respective Commissioners have signed the same, and affixed thereto their seals. Done in triplicate at the city of Lima, this seventeenth day of March, in the year of our Lord one thousand eight hundred and forty-one.

J. C. PICKETT, (L. S.)
MANUEL DEL RIO, (L. S.)

A TREATY

Aug. 9, 1842.

Ratified Aug. 22, 1842.

To settle and define the boundaries between the territories of the United States and the possessions of Her Britannic Majesty in North America; for the final suppression of the African slave trade; and for the giving up of criminals, fugitive from justice, in certain cases.

Preamble.

WHEREAS certain portions of the line of boundary between the United States of America and the British dominions in North America, described in the second article of the treaty of peace of 1783, have not yet been ascertained and determined, notwithstanding the repeated attempts which have been heretofore made for that purpose: and whereas it is now thought to be for the interest of both parties, that, avoiding further discussion of their respective rights, arising in this respect under the said treaty, they should agree on a conventional line in said portions of the said boundary, such as may be convenient to both parties, with such equivalents and compensations as are deemed just and reasonable: and whereas, by the treaty concluded at Ghent on the 24th day of December, 1814, between the United States and His Britannic Majesty, an article was agreed to and inserted of the following tenor, viz: "Art. 10. Whereas the traffic in slaves is irreconcilable 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:" and whereas, notwithstanding the laws which have at various times been passed by the two Governments, and the efforts made to suppress it, that criminal traffic is still prosecuted and carried on: and whereas the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland are determined that, so far as may be in their power, it shall be effectually abolished: and whereas it is found expedient, for the better administration of justice and the prevention of crime within the territories and jurisdiction of the two parties, respectively, that persons committing the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up. The United States of America and Her Britannic Majesty, having resolved to treat on these several subjects, have for that purpose appointed their respective plenipotentiaries to negotiate and conclude a treaty, that is to say, the President of the United States has, on his part, furnished with full powers Daniel Webster, Secretary of State of the United States, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland has, on her part, appointed the Right Honorable Alexander Lord Ashburton, a peer of the said United Kingdom, a member of Her Majesty's most honorable Privy Council, and Her Majesty's Minister Plenipotentiary on a special mission to the United States, who, after a reciprocal communication of their respective full powers, have agreed to and signed the following articles:

ARTICLE I.

Boundary line between U. S. and the British possessions.

It is hereby agreed and declared that the line of boundary shall be as follows: Beginning at the monument at the source of the river St. Croix as designated and agreed to by the commissioners under the fifth article of the treaty of 1794, between the Governments of the United States and Great Britain; thence, north, following the exploring line run and marked by the surveyors of the two Governments in the years 1817 and 1818, under the fifth article of the treaty of Ghent, to its intersection with the river St. John, and to the middle of the channel thereof; thence, up the middle of the main channel of the said river St. John, to the mouth of the river St. Francis; thence, up the middle of the channel of the said river St. Francis, and of the lakes through which it flows, to the outlet of the Lake Pohenagamook; thence, southwesterly, in a straight line, to a point on the northwest branch of the river St. John, which point shall be ten miles distant from the main branch of the St. John, in a straight line, and in the nearest direction —but if the said point shall be found to be less than seven miles from the nearest point of the summit or crest of the highlands that divide those rivers which empty themselves into the river St. Lawrence from those which fall into the river St. John, then the said point shall be made to recede down the said northwest branch of the river St. John, to a point seven miles in a straight line from the said summit or crest; thence, in a straight line, in a course about south, eight degrees west, to the point where the parallel of latitude of 46° 25′ north intersects the southwest branch of the St. John's; thence, southerly, by the said branch, to the source thereof in the highlands at the Metjarmette portage; thence, down along the said highlands which divide the waters which empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean, to the head of Hall's stream; thence, down the middle of said stream, till the line thus run intersects the old line of boundary surveyed and marked by Valentine and Collins, previously to the year 1774, as the 45th degree of north latitude, and which has been known and understood to be the line of actual division between the States of New York and Vermont on one side, and the British province of Canada on the other; and, from said point of intersection, west, along the said dividing line, as heretofore known and understood, to the Iroquois or St. Lawrence river.

ARTICLE II.

Description of the boundary line.

It is moreover agreed, that, from the place where the joint commissioners terminated their labors under the sixth article of the treaty of Ghent, to wit: at a point in the Neebish channel, near Muddy Lake, the line shall run into and along the ship channel between St. Joseph and St. Tammany islands, to the division of the channel at or near the head of St. Joseph's island; thence, turning eastwardly and northwardly around the lower end of St. George's or Sugar island, and following the middle of the channel which divides St. George's from St. Joseph's island; thence up the east Neebish channel, nearest to St. George's island, through the middle of Lake George; thence, west of Jonas' island, into St. Mary's river, to a point in the middle of that river, about one mile above St. George's or Sugar island, so as to appropriate and assign the said island to the United States; thence, adopting the line traced on the maps by the commissioners, through the river St. Mary and Lake Superior, to a point north of Ile Royale, in said lake, one hundred yards to the north and east of Ile Chapeau, which last-mentioned island lies near the northeastern point of Ile Royale, where the line marked by the commissioners terminates; and from the last-mentioned point, southwesterly, through the middle of the sound between

Ile Royale and the northwestern main land, to the mouth of Pigeon river, and up the said river, to and through the north and south Fowl Lakes, to the lakes of the height of land between Lake Superior and the Lake of the Woods; thence, along the water communication to Lake Saisaginaga, and through that lake; thence, to and through Cypress Lake, Lac du Bois Blanc, Lac la Croix, Little Vermilion Lake, and Lake Namecan, and through the several smaller lakes, straits, or streams, connecting the lakes here mentioned, to that point in Lac la Pluie, or Rainy Lake, at the Chaudière Falls, from which the commissioners traced the line to the most northwestern point of the Lake of the Woods; thence, along the said line, to the said most northwestern point, being in latitude 49° 23′ 55″ north, and in longitude 95° 14′ 38″ west from the observatory at Greenwich; thence, according to existing treaties, due south to its intersection with the 49th parallel of north latitude, and along that parallel to the Rocky mountains. It being understood that all the water communications and all the usual portages along the line from Lake Superior to the Lake of the Woods, and also Grand portage, from the shore of Lake Superior to the Pigeon river, as now actually used, shall be free and open to the use of the citizens and subjects of both countries.

ARTICLE III.

Navigation of the river St. John to be free to both parties.

In order to promote the interests and encourage the industry of all the inhabitants of the countries watered by the river St. John and its tributaries, whether living within the State of Maine or the province of New Brunswick, it is agreed that, where, by the provisions of the present treaty, the river St. John is declared to be the line of boundary, the navigation of the said river shall be free and open to both parties, and shall in no way be obstructed by either; that all the produce of the forest, in logs, lumber, timber, boards, staves, or shingles, or of agriculture, not being manufactured, grown on any of those parts of the State of Maine watered by the river St. John, or by its tributaries, of which fact reasonable evidence shall, if required, be produced, shall have free access into and through the said river and its said tributaries, having their source within the State of Maine, to and from the seaport at the mouth of the said river St. John's, and to and round the falls of the said river, either by boats, rafts, or other conveyance; that when within the province of New Brunswick, the said produce shall be dealt with as if it were the produce of the said province; that, in like manner, the inhabitants of the territory of the upper St. John, determined by this treaty to belong to Her Britannic Majesty, shall have free access to and through the river, for their produce, in those parts where the said river runs wholly through the State of Maine: *Provided, always*, That this agreement shall give no right to either party to interfere with any regulations not inconsistent with the terms of this treaty which the Governments, respectively, of Maine or of New Brunswick may make respecting the navigation of the said river, where both banks thereof shall belong to the same party.

Proviso.

ARTICLE IV.

Grants of land, &c. within the territory, confirmed to the persons in possession of such grants.

All grants of land heretofore made by either party, within the limits of the territory which by this treaty falls within the dominions of the other party, shall be held valid, ratified, and confirmed to the persons in possession under such grants, to the same extent as if such territory had by this treaty fallen within the dominions of the party by whom such grants were made; and all equitable possessory claims, arising from a possession and improvement, of any lot or parcel of land, by the person actually in possession, or by those under whom such person claims, for more than six years before the date of this treaty, shall, in

like manner, be deemed valid, and be confirmed and quieted by a release to the person entitled thereto, of the title to such lot or parcel of land, so described as best to include the improvements made thereon; and in all other respects the two contracting parties agree to deal upon the most liberal principles of equity with the settlers actually dwelling upon the territory falling to them, respectively, which has heretofore been in dispute between them.

ARTICLE V.

Distribution of the "disputed territory fund."

Whereas, in the course of the controversy respecting the disputed territory on the Northeastern boundary, some moneys have been received by the authorities of Her Britannic Majesty's province of New Brunswick, with the intention of preventing depredations on the forests of the said territory, which moneys were to be carried to a fund called the "disputed territory fund," the proceeds whereof, it was agreed, should be hereafter paid over to the parties interested, in the proportions to be determined by a final settlement of boundaries: It is hereby agreed, that a correct account of all receipts and payments on the said fund shall be delivered to the Government of the United States, within six months after the ratification of this treaty; and the proportion of the amount due thereon to the States of Maine and Massachusetts, and any bonds or securities appertaining thereto, shall be paid and delivered over to the Government of the United States; and the Government of the United States agrees to receive for the use of, and pay over to, the States of Maine and Massachusetts, their respective portions of said fund; and further to pay and satisfy said States, respectively, for all claims for expenses incurred by them in protecting the said heretofore disputed territory, and making a survey thereof, in 1838; the Government of the United States agreeing, with the States of Maine and Massachusetts, to pay them the further sum of three hundred thousand dollars, in equal moieties, on account of their assent to the line of boundary described in this treaty, and in consideration of the conditions and equivalents received therefor, from the Government of Her Britannic Majesty.

ARTICLE VI.

Commissioners to be appointed to mark the line between the St. Croix and St. Lawrence rivers.

It is furthermore understood and agreed, that for the purpose of running and tracing those parts of the line between the source of the St. Croix and the St. Lawrence river which will require to be run and ascertained, and for marking the residue of said line by proper monuments on the land, two commissioners shall be appointed, one by the President of the United States, by and with the advice and consent of the Senate thereof, and one by Her Britannic Majesty: and the said commissioners shall meet at Bangor, in the State of Maine, on the first day of May next, or as soon thereafter as may be, and shall proceed to mark the line above described, from the source of the St. Croix to the river St. John; and shall trace, on proper maps, the dividing line along said river, and along the river St. Francis, to the outlet of the Lake Pohenagamook; and, from the outlet of the said lake, they shall ascertain, fix, and mark, by proper and durable monuments on the land, the line described in the first article of this treaty; and the said commissioners shall make to each of their respective Governments a joint report or declaration, under their hands and seals, designating such line of boundary, and shall accompany such report or declaration with maps, certified by them to be true maps of the new boundary.

ARTICLE VII.

Certain waters open to both parties.

It is further agreed, that the channels in the river St. Lawrence, on both sides of the Long Sault islands, and of Barnhart island; the channels in the river Detroit, on both sides of the island Bois Blanc, and

between that island and both the American and Canadian shores; and all the several channels and passages between the various islands lying near the junction of the river St. Clair with the lake of that name, shall be equally free and open to the ships, vessels, and boats of both parties.

ARTICLE VIII.

Mutual agreement for the suppression of the slave trade.

The parties mutually stipulate that each shall prepare, equip, and maintain in service, on the coast of Africa, a sufficient and adequate squadron, or naval force of vessels, of suitable numbers and descriptions, to carry in all not less than eighty guns, to enforce, separately and respectively, the laws, rights, and obligations, of each of the two countries, for the suppression of the slave trade; the said squadrons to be independent of each other; but the two Governments stipulating, nevertheless, to give such orders to the officers commanding their respective forces as shall enable them most effectually to act in concert and co-operation, upon mutual consultation, as exigencies may arise, for the attainment of the true object of this article; copies of all such orders to be communicated by each Government to the other, respectively.

ARTICLE IX.

Parties to unite in remonstrances with other powers within whose dominions a market is found for slaves.

Whereas, notwithstanding all efforts which may be made on the coast of Africa for suppressing the slave trade, the facilities for carrying on that traffic, and avoiding the vigilance of cruisers, by the fraudulent use of flags and other means, are so great, and the temptations for pursuing it, while a market can be found for slaves, so strong, as that the desired result may be long delayed, unless all markets be shut against the purchase of African negroes; the parties to this treaty agree that they will unite in all becoming representations and remonstrances, with any and all Powers within whose dominions such markets are allowed to exist; and that they will urge upon all such Powers the propriety and duty of closing such markets effectually, at once and forever.

ARTICLE X.

Criminals to be delivered up to either party, upon requisition, &c.

It is agreed that the United States and Her Britannic Majesty shall, upon mutual requisitions by them, or their ministers, officers, or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall seek an asylum, or shall be found, within the territories of the other: provided that this shall only be done upon 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 crime or offence had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper Executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition, and receives the fugitive.

ARTICLE XI.

The eighth article of this treaty shall be in force for five years from the date of the exchange of the ratifications, and afterwards until one or the other party shall signify a wish to terminate it. The tenth article shall continue in force until one or the other of the parties shall signify its wish to terminate it, and no longer.

Duration of the treaty.

ARTICLE XII.

The present treaty shall be duly ratified, and the mutual exchange of ratifications shall take place in London, within six months from the date hereof, or earlier if possible.

Ratifications to be exchanged within six months.

In faith whereof, we, the respective Plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done, in duplicate, at Washington, the ninth day of August, Anno Domini one thousand eight hundred and forty-two.

DANL. WEBSTER, (L. S.) ASHBURTON, (L. S.)

CONVENTION

Jan. 30, 1843.

Further to provide for the payment of awards in favor of claimants under the Convention between the United States and the Mexican Republic of the 11th April, 1839.

Ratifications exchanged, March 29, 1843.

Proclamation of the President of the U. S., March 30, 1843.

