

## SPAIN.

SPAIN, 1795.

Oct. 27, 1795.

TREATY OF FRIENDSHIP, LIMITS, AND NAVIGATION, BETWEEN HIS CATHOLIC MAJESTY AND THE UNITED STATES OF AMERICA, CONCLUDED AT SAN LORENZO EL REAL OCTOBER 27, 1795; RATIFICATION ADVISED BY SENATE MARCH 3, 1796; RATIFIED BY PRESIDENT; RATIFICATIONS EXCHANGED AT ARANJUEZ APRIL 25, 1796; PROCLAIMED AUGUST 2, 1796.

*Treaty of Friendship, Limits, and Navigation between the United States of America and the King of Spain.*

Contracting parties.

His Catholic Majesty and the United States of America, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevails between the two parties, have determined to establish, by a convention, several points, the settlement whereof will be productive of general advantage and reciprocal utility to both nations.

Negotiators.

With this intention, His Catholic Majesty has appointed the most excellent Lord Don Manuel de Godoy, and Alvarez de Faria, Rios, Sanchez, Zarzosa, Prince de la Paz, Duke de la Alcudia, Lord of the Soto de Roma, and of the State of Albalá, Grandee of Spain of the first class, perpetual Regidor of the city of Santiago, Knight of the illustrious Order of the Golden Fleece, and Great Cross of the Royal and distinguished Spanish Order of Charles the III, Commander of Valencia del Ventoso, Rivera, and Acenchal in that of Santiago; Knight and Great Cross of the religious Order of St. John; Counsellor of State; first Secretary of State and Despacho; Secretary to the Queen; Superintendent General of the Posts and Highways; Protector of the Royal Academy of the Noble Arts, and of the Royal Societies of Natural History, Botany, Chemistry, and Astronomy; Gentleman of the King's Chamber in employment; Captain General of his Armies; Inspector and Major of the Royal Corps of Body Guards, &c., &c., &c., and the President of the United States, with the advice and consent of their Senate, has appointed Thomas Pinckney, a citizen of the United States, and their Envoy Extraordinary to His Catholic Majesty. And the said Plenipotentiaries have agreed upon and concluded the following articles:

## ARTICLE I.

Peace and friendship.

There shall be a firm and inviolable peace and sincere friendship between His Catholic Majesty, his successors and subjects, and the United States and their citizens, without exception of persons or places.

## ARTICLE II.

Southern boundary line.

[See Article XII, treaty of 1819, p. 716.]

To prevent all disputes on the subject of the boundaries which separate the territories of the two high contracting parties, it is hereby declared and agreed as follows, to wit: The southern boundary of the United States, which divides their territory from the Spanish colonies of East and West Florida, shall be designated by a line beginning on the River Mississippi, at the northernmost part of the thirty-first degree of latitude north of the equator, which from thence shall be drawn due east to the middle of the River Apalachicola, or Catahouche, thence along the middle thereof to its junction with the Flint; thence straight

to the head of St. Mary's River, and thence down the middle thereof to the Atlantic Ocean. And it is agreed that if there should be any troops, garrisons, or settlements of either party in the territory of the other, according to the above-mentioned boundaries, they shall be withdrawn from the said territory within the term of six months after the ratification of this treaty, or sooner if it be possible; and that they shall be permitted to take with them all the goods and effects which they possess.

### ARTICLE III.

In order to carry the preceding article into effect, one Commissioner and one Surveyor shall be appointed by each of the contracting parties, who shall meet at the Natchez, on the left side of the River Mississippi, before the expiration of six months from the ratification of this convention, and they shall proceed to run and mark this boundary according to the stipulations of the said article. They shall make plats and keep journals of their proceedings, which shall be considered as part of this convention, and shall have the same force as if they were inserted therein. And if on any account it should be found necessary that the said Commissioners and Surveyors should be accompanied by guards, they shall be furnished in equal proportions by the commanding officer of His Majesty's troops in the two Floridas, and the commanding officer of the troops of the United States in their southwestern territory, who shall act by common consent, and amicably, as well with respect to this point as to the furnishing of provisions and instruments, and making every other arrangement which may be necessary or useful for the execution of this article.

Commissioners and surveyors.

[See Article XII, treaty of 1819, p. 716.]

### ARTICLE IV.

It is likewise agreed that the western boundary of the United States which separates them from the Spanish colony of Louisiana, is in the middle of the channel or bed of the River Mississippi, from the northern boundary of the said States to the completion of the thirty-first degree of latitude north of the equator. And His Catholic Majesty has likewise agreed that the navigation of the said river, in its whole breadth from its source to the ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subjects of other Powers by special convention.

Western boundary.

[See Article XII, treaty of 1819, p. 716.]

Navigation of the Mississippi River.

[See Article XXII.]

### ARTICLE V.

The two high contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the country adjacent to the lines and rivers, which, by the preceding articles, form the boundaries of the two Floridas. And the bet[te]r to obtain this effect, both parties oblige themselves expressly to restrain by force all hostilities on the part of the Indian nations living within their boundaries: so that Spain will not suffer her Indians to attack the citizens of the United States, nor the Indians inhabiting their territory; nor will the United States permit these last-mentioned Indians to commence hostilities against the subjects of His Catholic Majesty or his Indians, in any manner whatever.

Conduct with Indians.

And whereas several treaties of friendship exist between the two contracting parties and the said nations of Indians, it is hereby agreed that in future no treaty of alliance, or other whatever, (except treaties of peace,) shall be made by either party with the Indians living within the boundary of the other, but both parties will endeavour to make the advantages of the Indian trade common and mutually beneficial to their respective subjects and citizens, observing in all things the most complete reciprocity; so that both parties may obtain the advantages arising from a good understanding with the said nations, without being subject to the expence which they have hitherto occasioned.

## ARTICLE VI.

**Protection to ves-** Each party shall endeavour, by all means in their power, to protect and  
**sels.** defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction by sea or by land, and shall use all their efforts to recover, and cause to be restored to the right owners, their vessels and effects which may have been taken from them within the extent of their said jurisdiction, whether they are at war or not with the Power whose subjects have taken possession of the said effects.

