

## FRANCE.

## FRANCE, 1778.

[By act of Congress of July 7, 1798, U. S. Statutes at Large, chap. 67, vol. 1, p. 578, it was declared "that the United States are of right freed and exonerated from the stipulations of the treaties, and of the consular convention, heretofore concluded between the United States and France; and that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States."]

TREATY OF ALLIANCE BETWEEN THE UNITED STATES OF NORTH AMERICA  
AND HIS MOST CHRISTIAN MAJESTY, CONCLUDED AT PARIS FEBRUARY 6,  
1778; RATIFIED BY CONGRESS MAY 4, 1778.

Feb. 6, 1778.

*Treaty of eventual and defensive alliance.*

The Most Christian King and the United States of North America, to wit: New Hampshire, Massachusetts Bay, Rhodes 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 in consideration the means of strengthening those engagements, and of rendering 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 counsels 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:

Contracting parties.

## ARTICLE I.

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.

War with Great Britain to be a common cause.

## ARTICLE II.

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 government as of commerce.

Object of the treaty, independance of the United States.

## ARTICLE III.

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

Both parties to make every effort to attain that end.

## ARTICLE IV.

Concurrence in enterprises.

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.

## ARTICLE V.

Conquests that shall belong to the United 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.

## ARTICLE VI.

France relinquishes all claim to certain countries, if conquered.

The Most Christian King renounces forever the possession of the islands of Bermudas, as well as of any part of the continent of North America, which before the treaty of Paris in 1763, or in virtue of that treaty, were acknowledged to belong to the Crown of Great Britain, or to the United States, heretofore called British Colonies, or which are at this time, or have lately been under the power of the King and Crown of Great Britain.

## ARTICLE 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.

## ARTICLE VIII.

Neither party to conclude peace, until, &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.

## ARTICLE 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 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.

## ARTICLE XI.

Mutual guarantee.

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.

## ARTICLE XII.

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.

Guarantee when  
to commence.

## ARTICLE XIII.

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

Ratifications.

In faith whereof the respective Plenipotentiaries, to wit: On the part of the Most Christian King, Conrad Alexander Gerard, Royal Syndic of the city of Strasbourg, and Secretary of his Majesty's Council of State; and on the part of the United States, Benjamin Franklin, Deputy to the General Congress from the State of Pennsylvania, and President of the Convention of the same State, Silas Deane, heretofore Deputy from the State of Connecticut, and Arthur Lee, Councillor 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.

Signatures.

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

Date.

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

## FRANCE, 1778.

TREATY OF AMITY AND COMMERCE BETWEEN THE THIRTEEN UNITED STATES OF NORTH AMERICA AND HIS MOST CHRISTIAN MAJESTY, CONCLUDED AT PARIS FEBRUARY 6, 1778; RATIFIED BY CONGRESS MAY 4, 1778; CONGRESS INSTRUCTS COMMISSIONERS TO PROCURE ABOLITION OF 11TH AND 12TH ARTICLES, MAY 5, 1778; 11TH AND 12TH ARTICLES SUPPRESSED, SEPTEMBER 1, 1778.

Feb. 6, 1778.

[Annulled by act of Congress, July 7, 1798.]

*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

Contracting parties.

Negotiators.

for the basis of their agreement the most perfect equality and reciprocity, and by carefully avoiding all those burthensome preferences which are usually sources of debate, embarrassment, and discontent; by leaving, also, each party at liberty to make, respecting commerce and navigation, those interior regulations which it shall find most convenient to itself; and by founding the advantage of commerce solely upon reciprocal utility and the just rules of free intercourse; reserving withal to each party the liberty of admitting at its pleasure other nations to a participation of the same advantages. It is in the spirit of this intention, and to fulfil these views, that His said Majesty having named and appointed for his Plenipotentiary, Conrad Alexander Gerard, Royal Syndic of the city of Strasbourg, Secretary of His Majesty's Council of State; and the United States, on their part, having fully empowered Benjamin Franklin, Deputy from the State of Pennsylvania to the General Congress, and President of the Convention of said State, Silas Deane, late Deputy from the State of Connecticut, to the said Congress, and Arthur Lee, Councillor 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.

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.

Favors granted to other nations to become common.

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.

Privileges of French citizens in the United States.

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.

Privileges of citizens of the United States in French dominions.

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.

In the above exemption is particularly comprised the imposition of 100 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.

Particular exception.

#### ARTICLE VI.

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 agents 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.

Protection of vessels of United States.

#### ARTICLE VII.

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.

Protection of French vessels by United States.

#### ARTICLE VIII.

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 subject 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.

Interposition with Barbary powers.

#### ARTICLE IX.

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, 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

Neither party to fish in the dominions of the other.

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.

French fisheries  
in Newfoundland.

The United States, their citizens and inhabitants, shall never disturb the subjects of the Most Christian King in the enjoyment and exercise of the right of fishing on the banks of Newfoundland, nor in the indefinite and exclusive right which belongs to them on that part of the coast of that island which is designed by the treaty of Utrecht; nor in the rights relative to all and each of the isles which belong to His Most Christian Majesty; the whole conformable to the true sense of the treaties of Utrecht and Paris.

#### ARTICLE XI.\*

Citizens of United States exempt from Droit d'Aubaine.

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

\* 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:

#### DECLARATION.

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.

soever. They may by testament, donation, or otherwise, dispose of their goods, moveable and immovable, 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. 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 emigrations 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.

Disposal and inheritance of property in either country.

#### ARTICLE XII.

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.

Examination of ship's papers.

#### ARTICLE XIII.

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.

Proceedings in case of contraband goods.

#### ARTICLE XIV.

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, the whole, although it

Confiscations.

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 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 subjects, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

## ARTICLE XV.

Damages by ships of war and privateers.

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.

Captures by pirates.

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 to captors of prizes from either party.

## ARTICLE XVIII.

Shipwreck.

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.

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 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.

Vessels in distress.

#### ARTICLE XX.

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 anything 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.

Privileges of residents in case of war.

#### ARTICLE XXI.

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.

Letters of marque, &c.

#### ARTICLE XXII.

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.

Foreign privateers.

#### ARTICLE XXIII.

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

Neutral trade.

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 goods, and that everything 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.

Free ships make  
free goods.

#### ARTICLE XXIV.

What goods shall  
be deemed contra-  
band.

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, grenades, 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.

Goods not con-  
traband.

#### ARTICLE XXV.

Sea-letters or  
passports, and cer-  
tificates.

To the end that all manner of dissensions and quarrels may be avoided and prevented, on one side and the other, it is agreed that in case either of the parties hereto should be engaged in war, the ships and vessels belonging to the subjects or people of the other ally must be furnished

with sea-letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby that the ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty; they shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year. It is likewise agreed that such ships being laden are to be provided not only with passports as 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 certificate 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.

[See form annexed, p. 212.]

#### ARTICLE XXVI.

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.

Treatment of vessels upon coasts or in port.

#### ARTICLE XXVII.

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.

Treatment of vessels by ships of war or privateers.

[See form annexed, p. 212.]

#### ARTICLE XXVIII.

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.

Right of search restricted.

#### ARTICLE XXIX.

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.

Consular officers.  
[See treaty of 1766, pp. 219-224.]

#### ARTICLE XXX.

And the more to favour and facilitate the commerce which the subjects of the United States may have with France, the Most Christian King

Free ports.

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

ARTICLE XXXI.

Ratifications.

Signatures.

Date.

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.]

FORM OF PASSPORTS AND SEA-LETTERS.

<i>Form of the passports and letters, which are to be given to the ships and barks, according to the twenty-seventh article of this treaty.</i>	<i>Forme des passeports et lettres qui doivent être données aux vaisseaux et barques conformément à l'article vingt sept du traité ci-dessus.</i>
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<p>To all who shall see these presents, greeting: 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 ma-</p>	<p>A tous ceux qui les presentes verront, soit notoire que faculté et permission a été accordée à _____, maître ou commandant du navire appelé _____, de la ville de _____, de la capacité de _____ tonneaux ou environ, se trouvant presentement dans le port et havre de _____, est destiné pour _____, chargé de _____; qu'après que son navire a été visité, et avant son départ, il prêtera serment entre les mains des officiers de marine, que le d. navire appartient à un ou plusieurs sujets de _____, dont l'acte sera mis à la fin des presentes; de même qu'il gardera et fera garder par son équipage les ordonnances et réglemens maritimes, et remettra une liste signée et confirmée par temoins, 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 connoissance et la permission des officiers de marine; et dans chaque port ou havre où il entrera avec son na-</p>
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rine; 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 (King or 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 \_\_\_\_\_, A. D. \_\_\_\_\_.

vire, il montrera la presente permission aux officiers et juges de marine et leur fera un raport fidèle de ce qui s'est passé durant son voiage, et il portera les couleurs, armes et enseignes du (roi ou des États-Unis) durant son dit voiage. En temoin de quoi nous avons signé les presentes, les avons fait contresigner par \_\_\_\_\_, et y avons fait apposer le sceau de nos armes. Donnée \_\_\_\_\_, le \_\_\_\_\_, de l'an de grace le \_\_\_\_\_.