Preamble

WHEREAS, by the Convention between the United States and the Mexican Republic, of the 11th April, 1839, it is stipulated that, if it should not be convenient to the Mexican Government to pay at once the sums found to be due to the claimants under that Convention—that Government shall be at liberty to issue Treasury notes in satisfaction of those sums; and whereas, the Government of Mexico [is] anxious to comply with the terms of said Convention, and to pay those awards in full, but finds it inconvenient either to pay them in money or to issue the said Treasury notes: The President of the United States has, for the purpose of carrying into full effect the intentions of the said parties, conferred full powers on Waddy Thompson, Envoy Extraordinary and Minister of the United States to the Mexican Government, and the President of the Mexican Republic has conferred full powers on their Excellencies, José Maria de Bocanegra, Minister of Foreign Relations, and Manuel Eduardo de Gorostiza, Minister of Finance. And the said plenipotentiaries, after having exchanged their full powers, found to be in due form, have agreed to and concluded the following articles:

ARTICLE I.

Mexico to pay all interest due on the 30th April 1843.

On the 30th day of April, 1843, the Mexican Government shall pay all the interest which may then be due on the awards in favor of claimants under the Convention of the 11th of April, 1839, in gold or silver money, in the city of Mexico.

ARTICLE II.

Principal and interest to be paid in five years.

The principal of the said awards and the interest accruing thereon, shall be paid in five years, in equal instalments every three months, the said term of five years to commence on the 30th day of April, 1843, aforesaid.

ARTICLE III.

Payments to be made in the city of Mexico, in gold or silver.

The payments aforesaid shall be made in the city of Mexico to such person as the United States may authorize to receive them, in gold or silver money. But no circulation, export, nor other duties shall be charged thereon—and the Mexican Government takes the risk, charges, and expenses of the transportation of the money to the city of Vera Cruz.

ARTICLE IV.

Mexico pledges the proceeds of direct taxes.

The Mexican Government hereby solemnly pledges the proceeds of the direct taxes of the Mexican Republic for the payment of the instalments and interest aforesaid, but it is understood that whilst no other fund is thus specifically hypothecated, the Government of the United States, by accepting this pledge, does not incur any obligation to look for payment of those instalments and interest to that fund alone.

(a) For the convention between the United States and Mexico of April 11, 1839, see ante, page 526.

CONVENCION

Para mejor asegurár el pago de los fallos en favor de los reclamantes en virtud del convenio entre la República Mexicana y los Estados Unidos de 11 *de Abril, de* 1839.

Por cuanto por el convenio entre la República Mexicana y los Estados Unidos de 11 de Abril, de 1839, está estipulado que si no le fuere comodo al Gobierno Mexicano satisfacer al contado las cantidades que resultare deudor á virtud de esa Convencion, el mismo tendrá la facultad de emitir libranzas de Tesoreria en pago de esas cantidades, y por cuanto èl Gobierno de Mexico deseoso de cumplir con las condiciones de dicho convenio y á pagar estos fallos en su monto total se encuentra que no le conviene ó pagarlos en dinero ó emitir dichas libranzas: El Presidente de la República Mexicana con objeto de llevar á pleno efecto las intenciones de ambas partes, ha conferido plenos poderes á los Escelentisimos Señores D. José Maria de Bocanegra, Ministro de Relaciones exteriores y Gobernacion, y Don Manuel Eduardo de Gorostiza, Ministro de Hacienda; y el Presidente de los Estados Unidos al Honorable Señor Waddy Thompson, Enviado Extraordinario y Ministro Plenipotenciaro de dichos Estados cerca del Gobierno de Mexico. Y dichos plenipotenciarios, despues de haber cambiado sus plenos poderes y encontradolos en debida forma, han convenido y concluido los articulos siguientes:

ARTICULO I.

En el dia 30 de Abril, de 1843, el Gobierno Mexicano pagará todo el interes estuviere vencido sobre los fallos en favor de los reclamantes á virtud del convenio del 11 de Abril, de 1839, en moneda de oro ó en plata en la ciudad de Mexico.

ARTICULO II.

El principal de dichos fallos y el interes, que se vaya venciendo sobre ellos, se pagará en cinco años, en pagos iguales de cada tres meses, dicho termino de cinco años comenzará el dia 30 de Abril, de 1843, como está dicho.

ARTICULO III.

Los pagos arriba indicados se harán en la ciudad de Mexico á la persona que los Estados Unidos autorizen á recibirlos en oro ó en plata. Pero no se pagará sobre estas cantidades derecho de circulacion, de exportacion ú otra clase que fuere sobre el mismo. Y el Gobierno Mexicano tomará sobre si el riesgo, cargos y gastos de transportacion del dinero hasta la ciudad de Vera Cruz.

ARTICULO IV.

El Gobierno Mexicano por este articulo hypoteca solemnemente los productos de contribuciones directas de la República Mexicana para el pago de las cantidades señaladas, y su interes; pero se entiende que si bien no se hipoteca ningun otro fondo especialmente, no por esto el Gobierno de los Estados Unidos con aceptar esta hipoteca, contrae ninguna obligacion de limitarse para el pago de estos dividendos y su interes solamente á este fondo.

ARTICLE V.

Mexico to pay two and a half per centum on each payment to cover charges.

As this new arrangement, which is entered into for the accommodation of Mexico, will involve additional charges of freight, commission, &c., the Government of Mexico hereby agrees to add two and a half per centum on each of the aforesaid payments on account of said charges.

ARTICLE VI.

New convention to be entered into for the settlement of all claims on Mexico.

A new Convention shall be entered into for the settlement of all claims of the Government and citizens of the United States against the Republic of Mexico, which were not finally decided by the late commission which met in the city of Washington, and of all claims of the Government and citizens of Mexico against the United States.

ARTICLE VII.

Ratifications, when to be exchanged.

The ratifications of this Convention shall be exchanged at Washington within three months after the date thereof, provided it shall arrive at Washington before the adjournment of the present session of Congress—and if not, then within one month after the meeting of the next Congress of the United States.

In faith whereof, we, the plenipotentiaries of the United States of America and of the Mexican Republic, have signed and sealed these presents.

Done at the city of Mexico on the thirtieth day of January, in the year of our Lord one thousand eight hundred and forty-three, and in the sixty-seventh year of the Independence of the United States of America, and in the twenty-third year of that of the Mexican Republic.

WADDY THOMPSON, (L. S.)
J. MA. DE BOCANEGRA, (L. S.)
M. E. DE GOROSTIZA, (L. S.)

CONVENTION FOR THE SURRENDER OF CRIMINALS,

Nov. 9, 1843.

Between the United States of America and His Majesty the King of the French. (*a*)

Ratifications exchanged, April 12, 1844.
Proclamation of the President of the United States, April 30, 1844.

Preamble.

THE United States of America and his Majesty the King of the French having judged it expedient, with a view to the better administration of justice, and to the prevention of crime within their respective territories and jurisdictions, that persons charged with the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up; the said United States of America and His Majesty the King of the French have named as their plenipotentiaries to conclude a convention for this purpose; that is to say, the President of the United States of America, Abel P. Upshur, Secretary of State of the United States; and His Majesty the King of the French, the Sieur Pageot, officer of the Royal Order of the Legion of Honor, his Minister Plenipotentiary, *ad interim*, in the United States

(*a*) See notes of the treaties and conventions with France, ante, page 6.

ARTICULO V.

Como este nuevo arreglo que se adopta para la comodidad de Mexico, ha de occasionar cargos adicionales de fletes, comisiones, &c. &c., el Gobierno de Mexico se compromete por la presente á aumentar en un dos y medio por ciento, cada uno de dichos pagos á causa de los gastos arriba mencionados.

ARTICULO VI.

Se celebrará una nueva Convencion para el arreglo de todas las reclamaciones del Gobierno y ciudadanos de los Estados Unidos contra la República Mexicana que no fueron decididas por la última comision que se reunió en la ciudad de Washington, y de todas las reclamaciones del Gobierno Mexicano y sus ciudadanos contra los Estados Unidos.

ARTICULO VII.

Esta Convencion se ratificará y las ratificaciones serán cangeadas en Washington dentro de tres meses contados desde su fecha, siempre que se reciba en Washington antes del termino de la actual sesion del Congreso, y en caso contrario, las ratificaciones serán cangeadas dentro de un mes despues de la reunion del procsimo Congreso de los Estados Unidos.

En fé de lo cual nosotros los plenipotenciarios de la República Mexicana y de los Estados Unidos de America, hemos firmado y sellado el presente.

Fecho en la ciudad de Mexico el dia treinta de Enero del año de mil ochocientos cuarenta y tres, vigesimo tercio de la Independencia de la Republica Mexicana y sexagesimo septimo de la de los Estados Unidos de America.

J. MA. DE BOCANEGRA, (L. S.)
M. E. DE GOROSTIZA, (L. S.)
WADDY THOMPSON, (L. S.)

CONVENTION POUR L'EXTRADITION DE CRIMINELS,

Entre les Etats Unis d'Amérique et Sa Majesté le Roi des Français.

Les Etats Unis d'Amérique et Sa Majesté le Roi des Français, ayant jugé convenable, en vue d'une meilleure administration de la justice, et pour prévenir les crimes dans leurs territoires et jurisdictions respectifs, que les individus accusés des crimes ci-après énumérés, et qui se seraient soustraits par la fuite aux poursuites de la justice, fussent, dans certaines circonstances, réciproquement, extradés, les Etats Unis d'Amérique et Sa Majesté le Roi des Français ont nommé pour leurs plénipotentiaires, à l'effet de conclure dans ce but une convention, savoir: le President des Etats Unis d'Amérique Abel P. Upshur, Secretaire d'Etat des Etats Unis, et Sa Majesté le Roi des Français le Sieur Pageot, officier de l'Ordre Royal de la Légion d'Honneur, son ministre plénipotentiaire, par interim, auprès les Etats Unis d'Amérique; lesquels, après s'être

of America; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Persons accused of crimes to be given up to justice, upon requisitions, &c.

Proviso.

It is agreed that the high contracting parties shall, on requisitions made in their name, through the medium of their respective diplomatic agents, deliver up to justice persons who, being accused of the crimes enumerated in the next following article, committed within the jurisdiction of the requiring party, shall seek an asylum, or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as that the laws of the country in which the fugitive or the person so accused shall be found would justify his or her apprehension and commitment for trial, if the crime had been there committed.

ARTICLE II.

Persons to be delivered up must be charged with certain specified crimes.

Persons shall be so delivered up who shall be charged, according to the provisions of this convention, with any of the following crimes, to wit: murder, (comprehending the crimes designated in the French penal code by the terms, assassination, parricide, infanticide, and poisoning,) or with an attempt to commit murder, or with rape, or with forgery, or with arson, or with embezzlement by public officers, when the same is punishable with infamous punishment.

ARTICLE III.

Surrender, by whom to be made.

On the part of the French Government, the surrender shall be made only by authority of the Keeper of the Seals, Minister of Justice; and on the part of the Government of the United States, the surrender shall be made only by authority of the Executive thereof.

ARTICLE IV.

Expenses to be borne by the party making requisition.

The expenses of any detention and delivery effected in virtue of the preceding provisions, shall be borne and defrayed by the Government in whose name the requisition shall have been made.

ARTICLE V.

Not to apply to crimes heretofore committed, or political offences.

The provisions of the present convention shall not be applied in any manner to the crimes enumerated in the second article, committed anterior to the date thereof, nor to any crime or offence of a purely political character.

ARTICLE VI.

To continue till abrogated.

This convention shall continue in force until it shall be abrogated by the contracting parties, or one of them; but it shall not be abrogated except by mutual consent, unless the party desiring to abrogate it shall give six months' previous notice of his intention to do so. It shall be ratified, and the ratifications shall be exchanged within the space of six months, or earlier if possible.

Ratifications to be exchanged within six months.

In witness whereof, the respective plenipotentiaries have signed the present convention in duplicate, and have affixed thereto the seal of their arms.

Done at Washington, the ninth day of November, Anno Domini one thousand eight hundred and forty-three.

A. P. UPSHUR, (L. S.)
A. PAGEOT, (L. S.)

communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, ont arrété et conclu les articles suivants:

ARTICLE I.

Il est convenu que les hautes parties contractantes, sur les réquisitions faites en leur nom par l'intermédiaire de leurs agents diplomatiques respectifs, seront tenus de livrer en justice les individus qui, accusés des crimes énumérés dans l'article suivant, commis dans la jurisdiction de la partie requérante, chercheront un asile ou seront rencontrés dans les territoires de l'autre; pourvu que cela n'ait lieu que dans le cas où l'existence du crime sera constatée de telle manière que les lois du pays, où le fugitif ou l'individu ainsi accusé sera rencontré, justifieraient sa détention et sa mise en jugement, si le crime y avait été commis.

ARTICLE II.

Seront livrés, en vertue des dispositions de cette convention, les individus qui seront accusés de l'un des crimes suivants, savoir: meurtre, (y compris les crimes qualifiés dans le code penal Français, d'assassinat, de parricide, d'infanticide, et d'empoisonnement,) ou tentative de meurtre, ou viol, ou faux, ou incendie, ou soustractions commises par les depositaires publics, mais seulement dans le cas où elles seront punies de peines infamantes.

ARTICLE III.

L'extradition ne sera effectuée de la part du Gouvernement Français, que sur l'avis du Ministre de la Justice, Garde des Sceaux; et de la part du Gouvernment des Etats Unis, l'extradition ne sera effectuée que sur l'ordre de l'Exécutif des Etats Unis.

ARTICLE IV.

Les frais de toute détention et extradition, opéreés en vertu des articles précédents, seront supportés et payés par le Gouvernement au nom duquel la réquisition aura été faite.

ARTICLE V.

Les dispositions de la présente convention ne s'appliqueront en aucune manierè aux crimes énumerés dans l'article 2, commis antérieurement à sa date, ni aux crimes ou delits purement politiques.

ARTICLE VI.

Cette convention continuera d'être en vigueur jusqu'à ce qu'elle soit abrogée par les parties contractantes, ou l'une d'elles; mais elle ne pourra être abrogée que d'un consentement mutuel, à moins que la partie qui désirerait l'abroger ne donne avis, six mois d'avance, de son intention de la faire. Elle sera ratifiée, et les ratifications en seront échangées, dans l'espace de six mois, ou plustôt si faire se peut.