## ARTICLE VII.

**Embargo or** And it is agreed that the subjects or citizens of each of the contract-  
**detention.** ing parties, their vessels or effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition or other public or private purpose whatever; and in all cases of seizure, detention, or arrest for debts contracted, or offenses committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases. The citizens and subjects of both parties shall be allowed to employ such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their affairs, and in all their trials at law, in which they may be concerned, before the tribunals of the other party; and such agents shall have free access to be present at the proceedings in such causes, and at the taking of all examinations and evidence which may be exhibited in the said trials.

**Prosecutions for**  
**debt or crime.**

**Employment of**  
**advocates and**  
**agents.**

## ARTICLE VIII.

**Vessels seeking** In case the subjects and inhabitants of either party, with their ship-  
**refuge.** ping, whether public and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, for seeking of shelter and harbor, to retreat and enter into any of the rivers, bays, roads, or ports belonging to the other party, they shall be received and treated with all humanity, and enjoy all favor, protection, and help, and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals and all things needful for the sustenance of their persons, or reparation of their ships and prosecution of their voyage; and they shall no ways be hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

## ARTICLE IX.

**Captures by pi-** All ships and merchandize, of what nature soever, which shall be  
**rates.** rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port, in order to be taken care of, and restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

## ARTICLE X.

**Wrecked or dam-** When any vessel of either party shall be wrecked, foundered, or other-  
**aged vessels.** wise damaged, on the coasts or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case; and if the operations of repair would require that the whole or any part of the cargo be unladen, they shall pay no duties, charges, or fees on the part which they shall relade and carry away.

ARTICLE XI.

The citizens and subjects of each party shall have power to dispose of their personal goods, within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases.

Disposal and inheritance of personal property.

And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if questions shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would by the laws of the land descend on a citizen or subject of the other, were he not disqualified by being an alien, such subjects shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all rights of detraction on the part of the Government of the respective States.

Estates of persons dying intestate.

Heirs to real estate.

ARTICLE XII.

The merchant-ships of either of the parties which shall be making into a port belonging to the enemy of the other party, and concerning whose voyage, and the species of goods on board her, there shall be just grounds of suspicion, shall be obliged to exhibit as well upon the high seas as in the ports and havens, not only her passports, but likewise certificates, expressly shewing that her goods are not of the number of those which have been prohibited as contraband.

Vessels to exhibit passport, &c.

ARTICLE XIII.

For the better promoting of commerce on both sides, it is agreed, that if a war shall break out between the said two nations, one year after the proclamation of war shall be allowed to the merchants, in the cities and towns where they shall live, for collecting and transporting their goods and merchandizes: And if 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 by the Government.

Privileges of merchants in case of war.

ARTICLE XIV.

No subject of His Catholic Majesty shall apply for, or take any commission or letters of marque, for arming any ship or ships to act as privateers against the said United States, or against the citizens, people, or inhabitants of the said United States, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war.

Letters of marque.

Nor shall any citizen, subject, or inhabitant of the said United States apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the subjects of His Catholic Majesty, or the property of any of them, from any Prince or State with which the said King shall be at war. And if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

ARTICLE XV.

It shall be lawful for all and singular the subjects of His Catholic Majesty, and the citizens, people, and inhabitants of the said United States, to sail with their ships with all manner of liberty and security,

Neutral trade.

no distinction being made who are the proprietors of the merchandizes laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with His Catholic Majesty or the United States. It shall be likewise lawful for the subjects and inhabitants aforesaid, to sail with the ships and merchandizes aforementioned, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned, to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same Prince or under several; and it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed free and exempt which shall be found on board the ships belonging to the subjects of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either; contraband goods being always excepted. It is also agreed that the same liberty be extended to persons who are on board a free ship, so that, although they be enemies to either party, they shall not be made prisoners or taken out of that free ship, unless they are soldiers and in actual service of the enemies.

Free ships make free goods.

[See Article XII, treaty of 1819, p. 716.]

#### ARTICLE XVI.

Contraband articles.

This liberty of navigation and commerce shall extend to all kinds of merchandizes, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods, shall be comprehended arms, great guns, bombs, with the fusees, and other things belonging to them, cannon-ball, gunpowder, match, pikes, swords, lances, speards, halberds, mortars, petards, granades, salpêtre, muskets, musket-balls, bucklers, helmets, breast-plates, coats of mail, and the like kind of arms proper for arming soldiers, musket-rests, belts, horses with their furniture, and all other war-like instruments whatever. These merchandizes which follows shall not be reckoned among contraband or prohibited goods: That is to say, all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever; all kinds of wearing apparel, together with all species whereof they are used to be made; gold and silver, as well coined as uncoined, tin, iron, latton, copper, brass, coals, as also wheat, barley, oats, and any other kind of corn and pulse; tobacco, and likewise all manner of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts, and in general all provisions which serve for the sustenance of life. Furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail-cloths, anchors, and any parts of anchors; also ships' masts, planks, wood of all kind, and all other things proper either for building or repairing ships, and all other goods whatever which have not been worked into the form of any instrument prepared for war, by land or by sea, shall not be reputed contraband, much less such as have been already wrought and made up for any other use; all which shall be wholly reckoned among free goods, as likewise all other merchandizes and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods; so that they may be transported and carried in the freest manner by the subjects of both parties, even to places belonging to an enemy, such towns or places being only excepted as are at that time besieged, blocked up, or invested. And except the cases in which any ship of war or squadron shall, in consequence of storms or other accidents at sea, be under the necessity of taking the cargo of any trading vessel or vessels, in which case they may stop the said vessel or vessels, and furnish themselves with necessaries, giving a receipt, in order that the Power to whom the said ship of war belongs may pay for the articles so taken according to the price thereof, at the port to which they may appear to

Articles not contraband.

have been destined by the ship's papers : and the two contracting parties engage, that the vessels shall not be detained longer than may be absolutely necessary for their said ships to supply themselves with necessaries ; that they will immediately pay the value of the receipts, and indemnify the proprietor for all losses which he may have sustained in consequence of such transaction.

