

TWO SICILIES.

[All the treaties with the Two Sicilies were superseded by the incorporation of that kingdom with Italy.]

TWO SICILIES, 1832.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF THE TWO SICILIES, FOR THE TERMINATION OF RECLAMATIONS, CONCLUDED AT NAPLES OCTOBER 14, 1832; RATIFICATION ADVISED BY SENATE JANUARY 19, 1833; RATIFIED BY PRESIDENT; RATIFICATIONS EXCHANGED AT NAPLES JUNE 8, 1833; PROCLAIMED AUGUST 27, 1833.

Oct. 14, 1832.

Convention between the Government of the United States of America, and his Majesty the King of the Kingdom of the Two Sicilies to terminate the reclamations of said Government, for the depredations inflicted upon American commerce, by Murat during the years 1809, 1810, 1811, and 1812.

The Government of the United States of America and His Majesty the King of the Kingdom of the Two Sicilies, desiring to terminate the reclamations advanced by said Government against his said Majesty, in order that the merchants of the United States may be indemnified for the losses inflicted upon them by Murat, by the depredations, seizures, confiscations, and destruction of their vessels and cargoes, during the years 1809, 1810, 1811, 1812, and His Sicilian Majesty desiring thereby to strengthen with the said Government the bonds of that harmony, not hitherto disturbed: The said Government of the United States and his aforesaid Majesty the King of the Kingdom of the Two Sicilies, have with one accord resolved to come to an adjustment; to effectuate which, they have respectively named and furnished with the necessary powers, viz:

Contracting parties.

The said Government of the United States, John Nelson, Esquire, a citizen of said States, and their Chargé d'Affaires near His Majesty the King of the Kingdom of the Two Sicilies; and His Majesty, His Excellency D. Antonio Maria Statella, Prince of Cassaro, Marquis of Spacaforno, Count Statella, etc., etc., etc., his said Majesty's Minister Secretary of State for Foreign Affairs, etc., etc.;

Negotiators.

Who, after the exchange of their respective full powers, found in good and due form, have agreed to the following articles:

ARTICLE I.

His Majesty the King of the Kingdom of the Two Sicilies, with a view to satisfy the aforesaid reclamations, for the depredations, seizures, confiscations, and destruction of the vessels and cargoes of the merchants of the United States, (and for every expense of every kind whatsoever incident to or growing out of the same,) inflicted by Murat during the years 1809, 1810, 1811, and 1812, obliges himself to pay the sum of two millions one hundred and fifteen thousand Neapolitan ducats to the Government of the United States; seven thousand six hundred and seventy-nine ducats, part thereof to be applied to reimburse the said Government for the expense incurred by it in the transportation of American seamen from the Kingdom of Naples, during the year 1810, and the residue to be distributed amongst the claimants by the said Government of the United States, in such manner and according to such rules as it may prescribe.

Sum to be paid to the United States.

ARTICLE II.

Method of payment.

The sum of two millions one hundred and fifteen thousand Neapolitan ducats agreed on in article the 1st, shall be paid in Naples, in nine equal installments of two hundred and thirty-five thousand ducats, and with interest thereon at the rate of four per centum per annum, to be calculated from the date of the interchange of the ratifications of this convention, until the whole sum shall be paid. The first installment shall be payable twelve months after the exchange of the said ratifications, and the remaining installments, with the interest, successively, one year after another. The said payments shall be made in Naples into the hands of such person as shall be duly authorized by the Government of the United States to receive the same.

ARTICLE III.

Ratifications.

The present convention shall be ratified and the ratifications thereof shall be exchanged in this capital, in the space of eight months from this date, or sooner if possible.

Signatures.

In faith whereof the parties above named have respectively subscribed these articles, and thereto affixed their seals.

Date.

Done at Naples on the 14th day of October, one thousand eight hundred and thirty-two.

JNO. NELSON. [SEAL.]
THE PRINCE OF CASSARO. [SEAL.]

TWO SICILIES, 1845.*

Dec. 1, 1845.

TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE KINGDOM OF THE TWO SICILIES, CONCLUDED AT NAPLES DECEMBER 1, 1845; RATIFICATION ADVISED BY SENATE APRIL 11, 1846; RATIFIED BY PRESIDENT APRIL 14, 1846; RATIFICATIONS EXCHANGED AT NAPLES JUNE 1, 1846; PROCLAIMED JULY 24, 1846.