En foi de quoi, les plenipotentiaires respectifs ont signé la présente convention en double, et y ont apposé le sceau de leurs armes.

Fait à Washington, le neuvième jour de November, l'an de grace mil huit cent quarante-trois.

A. PAGEOT, (L. S.)
A. P. UPSHUR, (L. S.)

POSTAL CONVENTION

March 6, 1844.

Between the United States of North America and the Republic of New Granada.

Ratifications exchanged, Dec. 20, 1844.

Proclamation of the President of the U. S., Feb. 22, 1845.

Preamble.

THE Republics of the United States of North America, and of New Granada, being desirous of drawing more closely the relations existing between the two countries and of facilitating the prompt and regular transportation of the correspondence of the United States across the Isthmus of Panamá, have agreed to conclude a Postal Convention—for which purpose, his Excellency the President of the United States named, as a Plenipotentiary, William M. Blackford, their Chargé d'Affairs at Bogota, and his Excellency the President of New Granada, Joaquin Acosta, Colonel of Artillery and Secretary of State for Foreign Affairs—who have agreed upon the following articles:

ARTICLE I.

Transmission of the U. S. mail across the Isthmus of Panama.

The packet vessels of war of the Republic of the United States will disembark at Chagres or Porto-bello, the sealed bag or packet, which may contain the letters and newspapers, destined to cross the Isthmus of Panamá, which said bag or packet shall be delivered to the Postmaster, of one or the other of these places, by whom it shall be forwarded to Panamá, for the consideration of thirty dollars for each trip—provided the weight of the bag or packet should not exceed one hundred pounds, and in the proportion of twelve dollars more for each succeeding hundred pounds, which sum shall be paid though the excess should not amount to one hundred pounds.

ARTICLE II.

Postage on letters, &c. that do not cross the Isthmus.

With respect to the letters and newspapers the said vessels may have on board, which shall not be intended to cross the Isthmus, but to be delivered at any point on the Atlantic coast of New Granada, the practice, established in conformity to the New Granadian rates of postage, shall be continued.

ARTICLE III.

Disposition of the mail upon its arrival in Panama.

The Consul, or other Agent, of the United States at Panamá, shall receive the bag, unopened, and, after delivering to the post office all the correspondence, except letters to himself, directed to Panamá or other points of the Granadian Territory, (which correspondence shall be subjected to the usual rates of postage established in New Granada,) he shall retain the remainder to be forwarded to its destination as soon as an opportunity occurs.

ARTICLE IV.

Transmission of the mail from Panama to Chagres or Porto-bello.

The Post Office at Panamá will charge itself likewise with forwarding the mail bag or packet, which it may receive from the Consul or other agent of the United States, to the Post Office of Chagres or Porto-bello, at which place it shall be delivered to the Consul, or other agent, of the United States, or, in their default, to the commander of the vessel of war, calling for it, under the same conditions stipulated in the 1st article.

CONVENCION POSTAL

Entre la Republica de la Neuva Granada y los Estados Unidos del Norte-America.

Deseando las Republicas de la Nueva Granada y de los Estados Unidos del Norte America facilitar y estrechar mas las relaciones entre los dos pueblos, y la pronta y regular conduccion de las correspondencias de los Estados Unidos al travez del Istmo de Panamá, han convenido en celebrar una Convencion de correos; para lo cual su Escelencia el Presidente de la Nueva Granada nombró como Plenipotenciario al Coronel de Artilleria Joaquin Acosta, Secretario de Estado del Despacho de Relaciones Esteriores, y su Escelencia el Presidente de los Estados Unidos al Señor Guillermo M. Blackford, su Encargado de Negocios en Bogotá, los que acordaron los articulos siguientes.

ARTICULO I.

Los buques de guerra correos de la República de los Estados Unidos desembarcarán en-Chagres ó en Porto-belo la balija ó paquete cerrado que contenga las correspondencias é impresos destinados á atravesar el Istmo de Panamá; la cual balija ó paquete sera á entregada al respectivo Administrador de correos y dirijida por el a Panamá, mediante la indemnizacion de treinta pesos fuertes por cada viaje, siempre que el peso de la balija ó paquete no excediere de cien libras, y en la proporcion de doce pesos fuertes mas por cada cien libras de exceso, que se pagaran aun cuando el exceso del peso no llegare a cien libras.

ARTICULO II.

Respecto de la correspondencia é impresos que conduzcan los mencionados buques y que vengan destinados, no á atravezar el Istmo, sino a ser entregados en cualesquiera puntos de su litoral Atlantico, se continuará la practica establecida, conforme á la tarifa de correos de la Nueva Granada.

ARTICULO III.

El Cónsul ú otro Ajente de los Estados Unidos en Panamá recibirá la balija cerrada y, a excepcion de sus proprias cartas, entregará en la administracion de correos toda la correspondencia dirijida a Panamá ú otros puntos del territorio granadino (la cual pagará el porte de la tarifa de correos de la Nueva Granada,) reservandose la restante para remitirla á su destino cuando haya oportunidad.

ARTICULO IV.

La administracion de correos de Panamá se encargará igualmente de enviar la balija ó paquete de correspondencia, que le entregue el Consul ú otro Agente de los Estados Unidos para ser conducida á la Administracion de correos de Chagres, ó Porto-belo de donde se derijirá al Consul ú otro Ajente de los Estados Unidos, ó si no lo hubiere á los respectivos Comandantes de buques de guerra, que la demandaren, bajo las mismas condiciones estipulados en el Articulo I.

ARTICLE V.

Payment for the transmission of the mail.

The Consul, or other agent, of the United States residing at Panamá, shall be the person whose duty it is to pay for the carriage of the bag, across the Isthmus, as well when he receives it from the Post Office at Panamá after it has crossed the Isthmus, as when he delivers it to the said Post Office to be sent to Chagres or Port-Bello.

ARTICLE VI.

Packets to carry letters and papers between the two countries without compensation.

The said packet vessels which shall or may be established, will bring to the ports of New Granada at which they may touch—and will also take from them to those of the United States—all official and private letters and newspapers, without any compensation whatever—Granadian vessels will be subject to the same conditions if, at any time, it may be thought advisable to contribute with them to the establishment of a line of packets between the ports of the United States and those of New Granada.

ARTICLE VII.

U. S. packets to carry letters, &c. from one port of N. Granada to another without charge.

The packet vessels of war of the United States will also carry, free of charge, all the official or private letters and newspapers, which may be delivered to them, from one port of New Granada to another at which they may touch.

ARTICLE VIII.

Relative to the introduction of coals, should U. S. employ steamers.

If the Government of the United States should think fit to employ steamers, as packets, between New Grenada and the said United States, the coals which may be brought for the use of such vessels shall then enjoy, in the Granadian ports, the same exemptions, as to introduction and deposite, which may have been granted in said ports to the coals destined for the steamers of any other power.

ARTICLE IX.

Advantages arising from this convention, to be considered as compensation for the obligations.

The Republics of the United States and New Granada, being desirous of avoiding all interpretations, contrary to their intentions, declare, that any advantage, or advantages, that one or the other power may enjoy, from the foregoing stipulations, are and ought to be understood in virtue and as in compensation of the obligations they have just contracted in the present postal convention.

ARTICLE X.

When the convention shall go into effect.

For the purpose of carrying into effect the provisions of the present convention as soon as possible, the two high contracting parties have agreed, that said provisions shall begin to be enforced immediately after the Governor of the Province of Panamá has official knowledge that the present convention has been ratified by the Government of New Granada, and that the Consul, or other agent, of the United States shall have communicated to him that it has been also ratified by the Government of that Republic.

ARTICLE XI.

Duration of the convention.

The present convention shall remain in force and vigor for the term of eight years, to be counted from the day on which the exchange of the ratifications may be made—which shall take place in Bogotá as soon as possible—and shall continue in the same force and vigor for another term of four years more; and so on, always for another term of four years more, until one of the two Governments shall give the other six months' notice of its wish that the same shall terminate.

ARTICULO V.

El Cónsul ú otro Ajente de los Estados Unidos residente en Panamá, ser la persona encargada de satisfacer el porte que haya devengado la balija, tanto al recibirla de la administracion de correos de Panamá despues de que haya atravezado el Istmo, como al entregarsela para ser conducida a Chagres, ó Porto-belo.

ARTICULO VI.

Los mencionados buques correos que se establezcan, ó en adelante se establecieren, traerán á aquellos puertos de la Nueva Granada en que tocaren, y llevarán de estos á los de los Estados Unidos toda la correspondencia asi oficial, como particular, y los impresos sin percibir porte alguno. A las mismas condiciones quedarán sujetos los buques granadinos, si alguna vez se juzgare oportuno contribuir con ellos al establecimiento de alguna linea de buques correos entre los puertos granadinos y los de los Estados Unidos.

ARTICULO VII.

Tambien llevaran gratuitamente los buques de guerra correos de los Estados Unidos toda la correspondencia oficial, ó particular, y los impresos que se les confiaren, de un puerto á otro de la Nueva Granada en que tocaren.

ARTICULO VIII.

Si el Gobierno de los Estados Unidos tuviere por conveniente destinar al servicio de correos entre la Nueva Granada y dichos Estados algunos buques de vapor, los carbones que se traigan para el uso de tales buques, disfrutarán entonces en los puertos Granadinos las mismas excenciones, relativas a introduccion y deposito, que se hayan otorgado en los mencionados puertos a los carbones destinados para el uso de los buques de vapor de cualquiera otra potencia.

ARTICULO IX.

La Republica de la Nueva Granada y la de los Estados Unidos deseando evitar toda interpretacion contraria á sus intenciones, declaran que cualquier ventaja ó ventajas que la una ó la otra potencia reporten de las estipulaciones anteriores, son y deben entenderse en virtud y como compensacion de las obligaciones que acaban de contraer en la presente convencion postal.

ARTICULO X.

Con el objeto de que las estipulaciones de la presente convencion se lleven a effecto lo mas pronto que sea posible, las dos altas partes contratantes han convenido en que dichas estipulaciones principiarán a cumplirse inmediatamente que el Gobernador de la provincia de Panamá sepa oficialmente la ratificacion de la presente convencion por parte del Gobierno de la Nueva Granada, y que el Consul ú otro Agente de los Estados Unidos le haya comunicado igual ratificacion prestada por el Gobierno de la ultima Republica.

ARTICULO XI.

La presente Convencion permanecerá en fuerza y vigor por el termino de ocho años contados desde el dia del canje de sus ratificaciones, que se verificará en Bogotá lo mas pronto que sea posible, y continuará con la misma fuerza y vigor por otro termino de cuatro años mas, y asi sucesivamente siempre por un termino de otros cuatro años mas, hasta que uno de los dos Gobiernos notifique al otro, con anticipacion de seis meses, su voluntad de que termine la convencion.

In faith whereof the Plenipotentiaries of the two Republics have signed and sealed the present Convention in Bogotá, on the sixth day of the month of March, in the year of our Lord one thousand eight hundred and forty-four.

WM. M. BLACKFORD, (L. S.)
JOAQUIN ACOSTA, (L. S.)

CONVENTION

April 10, 1844.

For the mutual abolition of the droit d'aubaine and taxes on emigration between the United States of America and his Majesty the King of Wurttemburg.

Ratifications exchanged, Oct. 3. 1844.
Proclamation of the President of the U. S., Dec. 16, 1844.

Preamble.

The United States of America and His Majesty the King of Wurttemburg having resolved, for the advantage of their respective citizens and subjects, to conclude a Convention for the mutual abolition of the droit d'aubaine and taxes on emigration, have named for this purpose their respective Plenipotentiaries, namely the President of the United States of America has conferred full powers on Henry Wheaton their Envoy Extraordinary and Minister Plenipotentiary at the Royal Court of Prussia and His Majesty the King of Wurttemburg upon Baron de Maucler, his Captain of the Staff and Chargé d'Affaires at the said court, who after having exchanged their said full powers, found in due and proper form, have agreed to & signed the following articles:

ARTICLE I.

Droits d'aubaine, &c. abolished.

Every kind of droit d'aubaine, droit de retraite, and droit de détraction or tax on emigration, is, hereby, and shall remain abolished, between the two contracting parties, their States, citizens, & subjects respectively.

ARTICLE II.

Heirs to real property allowed time to sell the same, &c.

Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a citizen or subject of the other were he not disqualified by alienage, such citizen or subject shall be allowed a term of two years to sell the same,—which term may be reasonably prolonged, according to circumstances,—and to withdraw the proceeds thereof, without molestation, & exempt from all duties of detraction.

ARTICLE III.

Duties on disposal of personal property the same as paid by inhabitants.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property within the States of the other, by testament, donation, or otherwise, and their heirs, legatees, and donees, being citizens or subjects of the other contracting party, shall succeed to their said personal property, and may take possession thereof, either by themselves, or by others acting for them, and dispose

En fé de lo cual los plenipotenciarios de las dos Republicas han firmado y sellado la presente Convencion en Bogatá a los seis dias del mes de Marzo del año del Señor de mil ochocientos cuarenta y cuatro.

JOAQUIN ACOSTA, (L. S.)
WM. M. BLACKFORD, (L. S.)

VERTRAG

Über die gegenseitige Aufhebung von Heimfalls (Fremdling) Recht und Auswanderungs-Steueren zwischen den Vereinigten Staaten von Nord Amerika und Seiner Majestat dem König von Würtemburg.

NACHDEM die Vereinigten Staaten von Nord Amerika und Sein Majestät der König von Würtemberg beschlossen haben: zum Besten der beiderseitigen Staats-Angehörigen einen Vertrag über gegenseitige Aufhebung von Heimfalls (Fremdling) Recht und Auswanderungs-Steueren abzuschliessen, so sind dazu von beiden seiten Bevollmägtigte ernannt worden, nämlich von Seiten des Präsidenten der Vereinigten Staaten von Nord Amerika, Herr Heinrich Wheaton Nord Amerikanischer ausserordentlicher Gesandter und bevollmachtigter Minister am Königlich Preussischen Hofe, und von Seiten Seiner Majestät des Königs von Würtemberg, Freiherr von Maucler Hauptman am Generalstabe und Geschäftstrager Seiner Majestät am Königlich Preussischen Hofe, welche Bevollmachtigte, nach vollzogener Auswechselung ihrer gegenseitig in rechtiger und gehöriger Form, beundenen Vollmachten, nachstehende Artikel festgesetzt und unterzeichnet haben.