## ARTICLE XVII.

To the end that all manner of dissentions and quarrels may be avoided and prevented on one side and the other, it is agreed, that in case either of the parties hereto should be engaged in a war, the ships and vessels belonging to the subjects or people of the other party must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby that the ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty.\* They shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year.

Sea-letters or passports.

It is likewise agreed, that such ships being laden, are to be provided not only with passports as above mentioned, but also with certificates, containing the several particulars of the cargo, the place whence the ship sailed, that so it may be known whether any forbidden or contraband goods be on board the same ; which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form : And if any one shall think it fit or advisable to express in the said certificates the person to whom the goods on board belong, he may freely do so. Without which requisites they may be sent to one of the ports of the other contracting party, and adjudged by the competent tribunal, according to what is above set forth, that all the circumstances of this omission having been well examined, they shall be adjudged to be legal prizes, unless they shall give legal satisfaction of their property by testimony entirely equivalent.

## ARTICLE XVIII.

If the ships of the said subjects, people, or inhabitants, of either of the parties shall be met with, either sailing along the coasts [or] on the high seas, by any ship of war of the other, or by any privateer, the said ship of war or privateer, for the avoiding of any disorder, shall remain out of cannon-shot, and may send their boats 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 passports, concerning the property of the ship, made out according to the form inserted in this present treaty ; and the ship, when she shall have shewed such passports, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or give her chace in any manner, or force her to quit her intended course.

Regulation of visits at sea.

## ARTICLE XIX.

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

Consuls.

## ARTICLE XX.

It is also agreed that the inhabitants of the territories of each party shall respectively have free access to the courts of justice of the other,

Access to courts of justice.

\* The form of passport referred to in this article is not annexed either to the original treaty signed by the negotiators, or to the copy bearing the ratification of the King of Spain, on file in the Department of State.

and they shall be permitted to prosecute suits for the recovery of their properties, the payment of their debts, and for obtaining satisfaction for the damages which they may have sustained, whether the persons whom they may sue be subjects or citizens of the country in which they may be found, or any other persons whatsoever, who may have taken refuge therein; and the proceedings and sentences of the said courts shall be the same as if the contending parties had been subjects or citizens of the said country.

## ARTICLE XXI.

Settlement of claims of citizens of United States.

[See Article XII, treaty of 1819, p. 716.]

Appointment of commissioners.

Oath.

Meetings.

Vacancies.

Duties.

Award to be final.

Payment of award.

In order to terminate all differences on account of the losses sustained by the citizens of the United States in consequence of their vessels and cargoes having been taken by the subjects of His Catholic Majesty, during the late war between Spain and France, it is agreed that all such cases shall be referred to the final decision of Commissioners, to be appointed in the following manner. His Catholic Majesty shall name one Commissioner, and the President of the United States, by and with the advice and consent of their Senate, shall appoint another, and the said two Commissioners shall agree on the choice of a third, or if they cannot agree so, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot in the presence of the two original Commissioners, and the person whose name shall be so drawn shall be the third Commissioner; and the three Commissioners so appointed shall be sworn impartially to examine and decide the claims in question, according to the merits of the several cases, and to justice, equity, and the laws of nations. The said Commissioners shall meet and sit at Philadelphia; and in the case of the death, sickness, or necessary absence of any such Commissioner, his place shall be supplied in the same manner as he was first appointed, and the new Commissioner shall take the same oaths, and do the same duties. They shall receive all complaints and applications authorized by this article, during eighteen months from the day on which they shall assemble. They shall have power to examine all such persons as come before them on oath or affirmation, touching the complaints in question, and also to receive in evidence all written testimony, authenticated in such manner as they shall think proper to require or admit. The award of the said Commissioners, or any two of them, shall be final and conclusive, both as to the justice of the claim and the amount of the sum to be paid to the claimants; and His Catholic Majesty undertakes to cause the same to be paid in specie, without deduction, at such times and places, and under such conditions as shall be awarded by the said Commissioners.

## ARTICLE XXII.

Mutual favors to commerce.

Store-houses at New Orleans.

[See Article XII, treaty of 1819, p. 716.]

The two high contracting parties, hoping that the good correspondence and friendship which happily reigns between them will be further increased by this treaty, and that it will contribute to augment their prosperity and opulence, will in future give to their mutual commerce all the extension and favor which the advantage of both countries may require.

And in consequence of the stipulations contained in the IV article, His Catholic Majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandize and effects in the port of New-Orleans, and to export them from thence without paying any other duty than a fair price for the hire of the stores; and His Majesty promises either to continue this permission, if he finds during that time that it is not prejudicial to the interests of Spain, or if he should not agree to continue it there, he will assign to them on another part of the banks of the Mississippi an equivalent establishment.

ARTICLE XXIII.

The present treaty shall not be in force untill ratified by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner if possible.

Ratifications.

In witness whereof we, the underwritten Plenipotentiaries of His Catholic Majesty and of the United States of America, have signed this present treaty of friendship, limits, and navigation, and have thereunto affixed our seals respectively.

Signatures.

Done at San Lorenzo el Real, this seven and twenty day of October, one thousand seven hundred and ninety-five.

Date.

THOMAS PINCKNEY. [L. s.]  
EL PRINCIPE DE LA PAZ. [L. s.]

SPAIN, 1802.

CONVENTION WITH SPAIN FOR THE ADJUSTMENT OF CLAIMS, CONCLUDED AT MADRID AUGUST 11, 1802; RATIFICATION ADVISED BY SENATE JANUARY 9, 1804; RATIFIED BY PRESIDENT JANUARY 9, 1804; RATIFIED BY THE KING OF SPAIN JULY 9, 1818; RATIFICATIONS EXCHANGED AT WASHINGTON DECEMBER 21, 1818; PROCLAIMED DECEMBER 22, 1818.

August 11, 1802.

[This convention was annulled by the tenth article of treaty of February 22, 1819.]

