

A TREATY OF PEACE AND AMITY

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

A TREATY OF PEACE AND AMITY

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.

Sept. 5, 1795.

ARTICLE I.

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.

Peace established.

ARTICLE II.

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 reimported 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.

Commercial intercourse regulated.

ARTICLE III.

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.

Vessels of each nation 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

(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 re embarked 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.

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.

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

ARTICLE XIII.

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.

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

ARTICLE XIV.

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.

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

ARTICLE XV.

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.

How disputes shall be settled.

ARTICLE XVI.

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.

How crimes shall be punished.

ARTICLE XVII.

The consul of the United States of North-America, shall have every personal security given him and his household: he shall have liberty to exercise his religion in his own house: all slaves of the same religion, shall not be impeded in going to said consul's house, at hours of prayer. The consul shall have liberty and personal security given him to travel

Privileges of the consul of the U. S.

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 negotiating and concluding a treaty of peace with the Dey and Governors of Algiers; whereas by instructions given to him on the part of the Executive, dated the 28th of March and 4th of April, 1795, he hath been further authorized to employ Joseph Donaldson, junior, on an agency in the said business; whereas, by a writing under his hand and seal, dated 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.)