ARTIKEL I.

Jede art von Heimfalls (Fremdling) Recht, Nachsteuer, und Abzugsrecht, oder Auswanderungs Steuer, ist und bleibt aufgehoben zwischen beiden abschliessenden Theilen, ihren beiderseitigen Staaten, und Staats-Angehörigen.

ARTIKEL II.

Wenn durch den Tod irgend eines besitzers von Immobilien oder Grund-eigenthum, welche sich auf dem Gebiete des einen der abschliessenden Theile befinden, diese Immobilien oder Grund-eigenthum nach den Gesetzen des Landes auf einen Staats-Angehörigen des anderen Theils, übergehen sollten, so wird diesem, wenn er durch seine Eigenschaft als Fremder zum Besitze derselben unfähig ist, ein Aufschub von zwei Jahren gewahrt-welcher Termin nach Umständen in angemessener Weise verlangert werden kann dieselbe zu verkaufen und um der Ertrag davon ohne Anstand, und frei von jeder Abzugs-Steuer zu beziehen.

ARTIKEL III.

Den Staats-Angehörigen eines jeden der abschliessender Theile, soll in den Staaten der anderen, die Freiheit zustehen, über ihre beweglichen Güter durch Testament, Schenkung oder auf andere Weise zu verfügen, und deren Erben ab-intestato oder Rechts-nachfolger, durch Testament oder Schenkung sollen wenn sie Staats-Angehörige des anderen der beiden abschliessenden Theile sind, ihnen in dem Besitze

of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies, shall be liable to pay in like cases.

ARTICLE IV.

Property of absent heirs to be taken care of.

In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property, as would be taken in a like case of property belonging to the natives of the country until the lawful owner, or the person who has a right to sell the same according to Article 2, may take measures to receive or dispose of the inheritance.

ARTICLE V.

Disputes to be decided by the local laws.

If any dispute should arise between different claimants to the same inheritance, they shall be decided, in the last resort, according to the laws, and by the judges of the country where the property is situated.

ARTICLE VI.

Property not yet withdrawn embraced.

All the stipulations of the present Convention shall be obligatory in respect to property already inherited or bequeathed, but not yet withdrawn from the country where the same is situated at the signature of this Convention.

ARTICLE VII.

Convention subject to ratification, &c.

This Convention is concluded subject to the ratification of the President of the United States of America, by & with the advice and consent of their Senate, and of His Majesty the King of Wurttemburg, and the ratifications thereof shall be exchanged at Berlin, within the term of twelve months from the date of the signature hereof, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the above articles, as well in English as in German, and have thereto affixed their seals.

Done in triplicata, in the city of Berlin, on the tenth day of April, one thousand eight hundred & forty-four, in the 68th year of the Independence of the United States of America, and the twenty-eighth of the reign of His Majesty the King of Wurttemberg.

HENRY WHEATON, (L. S.)

ihrer beweglichen Güter folgen, auch in Person sowohl als durch andern, welche an ihrer stelle handeln davon Besitz ergreifen und nach gut denken damit schalten können, ohne Andere Steuern zu bezahlen als solche, welchen die Einwohner des Landes, worin sich die genannten Güte befinden, bei gleichem Anlasse unterworfen sind.

ARTIKEL IV.

Im Falle der abwesenheit der Erben, wird man hinsichtlich der erwöhnten beweglichen oder unbeweglichen Güten provizorisch ganz dieselbe Sorgfalt amwenden, welche man bei gleichen Anlasse, hinsichtlich der Güter der eingebornen angewendet hatte, bis der gesetzmassige Eigenthümer oder derjenige welcher nach Art. 2, das Recht hat: dieselben zu verkaufen Anordnungen zu treffen, für gut finden wird: um die Erbschaft anzutreten oder daruber zu verfügen.

ARTIKEL V.

Wenn sich Streitigkeiten zwischen verschiedenen rechtlichen Anspruch auf die Erbschaft habenden Prátendentem erheben, so werden dieselben in letzter Instanz nachdem Gesetzen und von den Richtern des Landes anschieden werden, in welchen das Object der Erbschaft sich befindet.

ARTIKEL VI.

Sammtliche in gegenwärtigem Vertrage, enthaltenen Bestimmungen, sollen auch im Ansehung solcher Vermögens Theile verbindliche Kraft haben welche zur Zeit der Unterzeichnung des gegenwärtigen Vertrags bereits angefallen, jedoch nach nicht wirklich exportirt sind.

ARTIKEL VII.

Gegenwärtiger Vertrag ist abgeschlossen worden vorbehaltlich der Ratification des Präsidenten der Vereinigten Staaten von Nord Amerika, nach und mit dem Rathe und der Einwilligung des nordamerikanischen Senats, und vorbehaltlich der Ratification Seiner Majestät des Königs von Würtemberg, und es soll die Auswechselung der Ratifications Urkünden innerhalb zwolf Monaten, vom Tage der Unterzeichnung des gegenwärtigen Vertrags angerechnet, oder früher wenn es moglich ist, zu Berlin stattfinden.

In Urkund dessen, haben die beiderseitigen Bevollmachtigten, oberstehende Artikel, sowohl in englischer als in deutscher Sprache unterzeichnet, und ihre Siegel beigedruckt.

Ausgestellt in drei Exemplaren, zu Berlin den zehnten April, Ein Tausend Acht Hundert Vier und Vierzig, im acht und sechszigsten Jahre der Unabhangigkeit der Vereinigten Staaten von Nord Amerika, und im act und zwansigsten Jahre der Regierung Seiner Majestät des Königs von Würtemberg.

FREIHERR VON MAUCLER, (L. S.)

July 3, 1844.

TREATY WITH CHINA.

Ratifications exchanged, Dec. 31, 1845. Proclamation of the President of the U. S., April 18, 1846.

THE United States of America and the Ta Tsing Empire, desiring to establish firm, lasting, and sincere friendship between the two nations, have resolved to fix, in a manner clear and positive, by means of a treaty or general convention of peace, amity, and commerce, the rules which shall in future be mutually observed in the intercourse of their respective countries:—For which most desirable object, the President of the United States has conferred full powers on their Commissioner Caleb Cushing, Envoy Extraordinary and Minister Plenipotentiary of the United States to China; and the August Sovereign of the Ta Tsing Empire on his Minister and Commissioner Extraordinary Tsiyeng, of the Imperial House, a vice Guardian of the Heir Apparent, Governor-general of the Two Kwang, and Superintendant General of the trade and foreign intercourse of the five ports.

And the said Commissioners, after having exchanged their said full powers, and duly considered the premises, have agreed to the following articles:

ARTICLE I.

Peace and amity established between the U.S. and China.

There shall be a perfect, permanent, universal peace, and a sincere and cordial amity, between the United States of America on the one part, and the Ta Tsing Empire on the other part, and between their people respectively, without exception of persons or places.

ARTICLE II.

Citizens of the U. S. trading with China to pay the duties, &c.

Fees, &c. wholly abolished.

Modification of the tariff, how to be made.

Additional advantages, if hereafter extended to any other nation, &c.

Citizens of the United States resorting to China for the purposes of commerce will pay the duties of import and export prescribed in the Tariff, which is fixed by and made a part of this Treaty. They shall, in no case, be subject to other or higher duties than are or shall be required of the people of any other nation whatever. Fees and charges of every sort are wholly abolished, and officers of the revenue, who may be guilty of exaction, shall be punished according to the laws of China. If the Chinese Government desire to modify, in any respect, the said Tariff, such modification shall be made only in consultation with consuls or other functionaries thereto duly authorized in behalf of the United States, and with consent thereof. And if additional advantages or privileges of whatever description, be conceded hereafter by China to any other nation, the United States, and the citizens thereof, shall be entitled thereupon, to a complete, equal, and impartial participation in the same.

ARTICLE III.

Ports which may be frequented by citizens of the U.S. who may reside there, &c.

Vessels of U.S. not to trade at any other port, &c.

Penalty.

The citizens of the United States are permitted to frequent the five ports of Kwang-chow, Amoy, Fuchow, Ningpo, and Shanghai, and to reside with their families and trade there, and to proceed at pleasure with their vessels and merchandize to and from any foreign port and either of the said five ports, and from either of the said five ports to any other of them. But said vessels shall not unlawfully enter the other ports of China, nor carry on a clandestine and fraudulent trade along the coasts thereof. And any vessel belonging to a citizen of the United States, which violates this provision, shall, with her cargo, be subject to confiscation to the Chinese Government.

ARTICLE IV.

For the superintendence and regulation of the concerns of the citizens of the United States doing business at the said five ports, the Govern-

ment of the United States may appoint consuls, or other officers, at the same, who shall be duly recognized as such by the officers of the Chinese Government, and shall hold official intercourse and correspondence with the latter, either personal or in writing, as occasions may require, on terms of equality and reciprocal respect. If disrespectfully treated or aggrieved in any way by the local authorities, said officers on the one hand shall have the right to make representation of the same to the superior officers of the Chinese Government, who will see that full inquiry and strict justice be had in the premises; and on the other hand, the said consuls will carefully avoid all acts of unnecessary offence to, or collision with, the officers and people of China.

U. S. may appoint consuls, &c.

Protection of consuls, and other officers of the U. S.

ARTICLE V.

At each of the said five ports, citizens of the United States lawfully engaged in commerce, shall be permitted to import from their own or any other ports into China, and sell there, and purchase therein, and export to their own or any other ports, all manner of merchandize, of which the importation or exportation is not prohibited by this Treaty, paying the duties which are prescribed by the Tariff hereinbefore established, and no other charges whatsoever.

Privilege of trade at the ports named given to the citizens of the U. S.

ARTICLE VI.

Whenever any merchant vessel belonging to the United States shall enter either of the said five ports for trade, her papers shall be lodged with the consul, or person charged with affairs, who will report the same to the Commissioner of Customs; and tonnage duty shall be paid on said vessel at the rate of five mace per ton, if she be over one hundred and fifty tons burden; and one mace per ton if she be of the burden of one hundred and fifty tons or under, according to the amount of her tonnage as specified in the register; said payment to be in full of the former charges of measurement and other fees, which are wholly abolished. And if any vessel, which having anchored at one of the said ports, and there paid tonnage duty, shall have occasion to go to any others of the said ports to complete the disposal of her cargo, the consul, or person charged with affairs, will report the same to the Commissioner of Customs, who, on the departure of the said vessel, will note in the port-clearance that the tonnage duties have been paid, and report the same to the other custom-houses; in which case on entering another port the said vessel will only pay duty there on her cargo, but shall not be subject to the payment of tonnage duty a second time.

The papers of vessels of the U.S. arriving at either of the five ports, to be left with the consul.

Tonnage duties to be paid at fixed rates, in full of all the former rates and charges.

No additional tonnage duties to be paid by vessels going from one to another of the five ports.

ARTICLE VII.

No tonnage duty shall be required on boats belonging to citizens of the United States, employed in the conveyance of passengers, baggage, letters, and articles of provision, or others not subject to duty, to or from any of the five ports. All cargo-boats, however, conveying merchandize subject to duty, shall pay the regular tonnage duty of one mace per ton, provided they belong to citizens of the United States, but not if hired by them from subjects of China.

No tonnage duties to be laid on boats belonging to citizens of U. S., &c.

Duty on cargo boats.

ARTICLE VIII.

Citizens of the United States, for their vessels bound in, shall be allowed to engage pilots, who will report said vessels at the passes, and take them into port; and, when the lawful duties have all been paid, they may engage pilots to leave port. It shall also be lawful for them to hire, at pleasure, servants, compradors, linguists, and writers, and passage or cargo boats, and to employ laborers, seamen, and persons for whatever necessary service, for a reasonable compensation, to be agreed

Citizens of U. S. may engage pilots for their vessels.

May hire servants, &c.

on by the parties, or settled by application to the consular officer of their government, without interference on the part of the local officers of the Chinese government.

ARTICLE IX.

Custom-house officers to be appointed to guard the vessels of U. S. on arrival, &c.

Whenever merchant vessels belonging to the United States shall have entered port, the superintendent of customs will, if he see fit, appoint custom-house officers to guard said vessels, who may live on board the ship or their own boats, at their convenience; but provision for the subsistence of said officers shall be made by the superintendent of customs, and they shall not be entitled to any allowance from the vessel or owner thereof; and they shall be subject to suitable punishment for any exaction practised by them in violation of this regulation.

ARTICLE X.

Proceedings of vessels of the U. S. on their arrival in China.

Whenever a merchant vessel belonging to the United States shall cast anchor in either of said ports, the supercargo, master, or consignee, will, within forty-eight hours, deposit the ship's papers in the hands of the consul or person charged with the affairs of the United States, who will cause to be communicated to the superintendent of customs a true report of the name and tonnage of such vessel, the names of her men, and of the cargo on board; which being done, the superintendent will give a permit for the discharge of her cargo.

Penalties for discharging vessels without a permit.

And the master, supercargo, or consignee, if he proceed to discharge the cargo without such permit, shall incur a fine of five hundred dollars; and the goods so discharged without permit shall be subject to forfeiture to the Chinese government. But if the master of any vessel in port desire to discharge a part only of the cargo, it shall be lawful for him to do so, paying duties on such part only, and to proceed with the remainder to any other ports.

Vessels departing within 48 hours, not to be subject to tonnage or other duties.

Or, if the master so desire, he may, within forty-eight hours after the arrival of the vessel, but not later, decide to depart without breaking bulk; in which case he will not be subject to pay tonnage or other duties or charges, until, on his arrival at another port, he shall proceed to discharge cargo, when he will pay the duties on vessel and cargo, according to law. And the tonnage duties shall be held to be due after the expiration of said forty-eight hours.

ARTICLE XI.

Appointment of officers to ascertain the duties to be paid on goods imported.