*A convention between his Catholic Majesty and the United States of America, for the indemnification of those who have sustained losses, damages, or injuries, in consequences of the excesses of individuals, of either nation, during the late war, contrary to the existing treaty, or the laws of nations.*

His Catholic Majesty and the Government of the United States of America, wishing amicably to adjust the claims which have arisen from the excesses committed during the late war, by individuals of either nation, contrary to the laws of nations or the treaty existing between the two countries, His Catholic Majesty has given, for this purpose, full powers to His Excellency D<sup>n</sup> Pedro Cevallos, Councillor of State, Gentleman of the Bed-Chamber in employment, first Secretary of State and Universal Despatch, and Superintendent General of the Posts and Post-Offices in Spain and the Indies; and the Government of the United States of America to Charles Pinckney, a citizen of the said States, and their Minister Plenipotentiary near His Catholic Majesty; who have agreed as follows:

Contracting parties.

Negotiators.

1st. A Board of Commissioners shall be formed, composed of five Commissioners, two of whom shall be appointed by His Catholic Majesty, two others by the Government of the United States, and the fifth by common consent; and in case they should not be able to agree on a person for the fifth Commissioner, each party shall name one, and leave the decision to lot; and hereafter, in case of the death, sickness, or necessary absence of any of those already appointed, they shall proceed in the same manner to the appointment of persons to replace them.

Appointment of commissioners.

2d. The appointment of the Commissioners being thus made, each one of them shall take an oath to examine, discuss, and decide on the claims, which they are to judge, according to the laws of nations and the existing treaty, and with the impartiality justice may dictate.

Oath of commissioners.

3rd. The Commissioners shall meet and hold their sessions in Madrid, where, within the term of eighteen months (to be reckoned from the day on which they may assemble) they shall receive all claims which, in consequence of this convention, may be made, as well by the subjects of His Catholic Majesty as by citizens of the United States of America, who may have a right to demand compensation for the losses, damages, or injuries sustained by them, in consequence of the excesses committed by Spanish subjects or American citizens.

Meeting of commissioners.



- Examination of claims.** 4th. The Commissioners are authorized, by the said contracting parties, to hear and examine, on oath, every question relative to the said demands, and to receive as worthy of credit all testimony the authenticity of which cannot reasonably be doubted.
- Decisions to be final.** 5th. From the decisions of the Commissioners there shall be no appeal; and the agreement of three of them shall give full force and effect to their decisions, as well with respect to the justice of the claims as to the amount of the indemnification which may be adjudged to the claimants; the said contracting parties obliging themselves to satisfy the said awards in specie, without deduction, at the times and places pointed out, and under the conditions which may be expressed by the Board of Commissioners.
- Reserved claims.** 6th. It not having been possible for the said Plenipotentiaries to agree upon a mode by which the above-mentioned Board of Commissioners should arbitrate the claims originating from the excesses of foreign cruisers, agents, Consuls, or tribunals, in their respective territories, which might be imputable to their two Governments, they have expressly agreed that each Government shall reserve (as it does by this convention) to itself, its subjects or citizens respectively, all the rights which they now have, and under which they may hereafter bring forward their claims, at such times as may be most convenient to them.
- Ratifications.** 7th. The present convention shall have no force or effect until it be ratified by the contracting parties, and the ratifications shall be exchanged as soon as possible.
- Signatures.** In faith whereof we, the underwritten Plenipotentiaries, have signed this convention, and have affixed thereto our respective seals.
- Date.** Done at Madrid this 11th day of August, 1802.
- PEDRO CEVALLOS. [L. S.]  
CHARLES PINCKNEY. [L. S.]

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SPAIN, 1819.

Feb. 22, 1819. TREATY OF AMITY, SETTLEMENT, AND LIMITS BETWEEN THE UNITED STATES OF AMERICA AND HIS CATHOLIC MAJESTY, CONCLUDED AT WASHINGTON FEBRUARY 22, 1819; RATIFICATION ADVISED BY SENATE FEBRUARY 24, 1819; RATIFIED BY PRESIDENT; RATIFIED BY THE KING OF SPAIN OCTOBER 24, 1820; RATIFICATION AGAIN ADVISED BY SENATE FEBRUARY 19, 1821; RATIFIED BY PRESIDENT FEBRUARY 22, 1821; RATIFICATIONS EXCHANGED AT WASHINGTON FEBRUARY 22, 1821; PROCLAIMED FEBRUARY 22, 1821.

*Treaty of amity, settlement, and limits between the United States of America and His Catholic Majesty.*

- Contracting parties.** The United States of America and His Catholic Majesty, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevails between the two parties, have determined to settle and terminate all their differences and pretensions, by a treaty, which shall designate, with precision, the limits of their respective bordering territories in North America.
- Negotiators.** With this intention the President of the United States has furnished with their full powers John Quincy Adams, Secretary of State of the said United States; and His Catholic Majesty has appointed the Most Excellent Lord Don Luis De Onis, Gonzales, Lopez y Vara, Lord of the town of Rayaces, Perpetual Regidor of the Corporation of the city of Salamanca, Knight Grand Cross of the Royal American Order of Isabella the Catholic, decorated with the Lys of La Vendée, Knight Pensioner of the Royal and Distinguished Spanish Order of Charles the Third, Member of the Supreme Assembly of the said Royal Order; of the Council of His Catholic Majesty; His Secretary, with Exercise of Decrees, and His Envoy Extraordinary and Minister Plenipotentiary near the United States of America;

And the said Plenipotentiaries, after having exchanged their powers, have agreed upon and concluded the following articles:

ARTICLE I.

There shall be a firm and inviolable peace and sincere friendship between the United States and their citizens and His Catholic Majesty, his successors and subjects, without exception of persons or places. Peace and friendship.

ARTICLE II.

His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida. The adjacent islands dependent on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property, archives and documents, which relate directly to the property and sovereignty of said provinces, are included in this article. The said archives and documents shall be left in possession of the commissaries or officers of the United States, duly authorized to receive them. Cession of the Floridas.  
Islands, &c., included in cession.

ARTICLE III.