## FRANCE, 1778.

ADDITIONAL SEPARATE AND SECRET ARTICLE TO THE TREATY OF AMITY AND COMMERCE AND TO THAT OF EVENTUAL AND DEFENSIVE ALLIANCE BETWEEN THE THIRTEEN UNITED STATES OF NORTH AMERICA AND HIS MOST CHRISTIAN MAJESTY, CONCLUDED AT PARIS FEBRUARY 6, 1778; RATIFIED BY CONGRESS MAY 4, 1778.

Feb. 6, 1778.

[Annulled by act of Congress July 7, 1798.]

*Act separate and secret.*

The Most Christian King declares, in consequence of the intimate union which subsists between him and the King of Spain, that in concluding with the United States of America this treaty of amity and commerce, and that of eventual and defensive alliance, His Majesty hath intended, and intends, to reserve expressly, as he reserves by this present separate and secret act, to his said Catholick Majesty the power of acceding to the said treatys, and to participate in their stipulations at such time as he shall judge proper. It being well understood, nevertheless, that if any of the stipulations of the said treatys are not agreeable to the King of Spain, His Catholick Majesty may propose other conditions analogous to the principal aim of the alliance and conformable to the rules of equality, reciprocity, and friendship.

Right reserved  
to King of Spain to  
accede to previous  
treaties.

The Deputies of the United States, in the name of their constituents, accept the present declaration in its full extent, and the Deputy of the said States who is fully impowred to treat with Spain promises to sign, on the first requisition of His Catholic Majesty, the act or acts necessary to communicate to him the stipulations of the treaties above written; and the said Deputy shall endeavour, in good faith, the adjustment of the points in which the King of Spain may propose any alteration conformable to the principles of equality, reciprocity, and the most sincere and perfect amity, he, the said Deputy, not doubting but that the person or persons impowred by His Catholic Majesty to treat with the United States will do the same with regard to any alterations of the same kind that may be thought necessary by the said Plenipotentiary of the United States.

In faith whereof the respective Plenipotentiaries have signed the present separate and secret article, and affixed to the same their seals.

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

Signatures.

Date.

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

*Deputy, Plenipotentiary for France and Spain.*

## FRANCE, 1782.

July 16, 1782.

CONTRACT BETWEEN HIS MOST CHRISTIAN MAJESTY AND THE THIRTEEN UNITED STATES OF NORTH AMERICA RELATIVE TO PAYMENT OF LOAN, ENTERED INTO BY THE COUNT DE VERGENNES AND MR. FRANKLIN, THE 16TH OF JULY, 1782; RATIFIED BY CONGRESS JANUARY 22, 1783.

[Annulled by act of Congress July 7, 1798.]

## Preamble.

[See treaty of 1778, pp. 203-213.]

## Negotiators.

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 Confederate 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:

## ARTICLE I.

## Amount of different loans.

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 above mentioned 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	
	<hr/>	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	
	<hr/>	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	
	<hr/>	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	
	<hr/>	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	
	<hr/>	6, 000, 000

Amounting in the whole to 18 millions, viz. .... 18, 000, 000

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

Interest.

#### ARTICLE II.

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.

Repayment of the loans.

#### ARTICLE III.

Although the receipts of the Minister of the Congress of the United States specify that the eighteen million of livres above mentioned 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.

Abatement of interest.

#### ARTICLE IV.

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.

Interest to diminish in proportion to payments.

#### ARTICLE V.

Although the loan of five millions of florins of Holland, agreed to by the States General of the United Provinces of the Netherlands, on the terms of the obligation passed on the 5th of November, 1781, between His Majesty and the said States General, has been made in

Loan made by France in Holland for use of United States.

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.

#### ARTICLE VI.

Engagement of the French King to repay said loan.

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.

#### ARTICLE VII.

Agreement to repay amount of the loan in Holland.

It is accordingly agreed and settled that the sum of ten million livres tournois, being, by a moderate computation, the principal of the loan of five millions of Holland florins above mentioned, shall be reimbursed, and paid in ready money at the royal treasury of His Majesty at Paris, with the interest at four per cent. per annum, in ten equal payments, of one million each, and in ten terms, the first of which shall be on the 5th of November, 1787, the second, the 5th November, 1788, and so from year to year till the final payment of the said sum of ten millions, the interest lessening in proportion with the partial payments of the capital. But in consequence of the King's affection for the United States, His Majesty has been pleased to charge himself with the expense of 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.

#### ARTICLE VIII.

Interest on the loan in Holland.

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

Ratifications.

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



In testimony whereof, we, the said Plenipotentiaries of His Most Christian Majesty, and of the thirteen United States of North America, in virtue of our respective powers, have signed these presents, and thereunto fixed the seal of our arms.

Signatures.

Done at Versailles the 16th day of July, one thousand seven hundred and eighty-two.

Date.

GRAVIER DE VERGENNES. [L. s.]  
B. FRANKLIN. [L. s.]

## FRANCE, 1783.

CONTRACT BETWEEN HIS MOST CHRISTIAN MAJESTY AND THE THIRTEEN UNITED STATES OF NORTH AMERICA RELATIVE TO A NEW LOAN, CONCLUDED AT VERSAILLES FEBRUARY 25, 1783; RATIFIED BY CONGRESS OCTOBER 31, 1783.

Feb. 25, 1783.

[Annulled by act of Congress July 7, 1798.]

*A contract between His Most Christian Majesty and the thirteen United States of North America, entered into at Versailles, on the 25th of February, 1783.*

The re-established peace between the belligerent Powers, the advantages of a free commerce to all parts of the globe, and the independence of the thirteen United States of North America, acknowledged and founded on a solid and honorable basis, rendered it probable that the said States would be in a condition to provide hereafter for their necessities by means of the resources within themselves without being compelled to implore the continuation of the succours which the King has so liberally granted during the war: But the Minister Plenipotentiary of the said United States to His Majesty, having represented to him the exhausted state to which they had been reduced by a long and disastrous war, His Majesty has condescended to take into consideration the request made by the aforesaid Minister, in the name of the Congress of the said States, for a new advance of money to answer numerous purposes of urgent and indispensable expenses in the course of the present year; His Majesty has in consequence determined, notwithstanding the no less pressing necessities of his own service, to grant to Congress a new pecuniary assistance, which he has fixed at the sum of six millions livres tournois, under the title of loan, and under the guaranty of the whole thirteen United States, which the Minister of Congress has declared his acceptance of, with the liveliest acknowledgments, in the name of the said States.

Preamble.

And as it is necessary to the good order of His Majesty's finances, and also useful to the operations of the finances of the United States, to assign periods for payment of the six millions livres in question, and to regulate the conditions and terms of reimbursement which should be made at His Majesty's royal treasury at Paris, after the manner of what has been stipulated for the preceding advances, by a former contract of the 16th July, 1782—

[See contract of 1782, pp. 214-217.]

We, Charles Gravier, Count de Vergennes, &c., Counsellor of the King in his Councils, Commander of his Orders, Chief of the Royal Council of Finances, Counsellor of State, &c., Minister and Secretary of State and of his commands and finances, invested with full powers by His Majesty, given to us for the purpose of these presents: And we, Benjamin Franklin, Minister and Plenipotentiary of the United States of North America, likewise invested with full powers by the Congress of said States, for the same purpose of these presents, after having compared and duly communicated to each other our respective powers, have agreed on the following articles:

Negotiators.

## ARTICLE I.

Amount and  
terms of loan.

The payment of the six millions livres, French money, above mentioned, shall be made from the funds of the royal treasury in proportions of five hundred thousand livres during each of the twelve months of the present year, under the acknowledgments of the Minister of the said United States, promising in the name of Congress and in behalf of the thirteen United States, to reimburse and refund the said six millions livres, in ready money, at His Majesty's royal treasury, at the house of the sieur grand banker at Paris, with interest at five per cent. per annum at periods hereafter stipulated in the third and fourth articles. The advances which His Majesty has been pleased to allow to be made on account of the six millions in question shall be deducted in the payments of the first month of this year.