Contracting parties.

The United States of America and His Majesty the King of the Kingdom of the Two Sicilies, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States, and consolidating the commercial intercourse between them, have agreed to enter in negotiation for the conclusion of a treaty of commerce and navigation, for which purpose they have appointed Plenipotentiaries, that is to say:

Negotiators.

The President of the United States of America, William H. Polk, Chargé d'Affaires of the same United States of America to the court of His Majesty the King of the Kingdom of the Two Sicilies; and His Majesty the King of the Kingdom of the Two Sicilies, D. Giustino Fortunato, Knight Grand Cross of the Royal Military Constantinian Order of St. George, and of Francis the 1st, Minister Secretary of State of His said Majesty; D. Michael Gravina and Bequesenz, Prince of Comitini, Knight Grand Cross of the Royal Order of Francis the 1st, Gentleman of the Chamber in Waiting, and Minister Secretary of State of his said Majesty; and D. Antonio Spinelli, of Scalea, Commander of the Rl. Order of Francis the 1st, Gentleman of the Chamber of His said Majesty, Member of the General Consulta, and Surintendant-General of the Archives of the Kingdom;

Who, after having each others exchanged their full powers, found in good and due form, have concluded and signed the following articles:

* See convention of 1855, pp. 778-786.

ARTICLE I.

There shall be reciprocal liberty of commerce and navigation between the United States of America and the Kingdom of the Two Sicilies.

No duty of customs, or other impost, shall be charged upon any goods the produce or manufacture of one country, upon importation by sea or by land from such country into the other, other or higher than the duty or impost charged upon goods of the same kind, the produce or manufacture of, or imported from, any other country; and the United States of America and His Majesty the King of the Kingdom of the Two Sicilies do hereby engage that the subjects or citizens of any other State shall not enjoy any favour, privilege, or immunity whatever, in matters of commerce and navigation, which shall not also and at the same time be extended to the subjects or citizens of the other high contracting party, gratuitously, if the concession in favour of that other State shall have been gratuitous, and in return for a compensation, as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

Reciprocal liberty of commerce and navigation. No discriminating duties.

Favors granted to other nations to become common.

ARTICLE II.

All articles of the produce or manufacture of either country, and of their respective States, which can legally be imported into either country from the other, in ships of that other country, and thence coming, shall, when so imported, be subject to the same duties and enjoy the same privileges, whether imported in ships of the one country or in ships of the other; and, in like manner, all goods which can legally be exported or re-exported from either country to the other, in ships of that other country, shall, when so exported or re-exported, be subject to the same duties, and be entitled to the same privileges, drawbacks, bounties, and allowances, whether exported in ships of the one country or in ships of the other.

Equality of duties on imports and exports.

ARTICLE III.

No duties of tonnage, harbour, light-houses, pilotage, quarantine, or other similar duties, of whatever nature, or under whatever denomination, shall be imposed in either country upon the vessels of the other, in respect of voyages between the United States of America and the Kingdom of the Two Sicilies, if laden, or in respect of any voyage, if in ballast, which shall not be equally imposed in the like cases on national vessels.

Equality of tonnage, harbor, and light-house duties.

ARTICLE IV.

It is hereby declared, that the stipulations of the present treaty are not to be understood as applying to the navigation and carrying trade between one port and another, situated in the States of either contracting party, such navigation and trade being reserved exclusively to national vessels. Vessels of either country shall, however, be permitted to load or unload the whole or part of their cargoes at one or more ports in the States of either of the high contracting parties, and then to proceed to complete the said loading or unloading to [at] any other port or ports in the same States.

Coasting trade.

ARTICLE V.

Neither of the two Governments, nor any corporation or agent acting in behalf or under the authority of either Government, shall, in the purchase of any article which, being the growth, produce, or manufacture of the one country, shall be imported into the other, give, directly or indirectly, any priority or preference on account of or in reference to the national character of the vessel in which such article shall have

No preference of importations.

been imported ; it being the true intent and meaning of the high contracting parties that no distinction or difference whatever shall be made in this respect.

ARTICLE VI.

Privileges of residents.