The boundary line between the two countries, west of the Mississippi, shall begin on the Gulph of Mexico, at the mouth of the river Sabine, in the sea, continuing north, along the western bank of that river; to the 32d degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Nachitoches, or Red River; then following the course of the Rio Roxo westward, to the degree of longitude 100 west from London and 23 from Washington; then, crossing the said Red River, and running thence, by a line due north, to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude 42 north; and thence, by that parallel of latitude, to the South Sea. The whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818. But if the source of the Arkansas River shall be found to fall north or south of latitude 42, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence, along the said parallel, to the South Sea: All the islands in the Sabine, and the said Red and Arkansas Rivers, throughout the course thus described, to belong to the United States; but the use of the waters, and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations. Boundary line west of the Mississippi.  
Use of the Sabine, Red, and Arkansas Rivers.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions, to the territories described by the said line, that is to say: The United States hereby cede to His Catholic Majesty, and renounce forever, all their rights, claims, and pretensions, to the territories lying west and south of the above-described line; and, in like manner, His Catholic Majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of the said line, and for himself, his heirs, and successors, renounces all claim to the said territories forever. Mutual renunciations.

ARTICLE IV.

To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a Commissioner and a surveyor, who Commissioner and surveyor to run the boundary line.

shall meet before the termination of one year from the date of the ratification of this treaty at Nachitoches, on the Red River, and proceed to run and mark the said line, from the mouth of the Sabine to the Red River, and from the Red River to the river Arkansas, and to ascertain the latitude of the source of the said river Arkansas, in conformity to what is above agreed upon and stipulated, and the line of latitude 42, to the South Sea: they shall make out plans, and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

## ARTICLE V.

**Inhabitants of ceded territory.** The inhabitants of the ceded territories shall be secured in the free exercise of their religion, without any restriction; and all those who may desire to remove to the Spanish dominions shall be permitted to sell or export their effects, at any time whatever, without being subject, in either case, to duties.

## ARTICLE VI.

**Incorporation in the Union.** The inhabitants of the territories which His Catholic Majesty cedes to the United States, by this treaty, shall be incorporated in the Union of the United States, as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

## ARTICLE VII.

**Spanish troops to be withdrawn.** The officers and troops of His Catholic Majesty, in the territories hereby ceded by him to the United States, shall be withdrawn, and possession of the places occupied by them shall be given within six months after the exchange of the ratifications of this treaty, or sooner if possible, by the officers of His Catholic Majesty to the commissioners or officers of the United States duly appointed to receive them; and the United States shall furnish the transports and escort necessary to convey the Spanish officers and troops and their baggage to the Havana.

## ARTICLE VIII.

**Grants of land before January 24, 1818.** All the grants of land made before the 24th of January, 1818, by His Catholic Majesty, or by his lawful authorities, in the said territories ceded by His Majesty to the United States, shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid if the territories had remained under the dominion of His Catholic Majesty. But the owners in possession of such lands, who, by reason of the recent circumstances of the Spanish nation, and the revolutions in Europe, have been prevented from fulfilling all the conditions of their grants, shall complete them within the terms limited in the same, respectively, from the date of this treaty; in default of which the said grants shall be null and void. All grants made since the said 24th of January, 1818, when the first proposal, on the part of His Catholic Majesty, for the cession of the Floridas was made, are hereby declared and agreed to be null and void.

**Compliance with conditions.**

**Grants since January 24, 1818.**  
[See Ratification by King of Spain, pp. 717, 718.]

## ARTICLE IX.

**Renunciation of claims.** The two high contracting parties, animated with the most earnest desire of conciliation, and with the object of putting an end to all the differences which have existed between them, and of confirming the

good understanding which they wish to be forever maintained between them, reciprocally renounce all claims for damages or injuries which they, themselves, as well as their respective citizens and subjects, may have suffered until the time of signing this treaty.

The renunciation of the United States will extend to all the injuries mentioned in the convention of the 11th of August, 1802.

By the United States.

2. To all claims on account of prizes made by French privateers, and condemned by French Consuls, within the territory and jurisdiction of Spain.

3. To all claims of indemnities on account of the suspension of the right of deposit at New Orleans in 1802.

4. To all claims of citizens of the United States upon the Government of Spain, arising from the unlawful seizures at sea, and in the ports and territories of Spain, or the Spanish colonies.

5. To all claims of citizens of the United States upon the Spanish Government, statements of which, soliciting the interposition of the Government of the United States, have been presented to the Department of State, or to the Minister of the United States in Spain, since the date of the convention of 1802, and until the signature of this treaty.

The renunciation of His Catholic Majesty extends—

By Spain.

1. To all the injuries mentioned in the convention of the 11th of August, 1802.

2. To the sums which His Catholic Majesty advanced for the return of Captain Pike from the Provincias Internas.

3. To all injuries caused by the expedition of Miranda, that was fitted out and equipped at New York.

4. To all claims of Spanish subjects upon the Government of the United States arising from unlawful seizures at sea, or within the ports and territorial jurisdiction of the United States.

Finally, to all the claims of subjects of His Catholic Majesty upon the Government of the United States in which the interposition of his Catholic Majesty's Government has been solicited, before the date of this treaty and since the date of the convention of 1802, or which may have been made to the department of foreign affairs of His Majesty, or to his Minister in the United States.

And the high contracting parties, respectively, renounce all claim to indemnities for any of the recent events or transactions of their respective commanders and officers in the Floridas.

By both parties.

The United States will cause satisfaction to be made for the injuries, if any, which, by process of law, shall be established to have been suffered by the Spanish officers, and individual Spanish inhabitants, by the late operations of the American Army in Florida.

Satisfaction for injuries to inhabitants of Florida.

ARTICLE X.

The convention entered into between the two Governments, on the 11th of August, 1802, the ratifications of which were exchanged the 21st December, 1818, is annulled.

Convention of Aug. 11, 1802, annulled.

[See pp. 711, 712.]

ARTICLE XI.