The superintendent of customs, in order to the collection of the proper duties, will, on application made to him through the consul, appoint suitable officers, who shall proceed, in the presence of the captain, supercargo, or consignee, to make a just and fair examination of all goods in the act of being discharged for importation, or laden for exportation on board any merchant vessel of the United States. And if

Disputes as to amount of duties, where and how settled.

dispute occur in regard to the value of goods subject to an ad valorem duty, or in regard to the amount of tare, and the same cannot be satisfactorily arranged by the parties, the question may, within twenty-four hours, and not afterwards, be referred to the said consul to adjust with the superintendent of customs.

ARTICLE XII.

Standards of weights and measures.

Sets of standard balances, and also weights and measures, duly prepared, stamped, and sealed, according to the standard of the custom at Canton, shall be delivered by the superintendents of customs to the consuls at each of the five ports, to secure uniformity, and prevent confusion in measures and weights of merchandize.

ARTICLE XIII.

When tonnage and other duties shall be paid.

The tonnage duty on vessels belonging to citizens of the United States shall be paid on their being admitted to entry. Duties of import shall be paid on the discharge of the goods, and duties of export on the lading of the same. When all such duties shall have been paid, and not before, the superintendant of customs shall give a port-clearance, and the consul shall return the ship's papers, so that she may depart on her voyage. The duties shall be paid to the shroffs authorized by the Chinese government to receive the same in its behalf. Duties payable by merchants of the United States shall be received either in sycee silver or in foreign money, at the rate of exchange as ascertained by the regulations now in force. And imported goods, on their resale or transit in any part of the empire, shall be subject to the imposition of no other duty than they are accustomed to pay at the date of this treaty.

Duties to be paid in sycee silver, or in foreign money at the current rate of exchange.

ARTICLE XIV.

Regulation of transhipment of goods from one vessel of U. S. to another.

No goods on board any merchant vessel of the United States in port are to be transhipped to another vessel, unless there be particular occasion therefor; in which case, the occasion shall be certified by the consul to the superintendant of customs, who may appoint officers to examine into the facts, and permit the transhipment. And if any goods be transhipped without such application, inquiry, and permit, they shall be subject to be forfeited to the Chinese government.

ARTICLE XV.

Citizens of U. S. may trade with any and all subjects of China.

The former limitation of the trade of foreign nations to certain persons appointed at Canton by the Government, and commonly called hong-merchants, having been abolished, citizens of the United States engaged in the purchase or sale of goods of import or export, are admitted to trade with any and all subjects of China without distinction; they shall not be subject to any new limitations, nor impeded in their business by monopolies or other injurious restrictions.

Not to be subject to any new limitations, &c.

ARTICLE XVI.

Chinese government not responsible for debts due by its subjects.

The Chinese Government will not hold itself responsible for any debts which may happen to be due from subjects of China to citizens of the United States, or for frauds committed by them: but citizens of the United States may seek redress in law; and on suitable representation being made to the Chinese local authorities through the consul, they will cause due examination in the premises, and take all proper steps to compel satisfaction. But in case the debtor be dead, or without property, or have absconded, the creditor cannot be indemnified according to the old system of the co-hong so called. And if citizens of the United States be indebted to subjects of China, the latter may seek redress in the same way through the consul, but without any responsibility for the debt on the part of the United States.

Debts due by citizens of U. S. to subjects of China.

ARTICLE XVII.

Citizens of U. S. residing at any of the five ports, may obtain proper accommodations, &c.

Citizens of the United States residing or sojourning at any of the ports open to foreign commerce, shall enjoy all proper accommodation in obtaining houses and places of business, or in hiring sites from the inhabitants on which to construct houses and places of business, and also hospitals, churches and cemeteries. The local authorities of the two Governments shall select in concert the sites for the foregoing objects, having due regard to the feelings of the people in the location thereof: and the parties interested will fix the rent by mutual agreement, the proprietors on the one hand not demanding any exorbitant price, nor the merchants on the other unreasonably insisting on particu-

lar spots, but each conducting with justice and moderation. And any desecration of said cemeteries by subjects of China shall be severely punished according to law.

At places of anchorage, &c. merchants may pass and repass in the immediate vicinity. No excursions into the country, &c. Preservation of the public peace.

At the places of anchorage of the vessels of the United States, the citizens of the United States, merchants, seamen, or others sojourning there, may pass and repass in the immediate neighbourhood; but they shall not at their pleasure make excursions into the country among the villages at large, nor shall they repair to public marts for the purpose of disposing of goods unlawfully and in fraud of the revenue.

And, in order to the preservation of the public peace, the local officers of government at each of the five ports, shall, in concert with the consuls, define the limits beyond which it shall not be lawful for citizens of the United States to go.

ARTICLE XVIII.

Persons may be employed to teach languages in any part of the empire. Citizens of U. S. may buy all manner of books.

It shall be lawful for the officers or citizens of the United States to employ scholars and people of any part of China without distinction of persons, to teach any of the languages of the empire, and to assist in literary labors; and the persons so employed shall not, for that cause, be subject to any injury on the part either of the government or of individuals: and it shall in like manner be lawful for citizens of the United States to purchase all manner of books in China.

ARTICLE XIX.

Citizens of U. S. to be specially protected by the local authorities.

Riots and attacks on their houses to be prevented by military force, and rioters punished.

All citizens of the United States in China, peaceably attending to their affairs, being placed on a common footing of amity and goodwill with subjects of China, shall receive and enjoy, for themselves and every thing appertaining to them, the special protection of the local authorities of Government, who shall defend them from all insult or injury of any sort on the part of the Chinese. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the consul, will immediately despatch a military force to disperse the rioters, and will apprehend the guilty individuals, and punish them with the utmost rigor of the law.

ARTICLE XX.

Re-exportation of goods imported into China by citizens of the U. S. to other permitted ports.

Citizens of the United States who may have imported merchandize into any of the free ports of China, and paid the duty thereon, if they desire to re-export the same, in part or in whole, to any other of the said ports, shall be entitled to make application, through their consul, to the superintendant of Customs, who, in order to prevent frauds on the revenue, shall cause examination to be made by suitable officers to see that the duties paid on such goods, as entered on the custom-house books, correspond with the representation made, and that the goods remain with their original marks unchanged, and shall then make a memorandum in the port-clearance, of the goods, and the amount of duties paid on the same, and deliver the same to the merchant; and shall also certify the facts to the officers of customs of the other ports. All which being done, on the arrival in port of the vessel in which the goods are laden, and every thing being found on examination there to correspond, she shall be permitted to break bulk and land the said goods, without being subject to the payment of any additional duty thereon. But if, on such examination, the superintendent of customs shall detect any fraud on the revenue in the case, then the goods shall be subject to forfeiture and confiscation to the Chinese Government.

Frauds on the government of China.

ARTICLE XXI.

Criminal acts by subjects of China to be

Subjects of China who may be guilty of any criminal act towards citizens of the United States, shall be arrested and punished by the Chinese autho-

rities according to the laws of China: and citizens of the United States, who may commit any crime in China, shall be subject to be tried and punished only by the consul, or other public functionary of the United States, thereto authorized according to the laws of the United States. And in order to the prevention of all controversy and disaffection, justice shall be equitably and impartially administered on both sides.

punished by the laws of China.
Citizens of U. S. committing crimes, to be punished by the consul according to the laws of U. S.

ARTICLE XXII.

Relations of peace and amity between the United States and China being established by this treaty, and the vessels of the United States being admitted to trade freely to and from the five ports of China open to foreign commerce, it is further agreed that in case at any time hereafter, China should be at war with any foreign nation whatever, and for that cause should exclude such nation from entering her ports, still the vessels of the United States shall not the less continue to pursue their commerce in freedom and security, and to transport goods to and from the ports of the belligerent parties, full respect being paid to the neutrality of the flag of the United States: Provided that the said flag shall not protect vessels engaged in the transportation of officers or soldiers in the enemy's service; nor shall said flag be fraudulently used to enable the enemy's ships with their cargoes to enter the ports of China; but all such vessels so offending shall be subject to forfeiture and confiscation to the Chinese Government.

If China should be at war, &c., trade of the U. S. to the five ports not to be molested.
Transportation of goods to and from the ports of the belligerents to be allowed, &c.
Proviso.

ARTICLE XXIII.

The consuls of the United States at each of the five ports open to foreign trade, shall make annually to the respective Governors-general thereof, a detailed report of the number of vessels belonging to the United States which have entered and left said ports during the year, and of the amount and value of goods imported or exported in said vessels, for transmission to and inspection of the Board of Revenue.

Consuls of U. S. to make returns of the trade of U. S. with the five ports, &c.

ARTICLE XXIV.

If citizens of the United States have special occasion to address any communication to the Chinese local officers of Government, they shall submit the same to their consul, or other officer, to determine if the language be proper and respectful, and the matter just and right; in which event he shall transmit the same to the appropriate authorities for their consideration and action in the premises. In like manner, if subjects of China have special occasion to address the consul of the United States, they shall submit the communication to the local authorities of their own Government, to determine if the language be respectful and proper, and the matter just and right; in which case the said authorities will transmit the same to the consul, or other officer, for his consideration and action in the premises. And if controversies arise between citizens of the United States and subjects of China, which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations acting in conjunction.

Communications with the local officers of China, how to be made.

Communications from subjects of China, how to be made.

Settlement of controversies.

ARTICLE XXV.

All questions in regard to rights, whether of property or person, arising between citizens of the United States in China, shall be subject to the jurisdiction and regulated by the authorities of their own Government. And all controversies occurring in China between citizens of the United States and the subjects of any other Government, shall be regulated by the treaties existing between the United States and such Governments, respectively, without interference on the part of China.

Questions between citizens of U. S. in China, how to be regulated.
Between citizens of U. S. and others.

ARTICLE XXVI.

Merchant vessels of U. S. in the five ports to be under the jurisdiction of the officers of their government.

Robbers and pirates, &c. to be arrested and punished by the Chinese government.

Disposition of the property recovered.

Merchant vessels of the United States lying in the waters of the five ports of China open to foreign commerce, will be under the jurisdiction of the officers of their own Government; who, with the masters and owners thereof, will manage the same without control on the part of China. For injuries done to the citizens or the commerce of the United States by any foreign power, the Chinese Government will not hold itself bound to make reparation. But if the merchant-vessels of the United States, while within the waters over which the Chinese Government exercises jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities, civil and military, on receiving information thereof, will arrest the said robbers or pirates, and punish them according to law, and will cause all the property which can be recovered, to be placed in the hands of the nearest consul, or other officer of the United States, to be by him restored to the true owner. But if, by reason of the extent of territory and numerous population of China, it should, in any case, happen that the robbers cannot be apprehended, or the property only in part recovered, then the law will take its course in regard to the local authorities, but the Chinese Government will not make indemnity for the goods lost.

ARTICLE XXVII.

Shipwrecks.

Vessels forced into any other than one of the five ports, shall receive friendly treatment.

If any vessel of the United States shall be wrecked or stranded on the coast of China, and be subjected to plunder or other damage, the proper officers of Government on receiving information of the fact, will immediately adopt measures for their relief and security; and the persons on board shall receive friendly treatment, and be enabled at once to repair to the most convenient of the free ports, and shall enjoy all facilities for obtaining supplies of provisions and water. And if a vessel shall be forced in whatever way to take refuge in any port other than one of the free ports, then in like manner the persons on board shall receive friendly treatment, and the means of safety and security.

ARTICLE XXVIII.

Citizens or vessels of U. S. not to be subject to embargo.

Citizens of the United States, their vessels and property, shall not be subject to any embargo; nor shall they be seized or forcibly detained for any pretense of the public service; but they shall be suffered to prosecute their commerce in quiet, and without molestation or embarrassment.

ARTICLE XXIX.

Mutineers and deserters to be apprehended and delivered to U. S. consuls.

The local authorities of the Chinese Government will cause to be apprehended all mutineers or deserters from on board the vessels of the United States in China, and will deliver them up to the consuls or other officers for punishment. And if criminals, subjects of China, take refuge in the houses or on board the vessels of citizens of the United States, they shall not be harbored or concealed, but shall be delivered up to justice, on due requisition by the Chinese local officers addressed to those of the United States.

Merchants, &c. of U. S. to be under the superintendence of the officers of their government.

The merchants, seamen, and other citizens of the United States shall be under the superintendance of the appropriate officers of their government. If individuals of either nation commit acts of violence and disorder, use arms to the injury of others, or create disturbances endangering life, the officers of the two governments will exert themselves to enforce order, and to maintain the public peace, by doing impartial justice in the premises.

ARTICLE XXX.

Correspondence between the respective governments and their officers, and between individuals and their government.

The superior authorities of the United States and of China, in corresponding together, shall do so in terms of equality, and in the form of mutual communication, (*cháu hwui.*) The consuls, and the local officers, civil and military, in corresponding together, shall likewise employ the style and form of mutual communication, (*cháu hwui.*) When inferior officers of the one government address superior officers of the other, they shall do so in the style and form of memorial, (*shin chin.*) Private individuals, in addressing superior officers, shall employ the style of petition, (*pin ching.*) In no case shall any terms or style be suffered which shall be offensive or disrespectful to either party. And it is agreed that no presents, under any pretext or form whatever, shall ever be demanded of the United States by China, or of China by the United States.

ARTICLE XXXI.

Transmission of communications.

Communications from the government of the United States to the court of China shall be transmitted through the medium of the Imperial Commissioner charged with the superintendence of the concerns of foreign nations with China, or through the Governor-general of the Liang Kwang, that of Min and Cheh, or that of the Liang Kiang.

ARTICLE XXXII.

Intercourse with ships of war.

Whenever ships of war of the United States, in cruizing for the protection of the commerce of their country, shall arrive at any of the ports of China, the commanders of said ships and the superior local authorities of Government, shall hold intercourse together in terms of equality and courtesy, in token of the friendly relations of their respective nations. And the said ships of war shall enjoy all suitable facilities on the part of the Chinese Government in the purchase of provisions, procuring water, and making repairs if occasion require.

ARTICLE XXXIII.

Clandestine trade prohibited.

Citizens of the United States, who shall attempt to trade clandestinely with such of the ports of China as are not open to foreign commerce, or who shall trade in opium or any other contraband article of merchandize, shall be subject to be dealt with by the Chinese Government, without being entitled to any countenance or protection from that of the United States; and the United States will take measures to prevent their flag from being abused by the subjects of other nations, as a cover for the violation of the laws of the Empire.