The high contracting parties engage, in regard to the personal privileges, that the citizens of the United States of America shall enjoy in the dominions of His Majesty the King of the Kingdom of the Two Sicilies, and the subjects of His said Majesty in the United States of America, that they shall have free and undoubted right to travel and to reside in the States of the two high contracting parties, subject to the same precautions of police which are practiced towards the subjects or citizens of the most favoured nations. They shall be entitled to occupy dwellings and warehouses, and to dispose of their personal property of every kind and description, by sale, gift, exchange, will, or in any other way whatever, without the smallest hindrance or obstacle ; and their heirs or representatives, being subjects or citizens of the other high contracting party, shall succeed to their personal goods, whether by testament or ab intestato ; and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at will, paying to the profit of the respective Governments such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the heir and representative, such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case, until the lawful owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are.

Disposal and inheritance of personal property.

Property of absent heirs.

Imposts.

They shall not be obliged to pay, under any pretence whatever, any taxes or impositions, other or greater than those which are paid or may hereafter be paid by the subjects or citizens of the most favoured nations, in the respective States of the high contracting parties.

Exemption from military service, &c.

They shall be exempt from all military service, whether by land or by sea ; from forced loans, and from every extraordinary contribution not general and by law established. Their dwellings, warehouses, and all premises appertaining thereto, destined for purposes of commerce or residence, shall be respected. No arbitrary search of or visit to their houses, and no arbitrary examination or inspection whatever of the books, papers, or accounts of their trade, shall be made, but such measures shall be executed only in conformity with the legal sentence of a competent tribunal ; and each of the two high contracting parties engages that the citizens or subjects of the other, residing in their respective States, shall enjoy their property and personal security in as full and ample manner as their own citizens or subjects, or the subjects or citizens of the most favoured nations.

No arbitrary searches.

Protection to persons and property.

ARTICLE VII.

Management of business, &c.

The citizens and the subjects of each of the two high contracting parties shall be free in the States of the other to manage their own affairs themselves, or to commit those affairs to the management of any persons whom they may appoint as their broker, factor, or agent ; nor shall the citizens and subjects of the two high contracting parties be restrained in their choice of persons to act in such capacities, nor shall they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ.

Liberty of trade.

Absolute freedom shall be given in all cases to the buyer and seller to bargain together, and to fix the price of any goods or merchandise imported into or to be exported from the States and dominions of the two high contracting parties ; save and except generally such cases

wherein the laws and usages of the country may require the intervention of any special agents in the States and dominions of the high contracting parties.

ARTICLE VIII.

Each of the two high contracting parties may have, in the ports of the other, Consuls, Vice-Consuls, and Commercial Agents, of their own appointment, who shall enjoy the same privileges and powers of those of the most favored nation; but if any such Consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place.

Consular officers.

The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, detention, and imprisonment of the deserters from the ships of war and merchant-vessels of their country. For this purpose, they shall apply to the competent tribunals, judges, and officers, and shall in writing demand the said deserters, proving, by the exhibition of the registers of the vessel, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused.

Deserters from vessels.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. But if not sent back within four months from the day of their arrest, or if all the expenses of such imprisonment are not defrayed by the party causing such arrest and imprisonment, they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal, before which his case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE IX.

If any ships of war or merchant vessels be wrecked on the coasts of the States of either of the high contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored with the least possible delay, to the proprietors, upon being claimed by them, or by their duly authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Sicilian Consul or Vice-Consul in whose district the wreck may have taken place; and such Consul, Vice-Consul, proprietors, or factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage, and expenses of quarantine, which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandise saved from the wreck shall not be subject to duties, unless cleared for consumption; it being understood that in case of any legal claim upon such wreck, goods, or merchandise, the same shall be referred for decision to the competent tribunals of the country.

Wrecked and damaged vessels.

Salvage and quarantine.

ARTICLE X.

The merchant vessels of each of the two high contracting parties, which may be forced by stress of weather or other cause into one of the ports of the other, shall be exempt from all duty of port or navigation

Vessels seeking refuge.

paid for the benefit of the State, if the motives which led to take refuge be real and evident, and if no operation of commerce be done by loading or unloading merchandises; [it being] well understood, however, that the loading or unloading, which may regard the subsistence of the crew, or necessary for the reparation of the vessel, shall not be considered operations of commerce, which lead to the payment of duties, and that the said vessels do not stay in port beyond the time necessary, keeping in view the cause which led [to] taking refuge.