The United States, exonerating Spain from all demands in future, on account of the claims of their citizens to which the renunciations herein contained extend, and considering them entirely cancelled, undertake to make satisfaction for the same, to an amount not exceeding five millions of dollars. To ascertain the full amount and validity of those claims, a commission, to consist of three Commissioners, citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate, which commission shall meet at the city of Washington, and, within the space of three years from the time of their first meeting, shall receive, examine, and decide upon the

United States to satisfy claims of its citizens.

Commission to be appointed.

Meeting of commission.

Duration of commission.

Oath or affirmation.	<p>amount and validity of all the claims included within the descriptions above mentioned. The said Commissioners shall take an oath or affirmation, to be entered on the record of their proceedings, for the faithful and diligent discharge of their duties; and, in case of the death, sickness, or necessary absence of any such Commissioner, his place may be supplied by the appointment, as aforesaid, or by the President of the United States, during the recess of the Senate, of another Commissioner in his stead. The said Commissioners shall be authorized to hear and examine, on oath, every question relative to the said claims, and to receive all suitable authentic testimony concerning the same. And the Spanish Government shall furnish all such documents and elucidations as may be in their possession, for the adjustment of the said claims, according to the principles of justice, the laws of nations, and the stipulations of the treaty between the two parties of 27th October, 1795; the said documents to be specified, when demanded, at the instance of the said Commissioners.</p> <p>The payment of such claims as may be admitted and adjusted by the said Commissioners, or the major part of them, to an amount not exceeding five millions of dollars, shall be made by the United States, either immediately at their Treasury, or by the creation of stock, bearing an interest of six per cent. per annum, payable from the proceeds of sales of public lands within the territories hereby ceded to the United States, or in such other manner as the Congress of the United States may prescribe by law.</p> <p>The records of the proceedings of the said Commissioners, together with the vouchers and documents produced before them, relative to the claims to be adjusted and decided upon by them, shall, after the close of their transactions, be deposited in the Department of State of the United States; and copies of them, or any part of them, shall be furnished to the Spanish Government, if required, at the demand of the Spanish Minister in the United States.</p>
Vacancies.	
Examination of claims.	
Documents to be furnished.	
[See treaty of 1795, pp. 704-711.]	
Payment of claims.	
Limit to amount.	
Records of commission.	
Copies to the Spanish Government.	

## ARTICLE XII.

Treaty of 1795 confirmed.	<p>The treaty of limits and navigation, of 1795, remains confirmed in all and each one of its articles excepting the 2, 3, 4, 21, and the second clause of the 22d article, which having been altered by this treaty, or having received their entire execution, are no longer valid.</p>
Exceptions.	
Neutral flag covering enemies' property.	<p>With respect to the 15th article of the same treaty of friendship, limits, and navigation of 1795, in which it is stipulated that the flag shall cover the property, the two high contracting parties agree that this shall be so understood with respect to those Powers who recognize this principle; but if either of the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies whose Government acknowledge this principle, and not of others.</p>
[See p. 708.]	

## ARTICLE XIII.

Deserters from vessels.	<p>Both contracting parties, wishing to favour their mutual commerce, by affording in their ports every necessary assistance to their respective merchant-vessels, have agreed that the sailors who shall desert from their vessels in the ports of the other, shall be arrested and delivered up, at the instance of the Consul, who shall prove, nevertheless, that the deserters belonged to the vessels that claimed them, exhibiting the document that is customary in their nation: that is to say, the American Consul in a Spanish port shall exhibit the document known by the name of articles, and the Spanish Consul in American ports the roll of the vessel; and if the name of the deserter or deserters who are claimed shall appear in the one or the other, they shall be arrested, held in custody, and delivered to the vessel to which they shall belong.</p>
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ARTICLE XIV.

The United States hereby certify that they have not received any compensation from France for the injuries they suffered from her privateers, Consuls, and tribunals on the coasts and in the ports of Spain, for the satisfaction of which provision is made by this treaty; and they will present an authentic statement of the prizes made, and of their true value, that Spain may avail herself of the same in such manner as she may deem just and proper.

Statement as to France.

ARTICLE XV.

The United States, to give to His Catholic Majesty a proof of their desire to cement the relations of amity subsisting between the two nations, and to favour the commerce of the subjects of His Catholic Majesty, agree that Spanish vessels, coming laden only with productions of Spanish growth or manufactures, directly from the ports of Spain, or of her colonies, shall be admitted, for the term of twelve years, to the ports of Pensacola and St. Augustine, in the Floridas, without paying other or higher duties on their cargoes, or of tonnage, than will be paid by the vessels of the United States. During the said term no other nation shall enjoy the same privileges within the ceded territories. The twelve years shall commence three months after the exchange of the ratifications of this treaty.

Privileges to Spanish vessels in Florida ports.

ARTICLE XVI.

The present treaty shall be ratified in due form, by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner if possible.

Ratifications.

In witness whereof we, the underwritten Plenipotentiaries of the United States of America and of His Catholic Majesty, have signed, by virtue of our powers, the present treaty of amity, settlement, and limits, and have thereunto affixed our seals, respectively.

Signatures.

Done at Washington this twenty-second day of February, one thousand eight hundred and nineteen.

Date.

JOHN QUINCY ADAMS. [L. s.]  
 LUIS DE ONIS. [L. s.]

*Ratification \* by His Catholic Majesty, on the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and twenty.*

Ferdinand the Seventh, by the Grace of God and by the constitution of the Spanish monarchy, King of the Spains.

Ratification by the King of Spain.

Whereas on the twenty-second day of February, of the year one thousand eight hundred and nineteen last past, a treaty was concluded and signed in the city of Washington, between Don Luis de Onis, my Envoy Extraordinary and Minister Plenipotentiary, and John Quincy Adams, Esquire, Secretary of State of the United States of America, competently authorized by both parties, consisting of sixteen articles, which had for their object the arrangement of differences and of limits between both Governments and their respective territories, which are of the following form and literal tenor:

[Here follows the above treaty, word for word.]