## ARTICLE II.

Repayment of  
former loans.

For better understanding the fixing of periods for the reimbursement of the six millions at the royal treasury, and to prevent all ambiguity on this head, it has been found proper to recapitulate here the amount of the preceding aids granted by the King to the United States, and to distinguish them according to their different classes. The first is composed of funds lent successively by His Majesty, amounting in the whole to the sum of eighteen millions livres, reimbursable in specie at the royal treasury in twelve equal portions of a million five hundred thousand livres each, besides the interest, and in twelve years, to commence from the third year after the date of the peace, the interest, beginning to reckon at the date of the peace, to be discharged annually, shall diminish in proportion to the reimbursement of the capital, the last payment of which shall expire in the year 1798.

The second class comprehends the loan of five millions Dutch florins, amounting, by a moderate valuation, to ten millions livres tournois, the said loan made in Holland in 1781, for the service of the United States of North America, under the engagement of the King to refund the capital, with interest at four per cent. per annum, at the general counter of the States General of the United Provinces of the Netherlands, in ten equal portions, reckoning from the sixth year of the date of the said loan, and under the like engagement on the part of the Minister of Congress, and in behalf of the thirteen United States, to reimburse the ten millions of said loan in ready money at the royal treasury, with interest at four per cent. per annum, in ten equal portions of a million each, and in ten periods from year to year; the first of which shall take place in the month of November, 1787, and the last in the same month, 1796. The whole conformable to the conditions expressed in the contract of the 16th July, 1782.

In the third class are comprehended the aids and subsidies furnished to the Congress of the United States, under the title of gratuitous assistance, from the pure generosity of the King, three millions of which were granted before the treaty of February, 1778, and six millions in 1781; which aids and subsidies amount in the whole to nine millions livres tournois. His Majesty here confirms, in case of need, the gratuitous gift to the Congress of the said thirteen United States.

## ARTICLE III.

Repayment of  
new loan.

The new loan of six millions livres tournois, the subject of the present contract, shall be refunded and reimbursed in ready money at His Majesty's royal treasury, in six equal portions of a million each, with interest at five per cent. per annum, and in six periods, the first of which shall take place in the year 1797, and so on from year to year, until 1802, when the last reimbursement shall be completed.

## ARTICLE IV.

The interest of five per cent. per annum of the capital of the six millions, mentioned in the preceding article, shall begin to be reckoned from the first of January of the year 1784, and shall be paid in ready money at His Majesty's royal treasury, at Paris, on the same day of each year, the first of which shall take place the first of January, 1785, and so on from year to year, until the definitive reimbursement of the capital; His Majesty being pleased, by a new act of generosity, to present and remit to the thirteen United States the partial interest of the present year, which the underwritten Minister of Congress has declared to accept with acknowledgment in the name of the said United States.

Interest.

## ARTICLE V.

The interest of the capital of the six millions shall diminish in proportion to the reimbursements at the periods fixed in the preceding article; Congress and the United States reserving, however, the liberty of freeing themselves, by anticipated payments, should the state of their finances admit.

Interest to diminish in proportion to payments.

## ARTICLE VI.

The contracting parties will reciprocally guaranty the faithful observation of the foregoing articles; the ratifications of which shall be exchanged in the space of nine months from the date of this present contract, or sooner if possible.

Ratifications.

In faith whereof we, the Ministers Plenipotentiaries of His Majesty and the Congress of the thirteen United States of North America, in virtue of our respective full powers, have signed the present contract, and thereunto affixed the seal of our arms.

Signatures.

Done at Versailles the twenty-fifth day of February, one thousand seven hundred and eighty-three.

Date.

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

## FRANCE, 1788.

CONSULAR CONVENTION BETWEEN HIS MOST CHRISTIAN MAJESTY AND THE UNITED STATES OF AMERICA, CONCLUDED AT VERSAILLES NOVEMBER 14, 1788; RATIFICATION ADVISED BY SENATE JULY 29, 1789; RATIFIED BY PRESIDENT SEPTEMBER 9, 1789.

Nov. 14, 1788.

[Annulled by act of Congress July 7, 1796.]

*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.*

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

Contracting parties.

[See Article XXIX, treaty of 1778, p. 211.]

Negotiators.

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.

**Commissions of consuls.** 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.

**Exequaturs.**

#### ARTICLE II.

**Privileges of consular officers.** 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, trusteeship, as well as from all duties, taxes, impositions, and charges whatsoever, except on the estate real and personal of which they may be the proprietors or possessors, which shall be subject to the taxes imposed on the estates of all other individuals: And in all other instances they shall be subject to the laws of the land as the natives are. Those of the said Consuls and Vice-Consuls who shall exercise commerce, shall be respectively subject to all taxes, charges, and impositions established on other merchants. They shall place over the outward door of their house the arms of their sovereign; but this mark of indication shall not give to the said house any privilege of asylum for any person or property whatsoever.

#### ARTICLE III.

**Consular 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.

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 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 cost; 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.

Powers and duties of consuls.

## ARTICLE VI.

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.

Declarations and protests.

Settlement of losses at sea.

## ARTICLE VII.

In cases where, by tempests 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

Power of consuls in cases of shipwreck.

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 kinds 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 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.

Deserters from vessels.

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.

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. Citizens amenable for crimes.

#### ARTICLE XI.

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

When offenders withdraw on board their vessels.

#### ARTICLE XII.

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.

Settlement of disputes.

#### ARTICLE XIII.

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.

Tribunals to decide commercial affairs.

#### ARTICLE XIV.

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.

Residents exempt from personal service.

## ARTICLE XV.

Favors granted  
to other nations to  
become common.

[See Articles II,  
III, and IV, treaty  
of 1787, p. 204.]

If any other nation acquires by virtue of any convention whatever a treatment more favourable with respect to the consular preëminences, 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 con-  
vention.

Ratifications.

Signatures.

Date.

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

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

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

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

## FRANCE, 1800.

Sept. 30, 1800.

CONVENTION OF PEACE, COMMERCE, AND NAVIGATION, WITH FRANCE, CONCLUDED AT PARIS SEPTEMBER 30, 1800; RATIFICATION ADVISED BY SENATE, WITH AMENDMENTS, FEBRUARY 3, 1801; RATIFIED BY PRESIDENT FEBRUARY 18, 1801; RATIFIED BY FIRST CONSUL OF FRANCE, WITH SENATE'S AMENDMENTS, ON CONDITION OF ACCEPTANCE OF OTHER AMENDMENTS PROPOSED BY HIM, JULY 31, 1801; RATIFICATIONS EXCHANGED AT PARIS JULY 31, 1801; SENATE RESOLVED, DECEMBER 19, 1801, THAT IT CONSIDERED THE CONVENTION AS FULLY RATIFIED, AND THAT, AS RATIFIED BY THE FIRST CONSUL OF FRANCE, IT BE RETURNED TO THE PRESIDENT FOR THE USUAL PROMULGATION; PROCLAIMED DECEMBER 21, 1801.

[This convention expired by limitation eight years after date of exchange of ratifications.]

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

Contracting par-  
ties.

Negotiators.

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 power 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 Roederer, 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:



## 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 person or places.

Peace and friendship.

## ARTICLE II.\*

The Ministers Plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of 14th of November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subject 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:

Treaties of 6th Feb., 1778, and convention of 14th Nov., 1788, abrogated.

[See conventions of April 30, 1803, pp. 232-242.]

## ARTICLE 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.

Captured public ships to be restored.

## ARTICLE 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 on the following proofs of ownership, viz: The proof on both sides with respect to merchant ships, whether armed or unarmed, shall be a passport in the form following:

Captured property not definitively condemned to be restored.

*"To all who shall see these presents, greeting:*

"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 ——— aune Domini."

Form of passport to merchant ships.

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

Proof with respect to cargo.

\* This article was expunged before the final ratification of the treaty.

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.

When this article takes effect.

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.

#### ARTICLE V.

Payment of debts due by individuals.

[See conventions of April 30, 1803, pp. 232-242.]

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.

#### ARTICLE VI.

Freedom of commerce.

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, in regard to commerce and navigation, the privileges of the most favoured nation.

#### ARTICLE VII.

Acquirement and disposal of property.

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.

#### ARTICLE VIII.

Privileges of residents in case of war.

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 anything 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.

## ARTICLE 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.

Debts, &c., not to be confiscated.

## ARTICLE 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.

Commercial agents.

Exequaturs.

## ARTICLE 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 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.

Equality of duties.