ARTICLE XI.

Differential duties.

[See Article I.]

To carry always more fully into effect the intentions of the two high contracting parties, they agree that every difference of duty, whether of the ten per cent. or other, established in the respective States, to the prejudice of the navigation and commerce of those nations which have not treaties of commerce and navigation with them, shall cease and remain abolished in conformity to the principle established in the 1st article of the present treaty, as well on the productions of the soil and industry of the Kingdom of the Two Sicilies, which therefrom shall be imported, in the United States of America, whether in vessels of the one or of the other country, as on those which, in like manner, shall be imported in the Kingdom of the Two Sicilies in vessels of both countries.

Duties on wines.

[See Declaration, treaty of 1855, p. 786.]

They declare, besides, that as the productions of the soil and industry of the two countries, on their introduction in the ports of the other, shall not be subject to greater duties than those which shall be imposed on the like productions of the most favoured nations, so the red and white wines of the Kingdom of the Two Sicilies of every kind, including those of Marsala, which may be imported directly into the United States of America, whether in vessels of the one or of the other country, shall not pay higher or greater duties than those of the red and white wines of the most favoured nations. And in like manner the cottons of the United States of America, which may be imported directly in [to] the Kingdom of the Two Sicilies, whether in vessels of the one or other nation, shall not pay higher or greater duties than the cottons of Egypt, Bengal, or those of the most favoured nations.

Duties on cottons.

ARTICLE XII.

Duration of treaty.

The present treaty shall be in force from this day, and for the term of ten years, and further, until the end of twelve months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same; each of the said high contracting parties reserving to itself the right of giving such notice at the end of the said term of ten years or at any subsequent term.

ARTICLE XIII.

Ratifications.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by His Majesty the King of the Kingdom of the Two Sicilies, and the ratifications shall be exchanged at Naples, at the expiration of six months from the date of its signature, or sooner if possible.

Signatures.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seals of their arms.

Date.

Done at Naples the first of December, in the year one thousand eight hundred and forty-five.

WILLIAM H. POLK.
GIUSTINO FORTUNATO.
IL PRINCIPE DI COMITINI.
ANTONIO SPINELLI.

[L. S.]
[L. S.]
[L. S.]
[L. S.]

TWO SICILIES, 1855.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE KINGDOM OF THE TWO SICILIES, RELATIVE TO THE RIGHTS OF NEUTRALS AT SEA, CONCLUDED AT NAPLES JANUARY 13, 1855; RATIFICATION ADVISED BY SENATE MARCH 3, 1855; RATIFIED BY PRESIDENT MARCH 20, 1855; RATIFICATIONS EXCHANGED AT WASHINGTON JULY 14, 1855; PROCLAIMED JULY 16, 1855.

January 13, 1855.

Convention between the United States of America and His Majesty the King of the Kingdom of the Two Sicilies, signed at Naples January 13, 1855.

The United States of America and His Majesty the King of the Kingdom of The two Sicilies, equally animated with a desire to maintain and to preserve from all harm the relations of good understanding which have at all times so happily subsisted between themselves, as also between the inhabitants of their respective States, have mutually agreed to perpetuate, by means of a formal convention, the principles of the right of neutrals at sea, which they recognize as indispensable conditions of all freedom of navigation and maritime trade. For this purpose the President of the United States has conferred full powers on Robert Dale Owen, Minister Resident at Naples of the United States of America; and His Majesty the King of the Kingdom of the Two-Sicilies has conferred like powers on Mr. Louis Carafa della Spina, of the Dukes of Traetto, Weekly Major-domo of His Majesty, Commendator of His Royal Order of the Civil Merit of Francis the First, Grand Cross of the distinguished Rl. Spanish Order of Charles the Third, Great Officer of the Order of the Legion d'Honneur, Grand Cross of the Order of S. Michael of Baviera, Grand Cross of the Florentine Order of the Merit under the title of S. Joseph, Grand Cross of the Order of Parma of the Merit under the title of S. Ludovico, Grand Cross of the Brasilian Order of the Rose, provisionally charged with the port-folio of Foreign Affairs;

Contracting parties.

Negotiators.