Therefore, having seen and examined the sixteen articles aforesaid, and having first obtained the consent and authority of the General Cortes of the nation with respect to the cession mentioned and stipulated in the 2d and 3d articles, I approve and ratify all and every one of the

\* Translation.

articles referred to, and the clauses which are contained in them; and, in virtue of these presents, I approve and ratify them; promising, on the faith and word of a King, to execute and observe them, and to cause them to be executed and observed entirely as if I myself had signed them; and that the circumstance of having exceeded the term of six months, fixed for the exchange of the ratifications in the 16th article, may afford no obstacle in any manner, it is my deliberate will that the present ratification be as valid and firm, and produce the same effects, as if it had been done within the determined period. Desirous at the same time of avoiding any doubt or ambiguity concerning the meaning of the 8th article of the said treaty, in respect to the date which is pointed out in it as the period for the confirmation of the grants of lands in the Floridas, made by me, or by the competent authorities in my royal name, which point of date was fixed in the positive understanding of the three grants of land made in favor of the Duke of Alagon, the Count of Punonrostro, and Don Pedro de Vargas, being annulled by its tenor, I think proper to declare that the said three grants have remained and do remain entirely annulled and invalid; and that neither the three individuals mentioned, nor those who may have title or interest through them, can avail themselves of the said grants at any time, or in any manner; under which explicit declaration the said 8th article is to be understood as ratified. In the faith of all which I have commanded to despatch these presents. Signed by my hand, sealed with my secret seal, and countersigned by the underwritten my Secretary of Despatch of State.

Given at Madrid, the twenty-fourth of October, one thousand eight hundred and twenty.

FERNANDO.

EVARISTO PEREZ DE CASTRO.

[Copies of the grants annulled by the foregoing treaty will be found in United States Statutes at Large, volume 8, pp. 267-273.]

### SPAIN, 1834.

Feb. 17, 1834.

CONVENTION WITH SPAIN FOR THE SETTLEMENT OF CLAIMS. CONCLUDED AT MADRID FEBRUARY 17, 1834; RATIFICATION ADVISED BY SENATE MAY 13, 1834; RATIFIED BY PRESIDENT; RATIFICATIONS EXCHANGED AT MADRID AUGUST 14, 1834; PROCLAIMED NOVEMBER 1, 1834.

#### *Convention for the settlement of Claims between the United States of America and Her Catholic Majesty.*

Contracting parties.

The Government of the United States of America and Her Majesty the Queen Regent, Governess of Spain during the minority of her august daughter, Her Catholick Majesty Donna Ysabel the 2d, from a desire of adjusting by a definitive arrangement the claims preferred by each party against the other, and thus removing all grounds of disagreement, as also of strengthening the ties of friendship and good understanding which happily subsist between the two nations, have appointed for this purpose, as their respective Plenipotentiaries, namely:

Negotiators.

The President of the United States, Cornelius P. Van Ness, a citizen of the said States, and their Envoy Extraordinary and Minister Plenipotentiary near Her Catholick Majesty Donna Ysabel the 2d; and Her Majesty the Queen Regent, in the name and behalf of Her Catholick Majesty Donna Ysabel the 2d, His Excellency Don José de Heredia, Knight Grand Cross of the Royal American Order of Ysabel the Catholick, one of Her Majesty's Supreme Council of Finance, ex-Envoy Extraordinary and Minister Plenipotentiary, and President of the Royal Junta of Appeals of Credits against France;

Who, after having exchanged their respective full powers, have agreed upon the following articles:

ARTICLE I.

Her Majesty the Queen Regent and Governess, in the name and in behalf of Her Catholick Majesty Donna Ysabel the 2d, engages to pay to the United States, as the balance on account of the claims aforesaid, the sum of twelve millions of rials vellon in one or several inscriptions, as preferred by the Government of the United States, of perpetual rents, on the great book of the consolidated debt of Spain, bearing an interest of five per cent. per annum. Said inscription or inscriptions shall be issued in conformity with the model or form annexed to this convention, and shall be delivered in Madrid to such person or persons as may be authorized by the Government of the United States to receive them, within four months after the exchange of the ratifications. And said inscriptions, or the proceeds thereof, shall be distributed by the Government of the United States among the claimants entitled thereto, in such manner as it may deem just and equitable.

Sum to be paid to the United States.

[See p. 720.]

ARTICLE II.

The interest of the aforesaid inscription or inscriptions shall be paid in Paris every six months, and the first half-yearly payment is to be made six months after the exchange of the ratifications of this convention.

Interest.

ARTICLE III.

The high contracting parties, in virtue of the stipulations contained in article first, reciprocally renounce, release, and cancel all claims which either may have upon the other, of whatever class, denomination, or origin they may be, from the twenty-second of February, one thousand eight hundred and nineteen, untill the time of signing this convention.

Cancellation of claims.

ARTICLE IV.

On the request of the Minister Plenipotentiary of Her Catholick Majesty at Washington, the Government of the United States will deliver to him, in six months after the exchange of the ratifications of this convention, a note or list of the claims of American citizens against the Government of Spain, specifying their amounts respectively, and three years afterwards, or sooner if possible, authentic copies of all the documents upon which they may have been founded.

List of claims.

ARTICLE V.

This convention shall be ratified, and the ratifications shall be exchanged, in Madrid, in six months from this time, or sooner if possible. In witness whereof, the respective Plenipotentiaries have signed these articles and affixed thereto their seals.

Ratifications.

Signatures.

Done in triplicate at Madrid, this seventeenth day of February, one thousand eight hundred and thirty-four.

Date.

C. P. VAN NESS. [L. s.]  
 JOSÉ DE HEREDIA. [L. s.]



Form of inscription.