## ARTICLE 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.

Neutral trade.

Blockaded 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.

### ARTICLE XIII.

Contraband of war.

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.

### ARTICLE XIV.

Free ships make free goods.

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

### ARTICLE XV.

Confiscation of goods on enemy's vessel.

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 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.

## ARTICLE 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.

Examination of vessels.

[See Article XIII.]

## ARTICLE 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.

Passports and sea-letters.

[See Article IV.]

Proceedings where contraband found on board.

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

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.

## ARTICLE 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.

Regulation of visits at sea.

## ARTICLE 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

Ships under convoy.

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.

## ARTICLE XX.

Receipts for papers of captured vessels.

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.

## ARTICLE XXI.

The master, commander, or supercargo not to be removed.

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 anything relative thereto. And in all cases where a vessel of the citizens of either party shall be captured or seized, and held for adjudication, her officers, passengers, and crew shall be hospitably treated. They shall not be imprisoned or deprived of any part of their wearing apparel, nor of the possession and use of their money, not exceeding for the captain, supercargo, and mate five hundred dollars each, and for the sailors and passengers one hundred dollars each.

Treatment of crew and passengers.

## ARTICLE XXII.

Prize courts and decrees.

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.

## ARTICLE XXIII.

Damages by men-of-war or privateers to be paid.

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.

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.

Commanders of privateers to give security.

#### ARTICLE 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.

Ships of war and prizes.

#### ARTICLE 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 port of that Prince or State from which they have received their commissions.

Restriction on foreign privateers.

#### ARTICLE 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.

Pirates to be prohibited entering ports.

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.

Ships and goods taken by pirates to be seized.

#### ARTICLE 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 Gulf of St.

Fisheries.

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.

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.

Signatures.

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.

Date.

Done at Paris the eighth day of Vendémiaire of the ninth year of the French Republic, the thirtieth day of September, anno Domini eighteen hundred.

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.]

[The Senate of the United States did, by their resolution on the 3d day of February, 1801, consent to and advise the ratification of the 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."

Bonaparte, First Consul, in the name of the French people, consented on the 31st July, 1801, "to accept, ratify, and confirm the above convention, with the addition importing that the convention shall be in force for the space of eight years, and with the retrenchment of the second article: *Provided*, That by this retrenchment the two States renounce the respective pretensions, which are the object of the said article."

These ratifications, having been exchanged at Paris on the 31st of July, 1801, were again submitted to the Senate of the United States, which on the 19th of December, 1801, declared that it considered the convention fully ratified, and returned it to the President for promulgation.]

### FRANCE, 1803.

April 30, 1803.

TREATY WITH FRANCE FOR THE CESSION OF LOUISIANA, CONCLUDED AT PARIS APRIL 30, 1803; RATIFICATION ADVISED BY SENATE OCTOBER 20, 1803; RATIFIED BY PRESIDENT OCTOBER 21, 1803; RATIFICATIONS EXCHANGED AT WASHINGTON OCTOBER 21, 1803; PROCLAIMED OCTOBER 21, 1803.

#### *Treaty between the United States of America and the French Republic.*

Contracting parties.

[See Articles II and V, convention of 1800, pp. 225, 226; also "Spain," treaty of 1795.]

Negotiators.

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. Idelfonso, the 9th Vendémiaire, an 9 (1st October, 1800,) between the First Consul of the French Republic and His Catholic Majesty, it was agreed as follows: "His Catholic Majesty promises and engages on his part, to 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.

Retrocession  
from Spain to  
France stated.

Cession to United  
States.

## ARTICLE 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.

Islands, &c., in-  
cluded in cession.

## ARTICLE 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.

Inhabitants of  
the ceded territory.

## ARTICLE 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.

Transfer of terri-  
tory.

## ARTICLE 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 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.

Possession by  
United States.

## ARTICLE VI.

United States to execute certain Indian treaties.

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.

## ARTICLE VII.

Exclusive privileges of French and Spanish vessels.

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 port 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.

Duration of privileges.

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.

## ARTICLE VIII.

Vessels of France on footing of most favored nations.

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

## ARTICLE IX.

A particular convention to be ratified.

[See p. 235.]

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 Sept., 1800, (8th Vendémiaire, 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.

[See p. 236.]

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.

## ARTICLE X.

Ratifications.

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.

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

ROBT. R. LIVINGSTON.	[L. S.]
JAS. MONROE.	[L. S.]
F. BARBÉ MARBOIS.	[L. S.]

Signatures.

Date.

## FRANCE, 1803.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE FRENCH REPUBLIC FOR PAYMENT OF SIXTY MILLIONS OF FRANCS BY THE UNITED STATES, CONCLUDED AT PARIS APRIL 30, 1803; RATIFICATION ADVISED BY SENATE OCTOBER 20, 1803; RATIFIED BY PRESIDENT OCTOBER 21, 1803; RATIFICATIONS EXCHANGED AT WASHINGTON OCTOBER 21, 1803; PROCLAIMED OCTOBER 21, 1803.

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 everything 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:

Contracting parties.

Negotiators.

## ARTICLE 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.

United States  
to pay 60,000,000  
francs to France.

## ARTICLE 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.

A stock to be  
created equal to  
the 60,000,000 of  
francs, &c.

When the first  
payments shall be  
made.

Terms of sale of stock.

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

### ARTICLE III.

Value of the dollar of the United States.

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

Ratifications.

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.

Signatures.

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.

Date.

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

ROBT. R. LIVINGSTON. [L. S.]  
JAS. MONROE. [L. S.]  
BARBÉ MARBOIS. [L. S.]

### FRANCE, 1803.

April 30, 1803.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE FRENCH REPUBLIC FOR PAYMENT OF SUMS DUE BY FRANCE TO CITIZENS OF THE UNITED STATES, CONCLUDED AT PARIS APRIL 30, 1803; RATIFICATION ADVISED BY SENATE OCTOBER 20, 1803; RATIFIED BY PRESIDENT OCTOBER 21, 1803; PROCLAIMED OCTOBER 21, 1803.

Contracting parties.

[See Articles II and V treaty of 1800, pp. 225, 526.]

Negotiators.

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 Vendémiaire, 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:

### ARTICLE I.

Debts due from France to citizens of United States to be paid.

The debts due by France to citizens of the United States, contracted before the 8th of Vendémiaire, 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.

### ARTICLE II.

Debts provided for by the preceding article.

[See tables annexed.]

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

## ARTICLE 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.

How the debts are to be paid.

## ARTICLE 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 Vendémiaire, ninth year, (30th September, 1800.)

What debts are comprehended by the preceding articles.

[See convention of 1800, pp. 224-232.]

## ARTICLE 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 Vendémiaire, 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 agreements 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.

To what cases articles particularly apply.

[See Article 5 convention of 1800, p. 226.]

## ARTICLE VI.

And that the different questions which may arise under the preceding article may be fairly investigated, the Minister 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 bureaux 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 Vendémiaire, 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.

Commissioners of claims.

[See Article III.]

## ARTICLE VII.

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

Examination of prepared claims.

## ARTICLE VIII.

**Examination of unprepared claims.** 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.

## ARTICLE IX.

**Debts, how to be discharged.** 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.

## ARTICLE X.

**Agent of United States to assist in the examination of claims, &c.** 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 bureaux, 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 bureaux 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 claims.** The rejection of any claim shall have no other effect than to exempt the United States from the payment of it, the French Government reserving to itself the right to decide definitively on such claim so far as it concerns itself.

## ARTICLE XI.

**Decisions and reclamations.** 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.

## ARTICLE XII.

**Claims arising since Sept. 30, 1800.** In case of claims for debts contracted by the Government of France with citizens of the United States since the 8th Vendémiaire, 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.

## ARTICLE XIII.

**Ratifications.** 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.

**Signatures.** 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.

**Date.** Done at Paris, the tenth of Floréal, eleventh year of the French Republic, 30th April, 1803.

ROBT. R. LIVINGSTON.	[L. S.]
JAS. MONROE.	[L. S.]
BARBÉ MARBOIS.	[L. S.]

# TABEAU GÉNÉRAL DES RÉCLAMATIONS AMÉRICAINES.

Liquidation générale de la dette publique, 4me direction, 1re section.