ARTICLE XXXIV.

At the expiration of 12 years, the two governments may treat on matters which may require alteration.

When the present convention shall have been definitively concluded, it shall be obligatory on both Powers, and its provisions shall not be altered without grave cause; but, inasmuch as the circumstances of the several ports of China open to foreign commerce are different, experience may show that inconsiderable modifications are requisite in those parts which relate to commerce and navigation: in which case, the two Governments will, at the expiration of twelve years from the date of said convention, treat amicably concerning the same, by the means of suitable persons appointed to conduct such negotiation.

The treaty, when ratified, to be faithfully observed, &c.

And when ratified, this Treaty shall be faithfully observed in all its parts by the United States and China, and by every citizen and subject of each. And no individual State of the United States can appoint or send a minister to China to call in question the provisions of the same.

Ratifications to be exchanged within eighteen months.

The present treaty of peace, amity, and commerce, shall be ratified and approved by the President of the United States, by and with the advice and consent of the Senate thereof, and by the August Sovereign

of the Ta Tsing Empire, and the ratifications shall be exchanged, within eighteen months from the date of the signature thereof, or sooner if possible.

In faith whereof, We, the respective Plenipotentiaries of the United States of America, and of the Ta Tsing Empire, as aforesaid, have signed and sealed these presents.

Done at Wang Hiya, this third day of July, in the year of our Lord Jesus Christ, one thousand eight hundred and forty-four; and of Taoukwang, the twenty-fourth year, fifth month, and eighteenth day.

TSIYENG, (*in Manchu,*) (L. S.)
C. CUSHING, (L. S.)

The tariff of duties to be levied on imported and exported merchandize at the five ports.

The duties which it is agreed shall be paid upon goods imported and exported by the United States, at the Custom Houses of Canton, Amoy, Fuchow, Ningpo, and Shanghai, are as follows; the articles being arranged in classes, viz.

EXPORTS.

	Taels.	Mace.	Candareens.
CLASS 1. — *Alum, oils, &c.*			
Alum, i. e. white alum, formerly white alum and blue stone, per 100 catties	0	1	0
Anniseed oil, not formerly contained in the tariff, per 100 catties	5	0	0
Cassia oil, not formerly contained in the tariff, per 100 catties	5	0	0
CLASS 2. — *Tea, spices, &c.*			
Tea, formerly divided into fine and native black, and fine and native green teas, per 100 catties	2	5	0
Anniseed Star, per 100 catties		5	
Musk, each catty		5	
CLASS 3. — *Drugs.*			
Capoor Cutchery, per 100 catties	0	3	0
Camphor, per 100 catties	1	5	0
Arsenic, under different Chinese names, per 100 catties	0	7	5
Cassia, per 100 catties	0	7	5
Cassia buds, not formerly contained in the tariff, per 100 catties	1	0	0
China Root, per 100 catties	0	2	0
Cubebs, not formerly in tariff, per 100 catties	1	5	0
Galingal, per 100 catties	0	1	0
Hartall, do.	0	5	0
Rhubarb, do.	1	0	0
Turmeric, do.	0	2	0
CLASS 4. — *Sundries.*			
Bangles, not formerly in the tariff, per 100 catties	0	5	0
Bamboo screens and Bamboo ware, do.	0	2	0

	Taels.	Mace.	Candareens.
Corals, native, or false corals, not formerly in the tariff, per 100 catties	0	5	0
Crackers, and fire-works formerly classed as Rockets, per 100 catties	0	7	5
Fans (feather fans, &c.), not formerly in the tariff, per 100 catties	1	0	0
Glass; glass ware of all kinds, formerly classed as native crystal ware, per 100 catties	0	5	0
Glass beads, or false pearls, per 100 catties	0	5	0
Kittisols, or paper umbrellas, per 100 catties	0	5	0
Marble, marble slabs, not formerly in the tariff, per 100 catties	0	2	0
Rice paper pictures, per 100 catties	0	1	0
Paper fans, per 100 catties	0	5	0
Pearls (false), not formerly in the tariff, per 100 catties	0	5	0

CLASS 5. — *Painters' stores, &c.*

Brass leaf, per 100 catties	1	5	0
Gamboge, do.	2	0	0
Red lead, do.	0	5	0
Glue, as fish glue, cowhide glue, &c., per 100 catties	0	5	0
Paper, stationery, per 100 catties	0	5	0
Til foil, per 100 catties	0	5	0
Vermillion do.	3	0	0
Paintings (large paintings), formerly divided into large and small paintings, each	0	1	0
White lead, per 100 catties	0	2	5

CLASS 6. — *Wares of various kinds.*

Bone and Horn ware, per 100 catties	1	0	0
China ware, fine and coarse, formerly classed as fine, native, coarse, and middling, per 100 catties	0	5	0
Copper ware and pewter ware, per 100 catties	0	5	0
Manufactures of wood, furniture, &c., per 100 catties	0	2	0
Ivory ware, all carved ivory work included, formerly divided into ivory and ivory carvings, per 100 catties	5	0	0
Lacquered ware, per 100 catties	1	0	0
Mother of pearl ware, per 100 catties	1	0	0
Rattan ware, rattan and bamboo work, per 100 catties	0	2	0
Sandal-wood ware, per 100 catties	1	0	0
Gold and silver ware, formerly divided into gold ware and silver ware, per 100 catties	10	0	0
Tortoise-shell ware, per 100 catties	10	0	0
Leather trunks and boxes, per 100 catties	0	2	0

CLASS 7. — *Canes, &c.*

Canes or walking sticks of all kinds, per 1000 pieces	0	5	0

CLASS 8. — *Articles of Clothing.*

Wearing apparel, whether of cotton, woollen, or silk, formerly divided into cotton clothing, woollen do., silk and satin do., and velvet, per 100 catties	0	5	0
Boots and shoes, whether of leather, satin, or otherwise, per 100 catties	0	2	0

	Taels.	Mace.	Candareens.
Class 9. — *Fabrics of Hemp, &c.*			
Grass-cloth, and all cloths of hemp or linen, per 100 catties,	1	0	0
Nankeen, and all cloths of cotton, formerly not in the tariff, per 100 catties	1	0	0
Class 10. — *Silk, fabrics of Silk, &c.*			
Raw silk of any province, per 100 catties	10	0	0
Coarse or refuse silk, do.	2	0	0
Organzine, of all kinds, do.	10	0	0
Silk ribbon and thread, do.	10	0	0
Silk and satin fabrics of all kinds, as crape, lutestring, &c., &c., formerly classed as silks and satins, per 100 catties	12	0	0
Silk and Cotton mixed fabrics, per 100 catties	3	0	0
Heretofore a further charge per piece has been levied: the whole duty is now to be paid in one sum and the further charge is abolished.			
Class 11. — *Carpeting, matting, &c.*			
Mats of all kinds, as of straw, rattan, bamboo, &c. &c. per 100 catties	0	2	0
Class 12. — *Preserves, &c.*			
Preserved Ginger and fruits of all kinds, per 100 catties	0	5	0
Soy, per 100 catties	0	4	0
Sugar, white and brown, per 100 catties	0	2	5
Sugar candy, all kinds, do.	0	3	5
Tobacco, prepared and unprepared, &c., of all kinds, per 100 catties	0	2	0
Class 13. — *Unenumerated Articles.*			
All articles which it has not been practicable to enumerate herein specifically are to be charged a duty of five per cent. ad valorem.			
Class 14.			
Gold and silver coin, and gold and silver, duty free.			
Class 15.			
Bricks, tiles, and building materials, duty free.			

IMPORTS.

Class 1.—*Wax, Saltpetre, &c.*			
Wax, foreign, as beeswax, also called tile wax, per 100 catties	1	0	0
Oil of Rose Mallows, per 100 catties	1	0	0
Saltpetre, foreign, per 100 catties	0	3	0
This article is only allowed to be sold to the Government merchants. Formerly this regulation did not exist.			
Soaps, foreign, as perfumed soap, per 100 catties	0	5	0
Class 2.—*Spices and perfumes.*			
Gum Benzoin and oil of Benzoin, per 100 catties	1	0	0
Sandal wood, per 100 catties	0	5	0
Pepper, black, do.	0	4	0

	Taels.	Mace.	Candareens.
All other articles of this class, not specifically mentioned herein, to pay a duty of ten per cent. ad valorem.			
Perfumery, five per cent. ad valorem.			
Class 3. — *Drugs.*			
Asafœtida, per 100 catties	1	0	0
Camphor, superior quality, i. e. pure, formerly classed as good and inferior, per catty	1	0	0
Do. inferior quality or refuse, formerly uncleaned camphor, per catty	0	5	0
Cloves, superior quality, picked, per 100 catties	1	5	0
Do. inferior do. (Mother cloves) per 100 catties	0	5	0
Cow Bezoar, per catty	1	0	0
Cutch, per 100 catties	0	3	0
Gambier, per 100 catties	0	1	5
Areca nut, per 100 catties	0	1	5
Ginseng, foreign, superior quality, &c., per 100 catties	38	0	0
Do. inferior quality, &c., per 100 catties	3	5	0
Of every hundred catties of foreign ginseng of whatever sort, one fifth part is to be considered as of superior quality and four fifths of inferior quality.			
Gum olibanum, per 100 catties	0	5	0
Myrrh, per 100 catties	0	5	0
Mace, or flower of Nutmeg, per 100 catties	1	0	0
Quicksilver, per 100 catties	3	0	0
Nutmegs, first quality, per 100 catties	2	0	0
Do. second quality, or coarse, per 100 catties	1	0	0
Putchuck, per 100 catties	0	7	5
Rhinoceros horns, per 100 catties	3	0	0
Class 4. — *Sundries.*			
Flints, per 100 catties	0	0	5
Mother of pearl shells, per 100 catties	0	2	0
Class 5.—*Dried Meats.*			
Bird's nests, 1st quality mandarin, per 100 catties	5	0	0
Do. 2d do. ordinary, per 100 catties	2	5	0
Do. 3d do. with feathers, per 100 catties	0	5	0
Bicho de Mar, 1st quality black, per 100 catties	0	8	0
Do. 2d. do. white, per 100 catties	0	2	0
Shark's fins, 1st quality white, per 100 catties	1	0	0
Do. 2d. do. black, per 100 catties	0	5	0
Stock fish, called dried fish, per 100 catties	0	4	0
Fish maws, not formerly in tariff, per 100 catties	1	5	0
Class 6.—*Painters' Stores.*			
Cochineal, per 100 catties	5	0	0
Smalts, per 100 catties	4	0	0
Sapan wood, per 100 catties	0	1	0
Class 7.—*Woods, Canes, &c.*			
Rattans, per 100 catties	0	2	0
Ebony, per 100 catties	0	1	5
All other imported wood, as red wood, satin wood, yellow wood, not specifically enumerated, to pay a duty of ten per cent. ad valorem.			

CLASS 8.—*Clocks, Watches, &c.*	Taels.	Mace.	Candareens
Clocks.			
Watches.			
Telescopes.			
Glass panes, and crystal ware of all kinds			
Writing desks.			
Dressing cases.			
Jewelry of gold and silver.			
Cutlery, swords, &c.			
All the foregoing and any other miscellaneous articles of the same description, 5 per cent. ad valorem.			

CLASS 9.

Gold and silver bullion, duty free.			

CLASS 10.

Cotton, fabrics of cotton and canvass, from 75 to 100 chih long, and one chih 7 tsun to 2 chih 2 tsun wide, per piece	0	5	0
Cotton, allowing 5 per cent. for tare, per 100 catties.....	0	4	0
Long white cloths 75 to 100 chih long, and 2 chih 2 tsun to 2 chih 6 tsun wide, formerly divided into superior and inferior fine cotton cloth, per piece.....	0	1	5
Cambrics and muslins from 50 to 60 chih long, and 2 chih 9 tsun to 3 chih 3 tsun wide, per piece.....	0	1	5
Cottons, grey or unbleached domestic, and from 75 to 100 chih long, and 2 chih to 2 chih 9 tsun wide, formerly classed as coarse long cloths, per piece.....	0	1	0
Twilled cottons, grey, same dimensions, per piece.....	0	1	0
Chintz and prints of all kinds, from 60 to 75 chih long, and from 2 chih 9 tsun to 3 chih 3 tsun wide, formerly called ornamented or flower cloths, per piece.....	0	2	0
Cotton yarn, or cotton thread, per 100 catties.....	1	0	0
Linen, fine, not formerly in the tariff, from 50 to 75 chih long, and 1 chih 9 tsun to 2 chih 2 tsun wide, per piece	0	5	0
Bunting, per chang.....	0	0	1½
All other imported articles of this class, as ginghams, pulicats, dyed cottons, velveteens, silk and cotton mixtures, and mixtures of linen and cotton, &c. &c., 5 per cent. ad valorem.			

CLASS 11.—*Fabrics of silk, woollen, &c.*

Handkerchiefs, large, above 2 chih 6 tsun, each.....	0	0	1½
Do. small, under 2 chih 6 tsun, do.	0	0	1
Gold and silver thread, superior or real, per catty.....	0	1	3
Do. do. inferior, or imitation, per catty...	0	0	3
Broadcloth, Spanish stripe, &c., from 3 chih 6 tsun to 4 chih 6 tsun wide, per chang.....	0	1	5
Narrow cloths, as long ells, cassimeres, &c., formerly classed as narrow woollens, per chang.....	0	0	7
Camlets (Dutch), per chang.....	0	1	5
Do. per chang.....	0	0	7
Imitation camlets, or bombazettes, per chang.....	0	0	3½
Woollen yarn, per 100 catties.....	3	0	0
Blankets, each.....	0	1	0
All other fabrics of wool, or of mixed wool and cotton, wool and silk, &c., 5 per cent. ad valorem.			