The following is the form, or model, of the inscription :

No. Cupon de pesos fuertes de renta pagadero en de 183 de Cupon No. 1º.	Renta perpetua de España, pagadera en Paris á razon de 5 p. 0-0 al año, inscrita en el gran libro de la Deuda consolidada.
Esta Incripcion se expide á consecuencia de un convenio celebrado en Madrid en de de entre S. M. Catolica la Reyna de España y los Estados Unidos de America, para el pago de las reclamaciones de los ciudadanos de dichos Estados.	
INSCRIPCION NO.	
<i>Capital.</i> Pesos fuertes ó sean francos	<i>Renta.</i> Pesos fuertes ó sean francos
El portador de la presente tiene derecho á una renta anual de pesos fuertes, ó sea de francos, pagaderos en Paris por semestres, en los dias de y de por los banqueros de España en aquella capital, á razon de 5 francos y 40 centimos por peso fuerte, con arreglo al Rl. decreto de 15 de Diciembre de 1825. Consigniente al mismo real decreto se destina cada año á la amortizacion de esta renta uno por ciento de su valor nominal, á interes compuesto, cuyo importe sera empleado en su amortizacion periodica al curso corriente por dichos banqueros.—Madrid, de de <i>El Secretario de Estado y del Despacho de Hacienda.</i> <i>El Director de la Rl. Caja de Amortizacion.</i>	

In witness whereof we, the undersigned Plenipotentiaries of H. Catholic M. the Queen of Spain and of the United States of America, have signed this model, and have affixed thereunto our seals.

Done at Madrid, this day of

JOSÉ DE HEREDIA. [L. S.]  
 C. P. VAN NESS. [L. S.]

### SPAIN, 1871.

Feb. 12, 1871.

AGREEMENT FOR SETTLEMENT OF CERTAIN CLAIMS OF CITIZENS OF THE UNITED STATES ON ACCOUNT OF WRONGS AND INJURIES COMMITTED BY AUTHORITIES OF SPAIN IN THE ISLAND OF CUBA, CONCLUDED AT MADRID FEBRUARY 12, 1871, BY DANIEL E. SICKLES, ESQ., ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY OF THE UNITED STATES AT MADRID, AND HIS EXCELLENCY SEÑOR DON CRISTINO MARTOS, MINISTER OF STATE OF SPAIN.

Memorandum of agreement.

Memorandum of an arbitration for the settlement of the claims of citizens of the United States, or of their heirs, against the Government of Spain for wrongs and injuries committed against their persons and property, or against the persons and property of citizens of whom the said heirs are the legal representatives, by the authorities of Spain, in the island of Cuba, or within the maritime jurisdiction thereof, since the commencement of the present insurrection.

Claims to be submitted to arbitrators.

1. It is agreed that all such claims shall be submitted to arbitrators, one to be appointed by the Secretary of State of the United States, another by the Envoy Extraordinary and Minister Plenipotentiary of Spain at Washington, and these two to name an umpire who shall decide all questions upon which they shall be unable to agree; and in case the place of either arbitrator or of the umpire shall from any cause become vacant, such vacancy shall be filled forthwith in the manner here provided for the original appointment.

Selection of umpire.

Meeting of arbitrators.

2. The arbitrators and umpire so named shall meet at Washington within one month from the date of their appointment, and shall, before proceeding to business, make and subscribe a solemn declaration that

they will impartially hear and determine, to the best of their judgment, and according to public law and the treaties in force between the two countries and these present stipulations, all such claims as shall, in conformity with this agreement, be laid before them on the part of the Government of the United States; and such declaration shall be entered upon their record of the proceedings.

Declaration.

3. Each Government may name an advocate to appear before the arbitrators or the umpire, to represent the interests of the parties respectively.

Counsel for each Government.

4. The arbitrators shall have full power, subject to these stipulations, and it shall be their duty, before proceeding with the hearing and decision of any case, to make and publish convenient rules prescribing the time and manner of the presentation of claims and of the proof thereof; and any disagreement with reference to the said rules of proceeding shall be decided by the umpire. It is understood that a reasonable period shall be allowed for the presentation of the proofs; that all claims, and the testimony in favor of them, shall be presented only through the Government of the United States; that the award made in each case shall be in writing, and, if indemnity be given, the sum to be paid shall be expressed in the gold coin of the United States.

Rules to be prescribed.

Presentation of claims.

Payment of awards.

5. The arbitrators shall have jurisdiction of all claims presented to them by the Government of the United States for injuries done to citizens of the United States by the authorities of Spain, in Cuba, since the first day of October, 1868. Adjudications of the tribunals in Cuba concerning citizens of the United States, made in the absence of the parties interested, or in violation of international law or of the guarantees and forms provided for in the treaty of October 27, 1795, between the United States and Spain, may be reviewed by the arbitrators, who shall make such award in any such case as they shall deem just. No judgment of a Spanish tribunal, disallowing the affirmation of a party that he is a citizen of the United States, shall prevent the arbitrators from hearing a reclamation presented in behalf of said party by the United States Government; nevertheless, in any case heard by the arbitrators, the Spanish Government may traverse the allegation of American citizenship, and thereupon competent and sufficient proof thereof will be required. The commission having recognized the quality of American citizens in the claimants, they will acquire the rights accorded to them by the present stipulations as such citizens. And it is further agreed that the arbitrators shall not have jurisdiction of any reclamation made in behalf of a native-born Spanish subject, naturalized in the United States, if it shall appear that the same subject-matter having been adjudicated by a competent tribunal in Cuba, and the claimant, having appeared therein, either in person or by his duly appointed attorney, and being required by the laws of Spain to make a declaration of his nationality, failed to declare that he was a citizen of the United States; in such case, and for the purposes of this arbitration, it shall be deemed and taken that the claimant, by his own default, had renounced his allegiance to the United States. And it is further agreed that the arbitrators shall not have jurisdiction of any demands growing out of contracts.

Jurisdiction of arbitrators.

[See pp. 704-711.]

6. The expenses of the arbitration will be defrayed by a percentage to be added to the amount awarded. The compensation of the arbitrators and umpire shall not exceed three thousand dollars each; the same allowance shall be made to each of the two advocates representing respectively the two Governments; and the arbitrators may employ a secretary at a compensation not exceeding the sum of five dollars a day for every day actually and necessarily given to the business of the arbitration.

Expenses of the arbitration.

7. The two Governments will accept the awards made in the several cases submitted to the said arbitration as final and conclusive, and will give full effect to the same in good faith and as soon as possible.

Awards to be conclusive.