## CRÉANCES RECONNUES PAR L'EX-COMMISSION DE LA COMPTABILITÉ INTERMÉDIAIRE.

Nombr.	Dates des arrêtés de la commission portant liquidation.	Noms des propriétaires et des fondés de pouvoirs ou cessionnaires.	Objets des réclamations.	Sommes liquidées ou à liquider.	Observations.
No.	An X.			Liv. s. d.	
1	Ventôse 2	Maurice Girard, par James Swan	Riz et farines versés à Paris	112,862 2 8	Fourniture réglée par le ministre de l'intérieur.
2	" " dit.	— Smith, par le même	Viande salée livrée au Havre	12,836 5 0	Pour solde. Na. Il avait été payé sur cette M. B. 67,849 9 9 au L. Tourn. 125,521 13.
3	" " 4	Waters Griffith, par le même	Farine versée à l'Orient	132,160 0 0	Indépendamment d'un à-compte reçu de 40,000.
4	" " 24	Thomas Ramsden, par le même	Solde de draperie livrée à Dunkerque	173,861 15 0	
5	" " dit.	Benjamin Jenné, par le même	Cuir, coton et indigo versés au Havre en l'an 2	149,457 16 8	
6	" " dit.	John Andrews, par le même	Cuir, coton et indigo versés au Havre en l'an 3	298,375 15 0	
7	" " 26	— Clark, par Gueulain	Cent pièces guinées bleues versées au Sénégal en l'an 4.	6,800 0 0	Créance réglée par le cen. Rozier, vice-consul à New York.
8	" " dit.	Riebins Smith, par le même	Farines versées à l'Orient et à Bordeaux en l'an 3	187,388 18 9	Pour solde, le tiers ayant été payé d'avance en Amérique sur réglemt. du même Rozier.
9	Germinal 12	Le Barring, par James Swan	Vins et eaux de vie versés à l'Isle de France en l'an 2	204,183 0 0	Une partie a été payée par l'administration du Cap en papier-monnaie.
10	Floréal 8	Taney et Simmons, par Melville	Riz du navire Carolina Planter	177,153 4 0	Indépendamment d'un à-compte reçu de 32,987. Espèces.
11	" " 20	John Higginson	Bœuf salé et cuirs à semelles, versés à Bordeaux en l'an 3.	111,206 10 0	L'autre moitié payée en l'an 4.
12	" " 29	Joshua Barney	Farine versée à Bordeaux en l'an 2	156,105 16 9	Une partie de cette fourniture a été payée en vins et eaux de vie.
13	Prairial 2	Peter Whiteside	Draperie livrée à Boulogne-sur-Mer en l'an 2	122,367 8 0	Pour solde, un quart payé en l'an 3.
14	" " 4	Joseph Sands	Cuirs et viandes salées livrés à Bordeaux, Brest, le Havre, et les Sables.	138,850 17 3	Pour solde, une partie payée en l'an 4.
15	" " 6	John R. Livingston	Cuirs livrés au Havre et à Brest en l'an 3	330,786 12 0	Payé en l'an 4, 40,726.
16	" " 19	James Swan et Schweitzer	Règlement définitif de compte comme agent du gouvernement, environs.	1,000,000 0 0	Pour autant dû à sa maison particulière pour les objets qui lui sont propres et défaction des parties qui lui sont communes avec Schweitzer.
17	" " 26	John Sinclair	Demeurage en France; surestaries de trois bricks: Polly, Succès, Recovery.	50,914 4 9	
18	An 11. Brumaire 25	James Grubb	Cargaison de farine versée à Saint Domingo	94,468 7 8	Cette liquidation est la dernière arrêtée par la commission, dont les opérations ont été suspendues à l'époque de la création du conseil de liquidation, (au 1re vendémiaire l'an 10.)
				3,459,778 13 6	

## CRÉANCES À LIQUIDER DONT LES RAPPORTS ONT ÉTÉ SOUMIS À L'APPROBATION DU DIRECTEUR PARTICULIER.

Numéros.	Dates des arrêtés de la commission portant liquidation.	Noms des propriétaires et des fondés de pouvoirs ou cessionnaires.	Objets des réclamations.	Sommes liquidées ou à liquider.	Observations.
				<i>Liv. s. d.</i>	
19		John Smith, capitaine du navire La Nancy.	Bleds et farines versés à Brest	109,806 15 9	} James Barry, propriétaire.
20		Hugg Gemmil, do. du navire Malgiva		161,790 3 9	
21		Low, do. du Succès	7,152 poignées de morue livrées à l'Orient.	16,865 14 8	Pour solde.
22		John Grist, do. de l'Hannah	Farines pour l'approvisionnement de Belle Isle	100,226 11 8	Idem.
23		Erick Gladd, do. de la Lydia	Idem	128,347 7 3	Deux voyages.
24		Gust Griffin, do. du Nantilles	Idem	12,305 17 6	
25		William Carhart, do. de la Colombia	Idem	113,672 12 0	
26		Solomon Cook, do. de la Seaflower	Idem	26,989 3 8	
27		Edward Staples, do. de la Diana	Idem	28,582 10 3	
28		Samuel Norwood, do. de la Lydia	Idem	43,437 2 9	
29		Sheffields, do. de l'Oncyda	Idem	225,016 0 0	
30		Barrowdale, do. de l'Eliza	Idem	60,228 0 0	
31		Thomas Norton, do. du Thorne	Farines et chandelles pour idem	107,057 15 0	
32		Jam. Hemphile, do. de la Sally	Farines pour l'approvisionnement de Belle Isle	197,642 11 7	Deux voyages.
33		Isaac Snow, do. de l'Industrie	Morue livrée à l'Orient.	18,062 5 3	Pour solde. Les deux tiers payés.
34		Hodge, do. du Henry	Frets de gaudron et surestaries	20,020 15 3	
35		Buffington, do. de la Branche d'Olive	Farine, chandelle, savon, morue, &c., livrés à l'Orient.	173,378 0 2	
36		Alex. Black, do. du Samuel	Sucre, café, riz et douilles livrés à Port Malo.	33,492 11 3	
37		Lowette, do. du navire le Lark	Morue livrée à Bayonne	89,471 0 0	
38		Wales, do. du Genet	Chanvre pour le service de la marine à l'Orient.	43,937 10 6	Pour solde.
39		Blunt, do. du Hero	Riz, indigo et douilles livrés à Cherbourg.	23,685 1 0	Do.
40		Buison, do. de la Peggy	Surestaries, assignats, 19,032	74,653 7 9	Suspendu.
41		Tupper & Platt, capitaines d'Emilio	Fret, surestaries, remboursement du navire.	287,679 10 0	Ajourné par le cen. Guillaume.
42		Tiscomb, capitaine de la Marie	Fin de solde de surestaries	79,200 0 0	
43		Colman, do. du Feme	Surestaries	1,152 0 0	
44		Willing, do. de la Sophie	Cargaison et surestaries	91,437 6 0	Ajourné.
45		Nash, do. de la Betsey	Farines livrées au Cap	9,900 0 0	
46		John Peters, do. du Ruth	Solde des surestaries	2,489 1 0	
47		William Thompson, do. de l'Aquila	Sucre saisi à Ostend	674,278 11 2	
48		Kemps, do. du Governor Miffin	Solde de fret	38,902 10 0	
49		Richard Lamb, do. de L'amie Suzanne	Surestaries	9,600 0 0	
50		Dunham, do. de l'Abigail	Idem	3,150 0 0	
51		Joseph Sands, do. de l'Hamilton	Idem	109,000 0 0	
52		Le même	Rectification de la liquidation faite à son profit par la comptabilité interned.	237,600 0 0	Erreur reconnue par la trésorerie.
53		James Swan, pour Le Barrington	Surestaries	45,736 0 0	
54		Joseph J. Miller, de l'Illinois	Poudre, farine et salaisons livrés à St. Domingue et à la Guadeloupe.	1,135,504 1 8	
55		Henry Sadler		504,897 13 4	
56		Ge. Wm. Murray		64,084 0 0	
				5,093,679 10 2	



