

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 re-imbark 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.

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.

Neutrality of ports.

ARTICLE IX.

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.

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

ARTICLE X.

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.

Acknowledgment of the receipt of the price of peace.

ARTICLE XI.

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 enmity 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.

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

ARTICLE XII.

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.

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

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

JUSSFUF BASHAW MAHOMET, <i>Bey.</i>	(L. S.)
MAMET, <i>Treasurer.</i>	(L. S.)
AMET, <i>Minister of Marine.</i>	(L. S.)
AMET, <i>Chamberlain.</i>	(L. S.)
ALLY, <i>Chief of the Divan.</i>	(L. S.)
SOLIMAN KAYA.	(L. S.)
GALIL, <i>General of the Troops.</i>	(L. S.)

TREATY WITH TRIPOLI. 1796.

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.)

Confirmation
of the treaty by
David Humphreys.

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 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.)