CLASS 12.—*Wines, &c.*	Taels.	Mace.	Candareens.
Wine and beer, in quart bottles, per 100	1	0	0
do. in pint do. do.	0	5	0
do. in cask, per 100 catties	0	5	0

CLASS 13.—*Metals.*

Copper, foreign, in pigs, &c., per 100 catties	1	0	0
Do. wrought, as sheets, rods, &c., per 100 catties	1	5	0
Iron, foreign, unmanufactured, as in pigs, per 100 catties	0	1	0
Do. manufactured, as in bars, rods, &c., per 100 catties	0	1	5
Lead, foreign, in pigs, or manufactured, per 100 catties	0	2	8
Steel, foreign, of every kind, per 100 catties	0	4	0
Tin, foreign, per 100 catties	1	0	0
Tin plates, formerly not in the tariff, per 100 catties	0	4	0

Spelter is only permitted to be sold to government merchants.

All unenumerated metals, as zinc, yellow copper, &c., 10 per cent. ad valorem.

CLASS 14.—*Jewelry.*

Cornelians, per 100 stones	0	5	0
Cornelian beads, per 100 catties	10	0	0

CLASS 15.—*Skins, teeth, horns, &c.*

Bullock's and buffalo horns, per 100 catties	2	0	0
Cow and ox hides, tanned and untanned, per 100 catties	0	5	0
Sea otter skins, each	1	5	0
Fox skins, large, each	0	1	5
Do. small, do.	0	0	7½
Tiger, Leopard, and martin skins, each	0	1	5
Land otter, Racoon, and shark's skins, per 100	2	0	0
Beaver skins, per 100	5	0	0
Hare, rabbit, and ermine skins, per 100	0	5	0
Sea-horse teeth, per 100 catties	2	0	0
Elephant's teeth, 1st quality, whole, per 100 catties	4	0	0
2d do. broken, do.	2	0	0

CLASS 16.—*Unenumerated.*

All new goods which it has not been practicable to enumerate herein, a duty of 5 per cent. ad valorem.

CLASS 17.

Rice and other grains, duty free.

Contraband.—Opium.

Shipping dues.—These have been hitherto charged on the measurement of the ship's length and breadth, at so much per *chang*, but it is now agreed to alter the system and charge according to the registered statement of the number of tons of the ship's burden. On each ton (reckoned equal to the cubic contents of 122 tows), a shipping charge of five mace is to be levied; and all the old charges of measurement, entrance and port-clearance fees, daily and monthly fees, &c., are abolished.

CUSHING, (L. S.) TSIYENG, (L. S.)

TREATY OF COMMERCE AND NAVIGATION

Nov. 10, 1845.

Between the United States of America and his Majesty the King of the Belgians.

Ratifications exchanged, March 30, 1846.

Proclamation of the President of the U. S., March 31, 1846.

THE United States of America on the one part, and his Majesty the King of the Belgians on the other part, wishing to regulate in a formal manner their reciprocal relations of commerce and navigation, and further to strengthen, through the development of their interests respectively, the bonds of friendship and good understanding so happily established between the governments and people of the two countries; and desiring, with this view, to conclude, by common agreement, a treaty establishing conditions equally advantageous to the commerce and navigation of both states, have, to that effect, appointed as their plenipotentiaries, namely: the President of the United States, Thomas G. Clemson, Chargé d'affaires of the United States of America to his Majesty the King of the Belgians; and his Majesty the King of the Belgians, M. Adolphe Dechamps, officer of the Order of Leopold, knight of the Order of the Red Eagle of the first class, grand cross of the Order of St. Michel of Bavaria, his minister for foreign affairs, a member of the Chamber of Representants, who, after having communicated to each other their full powers, ascertained to be in good and proper form, have agreed and concluded the following articles:

ARTICLE I.

Freedom of commerce between the two countries.

The same duties, taxes, &c. to be paid, as are paid by citizens of either country, &c.

There shall be full and entire freedom of commerce and navigation between the inhabitants of the two countries; and the same security and protection which is enjoyed by the citizens or subjects of each country, shall be guarantied on both sides. The said inhabitants, whether established or temporarily residing within any ports, cities, or places whatever, of the two countries, shall not, on account of their commerce or industry, pay any other or higher duties, taxes, or imposts, than those which shall be levied on citizens or subjects of the country in which they may be; and the privileges, immunities, and other favors, with regard to commerce or industry, enjoyed by the citizens or subjects of one of the two states, shall be common to those of the other.

ARTICLE II.

Belgian vessels shall pay in the ports of the U.S. no other or higher duties of tonnage, &c.

Belgian vessels, whether coming from a Belgian or a foreign port, shall not pay, either on entering or leaving the ports of the United States, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage, or generally other charges whatsoever, than are required from vessels of the United States in similar cases. This provision extends, not only to duties levied for the benefit of the state, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations, or any other division or jurisdiction, whatever may be its designation.

ARTICLE III.

Vessels of U.S. shall pay in the ports of Belgium no other or higher duties of tonnage, &c.

Reciprocally, vessels of the United States, whether coming from a port of said States, or from a foreign port, shall not pay, either on entering or leaving the ports of Belgium, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage, or generally other charges

TRAITÉ DE COMMERCE ET DE NAVIGATION

Entre sa Majesté le Roi des Belges et les Etats-Unis d'Amérique.

Sa Majesté le Roi des Belges d'une part, et les Etats-Unis d'Amérique d'autre part, voulant régler d'une manière formelle les relations réciproques de commerce et de navigation, et fortifier de plus en plus, par le développement des intérêts respectifs, les liens d'amitié et de bonne intelligence si heureusement établis entre les deux gouvernements et les deux peuples; désirant, dans cet but, arrêter, de commun accord, un traité stipulant des conditions également avantageuses au commerce et à la navigation des deux états, ont, à cet effet, nommé pour leurs plenipotentiaires, savoir: Sa Majesté le Roi des Belges, le sieur Adolphe Dechamps, officiere de l'Ordre de Léopold, chevalier de l'Ordre de l'Aigle Rouge de première classe, Grand croix de l'Ordre de St. Michel de Bavière, Ministre des Affaires Etrangères, Membre de la Chambre des Représentants; et Son Excellence le Président des Etats-Unis, le sieur Thomas G. Clemson, chargé d'affaires des Etats-Unis d'Amérique près sa Majesté le Roi des Belges; lesquels après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et conclu les articles suivants:

ARTICLE 1.

Il y aura pleine et entière liberté de commerce et de navigation entre les habitans des deux pays, et la même sécurité et protection dont jouissent les nationaux, seront garanties des deux parts. Ces habitans ne payeront point, à raison de leur commerce ou de leur industrie, dans les ports, villes, ou lieux quelconques des deux états, soit qu'ils s'y établissent, soit qu'ils y résident temporairement, des droits, taxes, ou impôts autre ou plus élévés que ceux qui se percevront sur les nationaux; et les privilèges, immunités, et autres faveurs dont jouissent en matière de commerce ou d'industrie les citoyens ou sujets de l'un des deux états, seront communs à ceux de l'autre.

ARTICLE 2.

Les navires Belges venant d'un port Belge ou d'un port étranger, ne payeront point à leur entrée dans les ports des Etats-Unis, ou à leur sortie, quelle que soit leur destination, d'autres ni de plus forts droits de tonnage, de pilotage, d'ancrage, de balisage, de feux et de fanaux, d'expédition et de courtage, ni généralement d'autres charges que celles exigées des bâtimens de l'Union dans les mêmes cas. Ce qui précède s'entend, non seulement des droits perçus au profit de l'état, mais encore de tous droits perçus au profit des provinces, villes, arrondissemens, communes, juridictions, corporations, etc., sous quelque terme qu'elles puissent être designées.

ARTICLE 3.

Réciproquement, les navires des Etats-Unis, venant d'un port national ou d'un port étranger, ne payeront point, à leur entrée dans les ports de Belgique ou à leur sortie, quelle que soit leur destination, d'autres ni de plus fort droits de tonnage, de pilotage, d'ancrage, de balisage, de feux et de fanaux, d'expedition et de courtage, ni généralement d'autres

whatever, than are required from Belgian vessels in similar cases. This provision extends not only to duties levied for the benefit of the state, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations, or any other division or jurisdiction, whatever may be its designation.

ARTICLE IV.

Restitution guarantied of certain duties levied by the Netherlands.

The restitution by Belgium of the duty levied by the government of the Netherlands on the navigation of the Scheldt, in virtue of the third paragraph of the ninth article of the treaty of April nineteenth, eighteen hundred and thirty-nine, is guarantied to the vessels of the United States.

ARTICLE V.

Steam vessels to be exempt from duties of tonnage, &c.

Steam vessels of the United States and of Belgium, engaged in regular navigation between the United States and Belgium, shall be exempt in both countries from the payment of duties of tonnage, anchorage, buoys, and light-houses.

ARTICLE VI.

Coasting trade between the ports of either country.

As regards the coasting trade between the ports of either country, the vessels of the two nations shall be treated on both sides on the same footing with the vessels of the most favored nations.

ARTICLE VII.

Articles proceeding from the soil, &c. of Belgium, to pay no other duties, &c.

Articles of every description, whether proceeding from the soil, industry, or warehouses of Belgium, directly imported therefrom, into the ports of the United States, in Belgian vessels, shall pay no other or higher duties of import than if they were imported under the flag of said States.

Productions of U. S. imported into Belgium in vessels of U. S., to pay no other duties, &c.

And, reciprocally, articles of every description directly imported into Belgium from the United States, under the flag of the said States, shall pay no other or higher duties than if they were imported under the Belgian flag.

It is well understood:

1st. That the goods shall have been really put on board in the ports from which they are declared respectively to come.

2d. That a putting-in at an intermediate port, produced by uncontrollable circumstances, duly proved, does not occasion the forfeiture of the advantage allowed to direct importation.

ARTICLE VIII.

Articles imported into U.S. in Belgian vessels, to pay no other duties than if they had been imported, &c.

Reciprocal as to U. S.

Articles of every description, imported into the United States from other countries than Belgium, under the Belgian flag, shall pay no other or higher duties whatsoever, than if they had been imported under the flag of the most favored foreign nation, other than the flag of the country from which the importation is made. And, reciprocally, articles of every description, imported under the flag of the United States into Belgium, from other countries than the United States, shall pay no other or higher duties whatsoever, than if they had been imported under the flag of the foreign nation most favored, other than that of the country from which the importation is made.

ARTICLE IX.

Articles exported by Belgian or U. S. vessels from the ports of either country, to pay no other duties, &c.

Articles of every description, exported by Belgian vessels, or by those of the United States of America, from the ports of either country to any country whatsoever, shall be subjected to no other duties or formalities than such as are required for exportation under the flag of the country where the shipment is made.

charges, qui celles exigées des bâtimens Belges dans les mêmes cas. Ce qui précède s'entend non seulement des droits perçus au profit de l'état, mais encore de tous droits perçus au profit des provinces, villes, arrondissemens, communes, juridictions, corporations, etc., sous quelque terme qu'elles puissent être désignées.

ARTICLE 4.

Le remboursement par la Belgique du droit perçu sur la navigation de l'Escaut par le gouvernement des Pays-Bas, en vertu du paragraphe troisième de l'article neuf du traité du dix-neuf Avril, mil huit cent trente-neuf, est garanti aux navires des Etats-Unis.

ARTICLE 5.

Les bateaux à vapeur Belges et des Etats-Unis faisant un service régulier de navigation entre la Belgique et les Etats-Unis, seront exemptés, dans l'un et l'autre pays, du paiement des droits de tonnage, d'ancrage, de balisage, de feux et de fanaux.

ARTICLE 6.

En ce qui concerne l'exercice de cabotage, (commerce de port à port,) les navires des deux nations seront traités, de part et d'autre, sur le même pied que les navires des nations les plus favorisées.

ARTICLE 7.

Les objets de toute nature provenant soit du sol, soit de l'industrie, soit des entrepôts de Belgique, importés en droiture de Belgique par navires Belges, dans les ports des Etats-Unis d'Amerique, ne paieront d'autres ni de plus forts droits d'entrée que s'ils étaient importés en droiture sous le pavillon des dits Etats.

Et réciproquement, les objets de toute nature importés en droiture en Belgique des Etats-Unis d'Amerique, sous pavillon de ces Etats, n'acquitteront d'autres ni de plus forts droits que s'ils étaient importés en droiture sous pavillon Belge.

Il est bien entendu:

1°. Que les marchandises devront avoir été rëellement chargées dans les ports d'où elles auront été déclarés respectivement provenir.

2°. Que la relâche forcée dans les ports intermédiaires pour des causes de force majeure dûment justifiée, ne fait pas perdre le benéfice de l'importation en droiture.

ARTICLE 8.

Les objets de toute nature importés aux Etats-Unis d'ailleurs que de Belgique, sous pavillon Belge, ne payeront d'autres ni de plus forts droits quelconques, que si l'importation était effectuée sous le pavillon de la nation étrangère la plus favorisée, autre que le pavillon du pays même d'ou l'importation a lieu. Et réciproquement, les objets de toute nature, importés sous pavillon des Etats-Unis en Belgique, d'ailleurs que des Etats-Unis, ne paieront d'autres ni de plus forts droits quelconques, que si l'importation était effectuée sous le pavillon de la nation étrangère la plus favorisée, autre que celui du pays même d'où l'importation a lieu.

ARTICLE 9.

Les objets de toute nature quelconque exportés par navires Belges ou par ceux des Etats-Unis d'Amérique des ports de l'un ou de l'autre de ces états vers quelque pays que ce soit, ne seront assujettis à des droits ou à des formalités autres que ceux exigés pour l'exportation par pavillon national.

ARTICLE X.

Premiums, drawbacks, &c. allowed upon goods imported directly from one of the two countries, &c.

All premiums, drawbacks, or other favors of like nature, which may be allowed in the states of either of the contracting parties, upon goods imported or exported in national vessels, shall be likewise, and in the same manner, allowed upon goods imported directly from one of the two countries, by its vessels, into the other, or exported from one of the two countries, by the vessels of the other, to any destination whatsoever.

ARTICLE XI.

Preceding article not to apply to the importation of salt, &c.

The preceding article is, however, not to apply to the importation of salt, and of the produce of the national fisheries; each of the two parties reserving to itself the faculty of granting special privileges for the importation of those articles under its own flag.

ARTICLE XII.

Vessels provided with a passport, &c. to be recognised as national vessels, &c.