**CRÉANCES À LIQUIDER DONT L'EXAMEN ET LE TRAVAIL N'ONT POINT ENCORE ÉTÉ FAITS.**

R S IV—16

Numéros.	Dates des arrêtés de la commission portant liquidation.	Noms des propriétaires et des fondés de pouvoirs ou cessionnaires.	Objets des réclamations.	Sommes liquidées ou à liquider.	Observations.
57		Richard Christine, capitaine de la Polly		Liv. s. d.	
58		James Craig, do. de la Prosperity		3,847 10 0	
59		— Dangerfield, do. du St. Tammani		24,724 10 6	
60		— William Collet, do. de la Paix		36,977 15 6	
61		Joseph Glenn, do. des Quatres Amis		11,786 13 4	
62		John Mitchell, do. de la Molly		26,693 6 8	
63		Simon Swail, do. du Chef Indien		60,391 1 0	
64		Samuel Gerriah, do. de la Caroline		28,719 10 0	
65		— Goodrich, do. de Severn		8,759 18 1	
66		J. Justice, do. du navire la Theodosia		74,253 7 0	
67		— Jennings, do. du John		12,311 18 6	
68		— Edgar, do. de la Sally		100,847 16 4	
69		John Broock, do. du Robin		28,537 5 0	
70		— Maxwell, do. de la Junon		25,504 17 9	
71		— Beard, do. de l'Union		13,084 3 4	
72		— Monk, do. du Portsmouth		152,047 13 3	
73		Joseph Pitcairn		225,262 16 0	
74		E. Giles, capitaine du navire la Jerusha		224,849 8 9	
75		— Raide, do. du Little Cherubim		91,373 7 1	
76		J. John, (Jongher,) do. du Swauwick		72,627 10 2	
77		— West, do. du Suffolk	3,866 veltes eau de vie.	70,348 15 0	
78		— Todd, do. du Mercure		Non-appréciées	
79		— Olney, do. du Friendship		23,055 12 6	
80		— Parker, do. de l'Iris		45,507 0 9	
81		— Carleton, do. de l'Eunice		15,742 10 9	
82		— McGruder, do. de l'Apollo		29,317 1 8	
83		— Monroe, négociant.		44,542 6 8	
84		John Clark, capitaine du navire le John Alexander		12,980 0 0	
85		— Colley, do. de la Paix		20,689 10 0	
86		J. B. Hodgson, do. du Woodrop Sims		1,078 12 0	
87		Elias Simes, do. du George		115,174 10 0	
88		— Elle Cabot, négociant.		62,357 13 0	
89		— Pre. Changeur, Deyme et Comp.		40,107 6 3	
90		William Rust, capitaine du navire la Marie		179,588 0 0	
91		John Burlingham, do. du Mary		14,400 0 0	
92		— Kineman, do. du Reebuck		30,032 9 0	
93		— Ingraham, do. de l'Entreprise		18,655 0 0	
94		William Cook, do. du Trenton		157,600 0 0	
95		Murray et Lawrence, négociants		1,352 9 6	
96		— Woodberry, capitaine du navire le Neptune		2,200,000 0 0	
97		— Cowell, do. de la Jeanne		105,707 13 0	
98		— Stevens, do. du Hope		pour mémoire.	
99		Samuel Makins, do. de l'Andrews		20,926 11 11	
100		— White, do. du Laurens		7,614 16 0	
101		Zacharie Coopman		152,579 1 0	
102		J. Loup, capitaine du Cassius		663,739 16 4	
103		Walter Kerr, do. du Kensington		106,393 0 0	
104		— Ellison, capitaine du Good Friends		21,352 0 0	
105		— Hayes fils, do. du Peters, de Boston	Cargaison & auresaries	182,157 8 0	
106		Stephen Higginson	Fourniture de farine au Cap	69,023 19 4	
107		Bernard Dugan & Compagnie	Idem	55,335 6 0	
108		— Barney	Approvisionnement des magasins du Cap	90,344 18 0	Argent des Isles.
109				695,550 10 0	Pour solde.

FRANCE, 1803.

## CRÉANCES À LIQUIDER DONT L'EXAMEN ET LE TRAVAIL N'ONT POINT ENCORE ÉTÉ FAITS—Continued.

Numéros.	Dates des ar-rêtées de la commission portant li-liquidation.	Noms des propriétaires et des fondés de pouvoirs ou cessionnaires.	Objets des réclamations.	Sommes liquidées ou à liquider.	Observations.
				<i>Liv. s. d.</i>	
109		Gillies, (Robert,) capitaine du navire, The Fair American.	Fret et cargaisons.....	395,002 6 0	
110		Girard, (Stephen).....	Solde d'une lettre de change.....	16,537 10 0	
111		Randall, (Paul Richard).....	Idem.....	50,944 6 0	
112		James Thayer.....	Traite sur le Sénégal.....	5,663 12 0	
113		Fulwar Skipwith.....	Quatre traites tirées de St. Domingue.....	64,875 14 0	
114		Le même.....	Pour 11 lettres de change tirées des colonies.....	25,562 12 0	
115		Le même.....	Pour une traite tirée de St. Domingue.....	29,712 6 11	
116		Le même.....	Pour trois traites sur la Guadeloupe.....	13,703 6 6	
117		Le même.....	Pour 17 lettres de change sur St. Domingue.....	333,501 14 0	En partie relatives au navire Le Baring.
118		Bentalou, par James Swan.....	Pour 13 traites tirées des colonies.....	23,433 6 8	Idem.
119		Le même, idem.....	Pour 26 traites de l'Isle de France.....	424,000 0 0	
120		Crousillat, capitaine du bateau La Nancy.	Pour cargaison.....	40,355 15 0	
121		Dunlap et Thomas Irwin.....	Pour cargaison prise pour les besoins de Cayenne.....	38,951 5 0	
122		Stephen Higginson et William Parsons.....	Fourniture de farine à St. Domingue.....	94,694 15 4	
				8,034,722 14 4	
		Pour 105 bâtiments à Bordeaux, par suite de l'embargo de 1793.	.....	3,301,122 8 8	

## RÉCAPITULATION.

Créances reconnues par l'ex-commission de la comptabilité intermédiaire.....	3,459,778 13 6	} Les jugements arbitraux sur lesquels la liquidation a été faite ont déjà alloué les intérêts de plusieurs de ces créances. Susceptible d'une réduction considérable.
Créances dont les rapports ont été soumis au directeur particulier.....	5,033,679 10 2	
Créances à liquider.....	8,034,722 14 4	
Réclamations relatives à l'embargo de 1793.....	3,301,122 8 8	
Total.....	19,889,303 6 8	

## FRANCE, 1822.

CONVENTION OF NAVIGATION AND COMMERCE WITH FRANCE, CONCLUDED AT WASHINGTON JUNE 24, 1822; RATIFICATION ADVISED BY SENATE JANUARY 31, 1823; RATIFICATIONS EXCHANGED AT WASHINGTON FEBRUARY 12, 1823; PROCLAIMED FEBRUARY 12, 1823.

June 24, 1822.

*Convention of navigation and commerce between the United States of America and his Majesty the King of France and Navarre.*

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:

Contracting parties.

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;

Negotiators.

Who, after exchanging their full powers, have agreed on the following articles:

ARTICLE I.

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.

Extra duties payable in France.

[See Article VII.]

ARTICLE II.

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.

Extra duties payable in United States.

[See Article VII.]

ARTICLE III.

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.

Goods for transit or re-exportation.

ARTICLE IV.

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

Quantities composing the ton.

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 lbs. avoirdupois, or 365 kilogrammes.

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

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

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

## ARTICLE V.

**Tonnage duties, light-money, &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.

[See Articles I and II.]

## ARTICLE VI.

**Deserters from vessels.** 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 VII.

**Duration of convention.** 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 beforehand.

**Diminution of extra duties.** 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.

[See Articles I and II.]

## ARTICLE VIII.

**Ratifications.** 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 first of October next, and shall be effective, even in case of non-ratification, for all such vessels as may have sailed bona fide for the ports of either nation, in the confidence of its being in force.

**Signatures.** 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.

**Date.**

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

## 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. Extra duties to be refunded.

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

JOHN QUINCY ADAMS. [L. s.]

G. HYDE DE NEUVILLE. [L. s.]

## FRANCE, 1831.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF FRANCE RELATIVE TO CLAIMS AND DUTIES ON WINES AND COTTONS, CONCLUDED AT PARIS JULY 4, 1831; RATIFICATION ADVISED BY SENATE JANUARY 27, 1832; RATIFIED BY PRESIDENT FEBRUARY 2, 1832; RATIFICATIONS EXCHANGED AT WASHINGTON FEBRUARY 2, 1832; PROCLAIMED JULY 13, 1832.

July 4, 1831.

*Convention with France.*

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.;

Negotiators.

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

## ARTICLE I.

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.

Indemnity to American citizens.

## ARTICLE II.

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 authorized by the Government of the United States to receive it.

Payments.

The first instalment 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 Govern-  
ment.

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 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.

Documents relat-  
ing to claims.

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.

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.

Certain reclamations abandoned.

[See Article VIII, treaty of 1803, p. 234.]

### ARTICLE VIII.

The present convention shall be ratified, and the ratifications shall be exchanged at Washington, in the space of eight months, or sooner if possible.

Ratifications.

In faith of which, the respective Plenipotentiaries have signed these articles, and thereto set their seals.

Signatures.

Done at Paris the fourth day of the month of July, one thousand eight hundred and thirty-one.

Date.

W. C. RIVES. [L. S.]  
HORACE SEBASTIANI. [L. S.]

### FRANCE, 1843.

EXTRADITION CONVENTION WITH FRANCE, CONCLUDED AT WASHINGTON NOVEMBER 9, 1843; RATIFICATION ADVISED BY SENATE FEBRUARY 1, 1844; RATIFIED BY PRESIDENT FEBRUARY 2, 1844; RATIFICATIONS EXCHANGED AT WASHINGTON APRIL 12, 1844; PROCLAIMED APRIL 13, 1844.

Nov. 9, 1843.

### *Convention for the surrender of criminals, between the United States of America and his Majesty the King of the French.*

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:

Contracting parties.

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 of America;

Negotiators.

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.

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.

Extradition of criminals.

Evidence of criminality.

## ARTICLE II.

Crimes for which delivery may be made.

[See convention of 1845, pp. 248, 249.]

[See convention of 1858, p. 253.]

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, how 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 of detention and delivery.

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.

Past crimes and political offenses.

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 offense of a purely political character.

## ARTICLE VI.

Duration of convention.

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.

Signatures.

In witness whereof, the respective Plenipotentiaries have signed the present convention in duplicate, and have affixed thereto the seal of their arms.

Date.

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.]

## FRANCE, 1845.

Feb. 24, 1845.

ADDITIONAL ARTICLE TO THE EXTRADITION CONVENTION OF NOVEMBER 9, 1843, BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE FRENCH; CONCLUDED AT WASHINGTON FEBRUARY 24, 1845; RATIFICATION ADVISED BY SENATE MARCH 12, 1845; RATIFIED BY PRESIDENT MAY 5, 1845; RATIFICATIONS EXCHANGED AT PARIS JUNE 21, 1845; PROCLAIMED JULY 24, 1845.

Additional crimes for which extradition may be made.

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 ninth 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.

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.]  
A. PAGEOT. [L. S.]

Signatures.

Date.

### FRANCE, 1853.

CONSULAR CONVENTION WITH FRANCE, CONCLUDED FEBRUARY 23, 1853;  
RATIFICATION ADVISED BY SENATE, WITH AMENDMENTS, MARCH 29, 1853;  
RATIFIED BY PRESIDENT APRIL 1, 1853; RATIFICATIONS EXCHANGED  
AT WASHINGTON AUGUST 11, 1853; PROCLAIMED AUGUST 12, 1853.

Feb. 23, 1853.

#### *Consular convention between the United States of America and his Majesty the Emperor of the French.*

The President of the United States of America, and his Majesty the Emperor of the French, being equally desirous to strengthen the bonds of friendship between the two nations, and to give a new and more ample development to their commercial intercourse, deem it expedient, for the accomplishment of that purpose, to conclude a special convention which shall determine, in a precise and reciprocal manner, the rights, privileges, and duties of the consuls of the two countries. Accordingly they have named:

Contracting parties.

The President of the United States, the Honorable Edward Everett, Secretary of State of the United States; His Majesty the Emperor of the French, the Count de Sartiges, Commander of the Imperial Order of the Legion of Honor, &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Washington;

Negotiators.

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

#### ARTICLE I.

The Consuls General, Consuls, and Vice-Consuls, or consular agents of the United States and France shall be reciprocally received and recognized, on the presentation of their commissions, in the form established in their respective countries. The necessary exequatur for the exercise of their functions shall be furnished to them without charge; and on the exhibition of this exequatur, they shall be admitted at once, and without difficulty, by the territorial authorities, federal or State, judicial or executive, of the ports, cities, and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted. The Government that furnishes the exequatur reserves the right to withdraw it on a statement of the reasons for which it has thought proper to do so.

Consular officers.

Exequaturs.

#### ARTICLE II.

The Consuls General, Consuls, Vice-Consuls, or consular agents of the United States and France, shall enjoy in the two countries the privileges usually accorded to their offices, such as personal immunity, except in the case of crime, exemption from military billetings, from service in the militia or the national guard, and other duties of the same nature; and

Privileges and immunities.

from all direct and personal taxation, whether federal, State, or municipal. If, however, the said Consuls General, Consuls, Vice Consuls, or consular agents, are citizens of the country in which they reside; if they are, or become, owners of property there, or engage in commerce, they shall be subject to the same taxes and imposts, and with the reservation of the treatment granted to commercial agents, to the same jurisdiction, as other citizens of the country who are owners of property, or merchants.

Flags and inscriptions.

They may place on the outer door of their offices, or of their dwelling-houses, the arms of their nation, with an inscription in these words: "Consul of the United States," or "Consul of France;" and they shall be allowed to hoist the flag of their country thereon.

Exemption as witnesses.

They shall never be compelled to appear as witnesses before the courts. When any declaration for judicial purposes, or deposition, is to be received from them in the administration of justice, they shall be invited, in writing, to appear in court, and if unable to do so, their testimony shall be requested in writing, or be taken orally at their dwellings.

Consular pupils.

Consular pupils shall enjoy the same personal privileges and immunities as Consuls General, Consuls, Vice-Consuls, or consular agents.

Consular agents ad interim.

In case of death, indisposition, or absence of the latter, the chancellors, secretaries, and consular pupils attached to their offices, shall be entitled to discharge ad interim the duties of their respective posts; and shall enjoy whilst thus acting the prerogatives granted to the incumbents.

#### ARTICLE III.

Inviolability of archives.

The consular offices and dwellings shall be inviolable. The local authorities shall not invade them under any pretext. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum.

#### ARTICLE IV.

Complaints to local or national authorities.

The Consuls General, Consuls, Vice-Consuls, or consular agents, of both countries, shall have the right to complain to the authorities of the respective Governments, whether federal or local, judicial or executive, throughout the extent of their consular district, of any infraction of the treaties or conventions existing between the United States and France, or for the purpose of protecting informally the rights and interests of their countrymen, especially in cases of absence. Should there be no diplomatic agent of their nation, they shall be authorized, in case of need, to have recourse to the General or Federal Government of the country in which they exercise their functions.

#### ARTICLE V.

Vice-consuls and agents.

The respective Consuls General, and Consuls, shall be free to establish, in such parts of their districts as they may see fit, Vice-Consuls, or consular agents, who may be taken indiscriminately from among Americans of the United States, Frenchmen, or citizens of other countries. These agents, whose nomination, it is understood, shall be submitted to the approval of the respective Governments, shall be provided with a certificate given to them by the Consul by whom they are named, and under whose orders they are to act.

#### ARTICLE VI.

Protests and declarations.

The Consuls General, Consuls, Vice-Consuls, or consular agents, shall have the right of taking at their offices or bureaux, at the domicile of the parties concerned, or on board ship, the declarations of captains, crews, passengers, merchants, or citizens of their country, and of executing there all requisite papers.

The respective Consuls General, Consuls, Vice-Consuls, or consular agents, shall have the right, also, to receive at their offices, or bureaux, conformably to the laws and regulations of their country, all acts of agreement executed between the citizens of their own country and citizens or inhabitants of the country in which they reside, and even all such acts between the latter, provided that these acts relate to property situated, or to business to be transacted, in the territory of the nation to which the Consul or the agent before whom they are executed may belong.

Verification of papers.

Copies of such papers, duly authenticated by the Consuls General, Consuls, Vice-Consuls, or consular agents, and sealed with the official seal of their consulate or consular agency, shall be admitted in courts of justice throughout the United States and France, in like manner as the originals.

Authenticated copies to be evidence.

#### ARTICLE VII.

In all the States of the Union, whose existing laws permit it, so long and to the same extent as the said laws shall remain in force, Frenchmen shall enjoy the right of possessing personal and real property by the same title and in the same manner as the citizens of the United States. They shall be free to dispose of it as they may please, either gratuitously or for value received, by donation, testament, or otherwise, just as those citizens themselves; and in no case shall they be subjected to taxes on transfer, inheritance, or any others different from those paid by the latter, or to taxes which shall not be equally imposed.

Acquirement and disposal of property.

As to the States of the Union, by whose existing laws aliens are not permitted to hold real estate, the President engages to recommend to them the passage of such laws as may be necessary for the purpose of conferring this right.

In like manner, but with reservation of the ulterior right of establishing reciprocity in regard to possession and inheritance, the Government of France accords to the citizens of the United States the same rights within its territory in respect to real and personal property, and to inheritance, as are enjoyed there by its own citizens.