The high contracting parties agree to consider and to treat as Belgian vessels, and as vessels of the United States, all those which, being provided by the competent authority with a passport, sea letter, or any other sufficient document, shall be recognised conformably with existing laws as national vessels in the country to which they respectively belong.

ARTICLE XIII.

Parts of the cargo of vessels may remain on board in the respective ports without charge.

Belgian vessels and those of the United States may, conformably with the laws of the two countries, retain on board, in the ports of both, such parts of their cargoes as may be destined for a foreign country; and such parts shall not be subjected, either while they remain on board, or upon re-exportation, to any charges whatsoever, other than those for the prevention of smuggling.

ARTICLE XIV.

Imported goods deposited in warehouses, to pay no other warehouse charges, &c.

During the period allowed by the laws of the two countries respectively for the warehousing of goods, no duties, other than those of watch and storage, shall be levied upon articles brought from either country into the other, while awaiting transit, re-exportation, or entry for consumption. Such goods shall in no case be subject to higher warehouse charges, or to other formalities, than if they had been imported under the flag of the country.

ARTICLE XV.

Favors, privileges, &c. granted to any other state, to become common to the citizens and subjects of both parties.

In all that relates to duties of customs and navigation, the two high contracting parties promise, reciprocally, not to grant any favor, privilege, or immunity, to any other state, which shall not instantly become common to the citizens and subjects of both parties respectively; gratuitously, if the concession or favor to such other state is gratuitous, and on allowing the same compensation or its equivalent, if the concession is conditional.

Duties on goods of either country, to be the same as levied on goods of any other foreign country.

Neither of the contracting parties shall lay upon goods proceeding from the soil or the industry of the other party, which may be imported into its ports, any other or higher duties of importation or re-exportation than are laid upon the importation and re-exportation of similar goods coming from any other foreign country.

ARTICLE XVI.

Assistance, &c. in case of shipwreck, &c.

In cases of shipwreck, damages at sea, or forced putting-in, each party shall afford to the vessels of the other, whether belonging to the

ARTICLE 10.

Les primes, restitutions, ou autres faveurs de cette nature, qui pourraient être accordées dans les états des deux parties contractantes, sur des marchandises importées ou exportées par des navires nationaux, seront aussi, et de la même manière, accordées aux marchandises importées directement de l'un des deux pays sur ses navires dans l'autre, ou exportées de l'un des deux pays, par les navires de l'autre, vers quelque destination que ce soit.

ARTICLE 11.

Il est néanmoins dérogé aux dispositions qui précèdent pour l'importation du sel et des produits de la pêche nationale; les deux pays se réservant la faculté d'accorder aux importations de ces articles par pavillon national des priviléges spéciaux.

ARTICLE 12.

Les hautes parties contractantes conviennent de considérer et de traiter comme navires Belges et comme navires des Etats-Unis, tous ceux qui étant pourvus par l'autorité compétente d'un passeport, d'un lettre de mer ou de tout autre document suffisant, seront, d'après les lois existantes, reconnus comme nationaux dans le pays auquel ils appartiennent respectivement.

ARTICLE 13.

Les navires Belges et ceux des Etats-Unis pourront, conformément aux loix des deux pays, conserver à leur bord, dans les ports de l'un et de l'autre état, les parties de cargaison qui seraient destinées pour un pays étranger; et ces parties, pendant leur séjour à bord, ou lors de leur rëexportation, ne seront astreintes à aucuns droits quelconques, autres que ceux de surveillance.

ARTICLE 14.

Pendant le temps fixé par les loix des deux pays respectivement pour l'entreposage des marchandises, il ne sera perçu aucuns droits autres que ceux de garde et d'emmagasinage sur les objets importés de l'un des pays dans l'autre en attendant leur transit, leur rëexportation ou leur mise en consommation. Ces objets, dans aucun cas, ne paieront de plus forts droits d'entrepôt et ne seront assujettis à d'autres formalités que s'ils avaient été importés par pavillon national.

ARTICLE 15.

En tout ce qui concerne les droits de douane et de navigation, les deux hautes parties contractantes se promettent réciproquement de n'accorder aucune faveur, privilège, ou immunité à un autre état, qui ne soit aussi et à l'instant étendu à leurs sujets ou citoyens respectifs, gratuitement si la concession en faveur de l'autre état est gratuite, et en donnant la même compensation ou l'équivalent si la concession est conditionelle.

Ni l'un ni l'autre des parties contractantes n'imposera sur les marchandises provenant du sol ou de l'industrie de l'autre partie, qui seront importées dans ses ports, d'autre ni de plus forts droits d'importation ou de rëexportation, que ceux qui seront imposés sur l'importation ou la rëexportation de marchandises similaires provenant de tout autre pays étranger.

ARTICLE 16.

En cas de naufrage, de dommage en mer, ou de relâche forcée, chacque partie accordera aux navires, soit de l'état ou des particuliers

state or to individuals, the same assistance and protection, and the same immunities, which would have been granted to its own vessels in similar cases.

ARTICLE XVII.

Consuls and vice-consuls.

It is moreover agreed between the two contracting parties, that the consuls and vice-consuls of the United States in the ports of Belgium, and, reciprocally, the consuls and vice-consuls of Belgium in the ports of the United States, shall continue to enjoy all the privileges, protection, and assistance, usually granted to them, and which may be necessary for the proper discharge of their functions. The said consuls and vice-consuls may cause to be arrested and sent back, either to their vessels or to their country, such seamen as may have deserted from the vessels of their nation. To this end, they shall apply in writing to the competent local authorities, and they shall prove, by exhibition of the vessel's crew list, or other document, or, if she shall have departed, by copy of said documents, duly certified by them, that the seamen whom they claim formed part of the said crew. Upon such demand, thus supported, the delivery of the deserters shall not be refused. They shall moreover receive all aid and assistance in searching for, seizing, and arresting such deserters, who shall, upon the requisition and at the expense of the consul or vice-consul, be confined and kept in the prisons of the country until he shall have found an opportunity for sending them home. If, however, such an opportunity should not occur within three months after the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause. It is, however, understood, that seamen of the country in which the desertion shall occur are excepted from these provisions, unless they be naturalized citizens or subjects of the other country.

Consuls of either country may cause to be arrested and sent back deserters from the vessels of their nation.

Deserters on proof to be delivered up.

Deserters to be confined until sent back, &c.

Certain seamen exempt from these provisions.

ARTICLE XVIII.

No transit duties chargeable on articles from the U. S.

Articles of all kinds, the transit of which is allowed in Belgium, coming from or going to the United States, shall be exempt from all transit duty in Belgium, when the transportation through the Belgian territory is effected on the railroads of the state.

ARTICLE XIX.

This treaty to be in force for ten years, and until either nation shall have given notice of a desire to terminate it after ten years.

The present treaty shall be in force during ten years from the date of the exchange of the ratifications, and until the expiration of twelve months after either of the high contracting parties shall have announced to the other its intention to terminate the operation thereof; each party reserving to itself the right of making such declaration to the other, at the end of the ten years above mentioned; and it is agreed, that after the expiration of the twelve months of prolongation accorded on both sides, this treaty and all its stipulations shall cease to be in force.

ARTICLE XX.

To be ratified, and ratifications exchanged at Washington, within twelve months.

This treaty shall be ratified and the ratifications shall be exchanged at Washington, within the term of six months after its date, or sooner, if possible; and the treaty shall be put in execution within the term of twelve months.

In faith whereof, the respective plenipotentiaries have signed the present treaty, in duplicate, and have affixed thereto their seals. Brussels, the tenth of November, eighteen hundred and forty-five.

THOS. G. CLEMSON, (L. S.)
A. DECHAMPS, (L. S.)

de l'autre pays, la même assistance et protection et les mêmes immunités que celles qui seraient accordées à ses propres navires dans les même cas.

ARTICLE 17.

Il est, en outre, convenu entre les deux parties contractantes, que les consuls et vice consuls des Etats-Unis dans les ports de Belgique, et reciproquement les consuls et vice consuls de Belgique dans les ports des Etats-Unis, continueront à jouir de tous les privilèges et de toute la protection et assistance, qui leur sont ordinairement accordés et qui peuvent être nécessaires pour remplir convenablement leurs fonctions. Les dits consuls et vice consuls pourront faire arrêter et renvoyer soit à bord, soit dans leur pays, les marins qui auraient déserté des bâtiments de leur nation. A cet effet, ils s'addresseront par écrit aux autorités locales compétentes et justifieront par l'exhibition du rôle d'équipage ou des registres du bâtiment, ou si le bâtiment était parti, par copie des dites pièces, dûment certifiée par eux, que les hommes qu'ils réclament faisaient partie du dit équipage. Sur cette demande ainsi justifiée, la remise ne pourra leur être refusée. Il leur sera donné, de plus, toute aide et assistance pour la recherche, saise, et arrestation des dit déserteurs, qui seront mêmes détenus et gardés dans les prisons du pays, à la requisition et aux frais du consul ou vice consul, jusqu'à ce qu'il ait trouvé une occasion de les renvoyer chez eux. Si pourtant cette occasion ne se présentait pas dans un dêlai de trois mois, à compter du jour de l'arrestation, les déserteurs seront mis en liberté et ne pourront plus arrêtés pour la même cause. Il est entendu, néanmoins, que le marins du pays où la désertion aura lieu sont exceptés de la présente disposition, à moins qu'ils ne soient naturalisés sujets ou citoyens de l'autre pays.

ARTICLE 18.

Les objets de toute nature dont le transit est permis en Belgique, venant des Etats-Unis ou expédiés vers ce pays, seront exempts de tout droit de transit en Belgique lorsque le transport sur le territoire Belge se fera par les chemins de fer de l'état.

ARTICLE 19.

Le présent traité sera en vigueur pendant dix ans, à dater du jour de l'echange des ratifications, et au delà de ce terme, jusqu'à l'expiration de douze mois après que l'une des hautes parties contractantes aura annoncé à l'autre son intention d'en faire cesser les effets: chacune d'elles se réservant le droit de faire à l'autre une telle déclaration à l'expiration des dix ans susmentionnés; et il est convenu, qu'après les douze mois de prolongation accordés de part et d'autre, ce traité et toutes les stipulations qu'il renferme cesseront d'être obligatoires.

ARTICLE 20.

Ce traité sera ratifié et les ratifications seront échangées à Washington, dans le terme de six mois après sa date, ou plutôt si faire se peut, et le traité sera mis à exécution dans le terme de douze mois.

En foi de quoi, les plenipotentiaires respectifs ont signé le présent traité par duplicata, et y ont apposé leur sceau, à Bruxelles, le dix Novembre, mil huit cent quarante-cinq.

A. DECHAMPS, (L. S.)
THOS. G. CLEMSON, (L. S.)

APPENDIX.

CONTRACT

July 16, 1782.
Ratified, Jan. 22, 1783.

Between his most christian majesty and the United States of America, entered into by the count de Vergennes and Mr. Franklin, the 16th of July, 1782, and ratified by congress, the 22d day of January, 1783.

Motives for making a particular statement of the amount of pecuniary supplies furnished by France, &c.

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 different 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	
6, 16 September,	ditto, ...	250,000	
7, 4 October,	ditto, ...	250,000	
8, 21 December,	ditto, ...	250,000	
			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

Interest at five per cent.

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.

Repayment of the loans.

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.

Abatement of interest.

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 forgive 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.

Interest to diminish in proportion to payments, &c.

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.

ART. 5. Although the loan of five millions of florins of Holland, agreed to by the states general of the United Provinces of the Nether-

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

lands, 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.

Engagement of the French king to repay said loan.

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.

Agreement to repay amount of the loan in Holland.

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 abovementioned, 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 commissions 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, to be paid by U.S. 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.

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.

Ratifications to be exchanged in nine months.

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 16th day of July, one thousand seven hundred and eighty-two.

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

ADDITIONAL ARTICLE

To the Treaty with France, of November 9, 1843.

Feb. 24, 1845.

Ratified May 5, 1845.
Proclamation, July 24, 1845.

THE crime of robbery, defining the same to be the felonious and forcible taking from the person of another, of goods or money to any value, by violence, or putting him in fear; and the crime of burglary, defining the same to be, breaking and entering by night into a mansion house of another, with intent to commit felony; and the corresponding crimes included under the French law in the words *vol qualifié crime*, not being embraced in the second article of the convention of extradition concluded between the United States of America and France, on the 9th of November, 1843,—it is agreed by the present article, between the high contracting parties, that persons charged with those crimes shall be respectively delivered up, in conformity with the first article of the said convention; and the present article, when ratified by the parties, shall constitute a part of the said convention, and shall have the same force as if it had been originally inserted in the same.

The crimes of robbery and burglary defined, and included in the provisions of this treaty.

In witness whereof, the respective Plenipotentiaries have signed the present article, in duplicate, and have affixed thereto the seal of their arms.

Done at Washington, this twenty-fourth of February, 1845.

J. C. CALHOUN, [L. S.]

Le crime de *robbery*, consistant dans l'enlèvement forcé et criminel, effectué sur la personne d'autrui, d'argent, ou d'effets d'une valeur quelconque, à l'aide de violence ou d'intimidation; et le crime de *burglary*, consistant dans l'action de s'introduire nuitamment, et avec effraction ou escalade, dans l'habitation d'autrui, avec une intention criminelle; et les crimes correspondants prévus et punis par la loi française, sous la qualification de vols commis avec violence ou menaces, et de vols commis dans une maison habitée, avec les circonstances de la nuit et de l'escalade, ou de l'effraction, n'étant pas compris dans l'article 2 de la convention d'extradition conclue entre les Etats Unis d'Amérique, et la France, le 9 Novembre, 1843,—il est convenu, par le présent article, entre les hautes parties contractantes, que les individus accusés de ces crimes seront respectivement livrés, conformément à l'article 1 er de la dite convention; et le présent article, lorsqu'il aura été ratifié par les parties, fera partie de la dite convention, et aura la même valeur que s'il y avait été originairement inscrit.

Ante, p. 583.

En foi de quoi, les Plénipotentiaires respectifs ont signe, en double, le présent article, et y ont apposé le sceau de leurs armes.

Fait à Washington, le vingt quatre Février, 1845.

A. PAGEOT, [L. S.]

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