#### ARTICLE VIII.

The respective Consuls General, Consuls, Vice-Consuls, or consular agents, shall have exclusive charge of the internal order of the merchant-vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the captain, officers, and crew, without exception, particularly in reference to the adjustment of wages and the execution of contracts. The local authorities shall not, on any pretext, interfere in these differences, but shall lend forcible aid to the Consuls, when they may ask it, to arrest and imprison all persons composing the crew whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the Consuls, addressed in writing to the local authority, and supported by an official extract from the register of the ship or the list of the crew, and shall be held, during the whole time of their stay in the port, at the disposal of the Consuls. Their release shall be granted at the mere request of the Consuls made in writing. The expenses of the arrest and detention of those persons shall be paid by the Consuls.

Settlement of disputes between masters and crews.

#### ARTICLE IX.

The respective Consuls General, Consuls, Vice-Consuls, or consular agents, may arrest the officers, sailors, and all other persons making part of the crews of ships of war, or merchant vessels of their nation, who may be guilty or be accused of having deserted said ships and vessels, for the purpose of sending them on board, or back to their coun-

Deserters from vessels.

[See U. S. Stat-  
utes at Large, ch.  
36, vol. 4, p. 160.]

try. To that end the consuls of France in the United States shall apply to the magistrates designated in the act of Congress of May 4, 1826—that is to say, indiscriminately to any of the Federal, State, or municipal authorities; and the Consuls of the United States in France shall apply to any of the competent authorities and make a request in writing for the deserters, supporting it by an exhibition of the registers of the vessel and list of the crew, or by other official documents, to show that the men whom they claim belonged to said crew. Upon such request alone, thus supported, and without the exaction of any oath from the Consuls, the deserters, not being citizens of the country where the demand is made, either at the time of their shipping or of their arrival in the port, shall be given up to them. All aid and protection shall be furnished them for the pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country at the request and at the expense of the Consuls until these agents may find an opportunity of sending them away. If, however, such opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause.

#### ARTICLE X.

Damages arising  
at sea.

The respective Consuls General, Consuls, Vice-Consuls, or consular agents, shall receive the declarations, protests, and reports of all captains of vessels of their nation in reference to injuries experienced at sea; they shall examine and take note of the stowage; and when there are no stipulations to the contrary between the owners, freighters, or insurers, they shall be charged with the repairs. If any inhabitants of the country in which the Consuls reside, or citizens of a third nation, are interested in the matter, and the parties cannot agree, the competent local authority shall decide.

#### ARTICLE XI.

Salvage.

All proceedings relative to the salvage of American vessels wrecked upon the coasts of France, and of French vessels wrecked upon the coasts of the United States, shall be respectively directed by the Consuls General, Consuls, and Vice-Consuls of the United States in France, and by the Consuls General, Consuls, and Vice-Consuls of France in the United States, and until their arrival by the respective consular agents, wherever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the Consul in whose district the wreck may have occurred, and who shall be immediately informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of property.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved.

It is understood that such merchandise shall not be subjected to any custom-house duty if it is to be re-exported; and if it be entered for consumption, a diminution of such duty shall be allowed in conformity with the regulations of the respective countries.

#### ARTICLE XII.

Most favored na-  
tion clause.

The respective Consuls General, Consuls, Vice-Consuls, or consular agents, as well as their consular pupils, chancellors, and secretaries, shall enjoy in the two countries all the other privileges, exemptions, and immunities which may at any future time be granted to the agents of the same rank of the most favored nation.

## ARTICLE XIII.

The present convention shall remain in force for the space of ten years from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Washington within the period of six months, or sooner if possible. In case neither party gives notice twelve months before the expiration of the said period of ten years of its intention not to renew this convention, it shall remain in force a year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall give such notice.

In testimony whereof the respective Plenipotentiaries have signed this convention, and hereunto affixed their respective seals.

Done at the city of Washington the twenty-third day of February, anno Domini one thousand eight hundred and fifty-three.

EDWARD EVERETT. [L. S.]  
SARTIGES. [L. S.]

Duration of convention.

Ratifications.

Signatures.

Date.

## FRANCE, 1858.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND FRANCE, AGREEING TO AN ADDITIONAL ARTICLE TO THE EXTRADITION CONVENTION BETWEEN THE TWO COUNTRIES; CONCLUDED AT WASHINGTON FEBRUARY 10, 1858; RATIFICATION ADVISED BY SENATE, WITH AMENDMENT, JUNE 15, 1858; RATIFIED BY PRESIDENT JUNE 28, 1858; RATIFICATIONS EXCHANGED AT WASHINGTON FEBRUARY 12, 1859; PROCLAIMED FEBRUARY 14, 1859.

Feb. 10, 1858.

*Additional article to the extradition convention between the United States and France, of the 9th of November, 1843, and to the additional article of the 24th of February, 1845.*

It is agreed between the high contracting parties that the provisions of the treaties for the mutual extradition of criminals between the United States of America and France, of November 9th, 1843, and February 24th, 1845, and now in force between the two Governments, shall extend not only to persons charged with the crimes therein mentioned, but also to persons charged with the following crimes, whether as principals, accessories, or accomplices, namely: Forging or knowingly passing or putting in circulation counterfeit coin or bank-notes or other paper current as money, with intent to defraud any person or persons; embezzlement by any person or persons hired or salaried to the detriment of their employers, when these crimes are subject to infamous punishment.

In witness whereof the respective Plenipotentiaries have signed the present article in triplicate, and have affixed thereto the seal of their arms.

Done at Washington the tenth of February, 1858.

LEW. CASS. [SEAL.]  
SARTIGES. [SEAL.]

Additional crimes for which persons may be surrendered.

[See pp. 247-249.]

Signatures.

Date.

## FRANCE, 1869.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE EMPEROR OF THE FRENCH CONCERNING TRADE-MARKS, CONCLUDED APRIL 16, 1869; RATIFICATION ADVISED BY SENATE APRIL 19, 1869; RATIFIED BY PRESIDENT APRIL 30, 1869; RATIFICATIONS EXCHANGED AT WASHINGTON JULY 3, 1869; PROCLAIMED JULY 6, 1869.

April 16, 1869.

The United States of America and His Majesty the Emperor of the French, desiring to secure in their respective territories a guarantee of property in trade-marks, have resolved to conclude a special convention

Contracting parties.

**Negotiators.** for this purpose, and have named as their Plenipotentiaries: The President of the United States, Hamilton Fish, Secretary of State, and His Majesty the Emperor of the French, J. Berthemy, Commander of the Imperial Order of the Legion of Honor, &c., &c., &c., accredited as his Envoy Extraordinary and Minister Plenipotentiary to the United States; and the said Plenipotentiaries, after an examination of their respective full powers, which were found to be in good and due form, have agreed to and signed the following articles:

#### ARTICLE I.

**Protection of trade-marks.** Every reproduction in one of the two countries of trade-marks affixed in the other to certain merchandise to prove its origin and quality is forbidden, and shall give ground for an action for damages in favor of the injured party, to be prosecuted in the courts of the country in which the counterfeit shall be proven, just as if the plaintiff were a subject or citizen of that country.

**Duration of exclusive rights.** The exclusive right to use a trade-mark for the benefit of citizens of the United States in France, or of French subjects in the territory of the United States, cannot exist for a longer period than that fixed by the law of the country for its own citizens.

**When trade-mark becomes public property.** If the trade-mark has become public property in the country of its origin, it shall be equally free to all in the other country.

#### ARTICLE II.

**Where trade-marks to be deposited.** If the owners of trade-marks, residing in either of the two countries, wish to secure their rights in the other country, they must deposit duplicate copies of those marks in the Patent-Office at Washington, and in the clerk's office of the tribunal of commerce of the Seine, at Paris.

#### ARTICLE III.

**Duration of convention.** The present arrangement shall take effect ninety days after the exchange of ratifications by the two governments, and shall continue in force for ten years from this date.

In case neither of the two high contracting parties gives notice of its intention to discontinue this convention, twelve months before its expiration, it shall remain in force one year from the time that either of the high contracting parties announces its discontinuance.

#### ARTICLE IV.

**Ratifications.** The ratifications of this present arrangement shall be exchanged at Washington, within ten months, or sooner if possible.

**Signatures.** In faith whereof the respective Plenipotentiaries have signed the present convention in duplicate, and affixed thereto the seal of their arms.

**Date.** Done at Washington the sixteenth day of April, in the year of our Lord one thousand eight hundred and sixty-nine.

HAMILTON FISH. [SEAL.]  
BERTHEMY. [SEAL.]