And said Plenipotentiaries, after having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

The two high contracting parties recognize as permanent and immutable the following principles, to wit: 1st. That free ships make free goods; that is to say, that the effects or goods belonging to subjects or citizens of a Power or State at war are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war. 2d. That the property of neutrals on board an enemy's vessel is not subject to confiscation unless the same be contraband of war. They engage to apply these principles to the commerce and navigation of all such Powers and States as shall consent to adopt them on their part as permanent and immutable.

Principles recognized.

Rights of neutrals at sea.

Rights of neutral property on enemy's vessel.

ARTICLE II.

The two high contracting parties reserve themselves to come to an ulterior understanding as circumstances may require with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the 1st article. But they declare from this time that they will take the stipulations contained in said article 1st as a rule, whenever it shall become a question, to judge of the rights of neutrality.

Application of these principles.

ARTICLE III.

It is agreed by the high contracting parties that all nations which shall or may consent to accede to the rules of the first article of this convention, by a formal declaration stipulating to observe them, shall

Other nations acceding to principles.

enjoy the rights resulting from such accession as they shall be enjoyed and observed by the two Powers signing this convention. They shall mutually communicate to each other the results of the steps which may be taken on the subject.

ARTICLE IV.

- Ratifications.** The present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of said States, and by His Majesty the King of the Kingdom of the Two Sicilies; and the ratifications of the same shall be exchanged at Washington within the period of twelve months, counting from this day, or sooner if possible.
- Signatures.** In faith whereof, the respective Plenipotentiaries have signed the present convention in duplicate, and thereto affixed the seal of their arms.
- Date.** Done at Naples, thirteenth of January, eighteen hundred and fifty-five.

ROBERT DALE OWEN. [L. S.]
LUIGI CARAFA. [L. S.]

TWO SICILIES, 1855.

Oct. 1, 1855.

CONVENTION OF AMITY, COMMERCE, AND NAVIGATION, AND FOR SURRENDER OF FUGITIVE CRIMINALS, BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE KINGDOM OF THE TWO SICILIES, CONCLUDED AT NAPLES OCTOBER 1, 1855; RATIFICATION ADVISED BY SENATE, WITH AMENDMENTS, AUGUST 13, 1856; RATIFIED BY PRESIDENT AUGUST 20, 1856; RATIFICATIONS EXCHANGED AT NAPLES NOVEMBER 7, 1856; PROCLAIMED DECEMBER 10, 1856.

Contracting parties.

The United States of America and His Majesty the King of the Kingdom of the Two Sicilies, equally animated with the desire to strengthen and perpetuate the relations of amity and good understanding which have at all times subsisted between the two countries, desiring also to extend and consolidate the commercial intercourse between them; and convinced that nothing will more contribute to the attainment of this desirable object than an entire freedom of navigation, the abolition of all differential duties of navigation and of commerce, and a perfect reciprocity, based on principles of equity, equally beneficial to both countries, and applicable alike in peace and in war, have resolved to conclude a general convention of amity, commerce, navigation, and for the surrender of fugitive criminals. For this purpose, they have respectively appointed Plenipotentiaries, to wit:

Negotiators.

The President of the United States has appointed Robert Dale Owen, Minister Resident of the United States near His Majesty the King of the Kingdom of the Two Sicilies; and His Majesty the King of the Kingdom of the Two Sicilies has appointed Don Lewis Carafa della Spina, of the Dukes of Traetto, Weekly Majordomo of His Majesty, Commander of His Royal Order of Civil Merit of Francis the First, Grand Cross of the distinguished Royal Spanish Order of Charles the Third, Grand Officer of the Order of the Legion of Honor, Grand Cross of the Order of St. Michael of Bavaria, Grand Cross of the Florentine Order of Merit under the title of St. Joseph, Grand Cross of the Order of Merit of Parma under the title of St. Ludovico, Grand Cross of the Brazilian Order of the Rose, charged provisionally with the Portfolio of Foreign Affairs; and Don Michael Gravina e Requesenz, Prince of Comitini, his Gentleman of the Bedchamber in exercise, Chevalier Grand Cross of his Royal Order of Francis the First, invested with the Grand Cordon of the Order of the Legion of Honor, and the Grand Cross of the following orders, namely: of Leopold of Austria, of the Red Eagle of Prussia, of

the White Eagle of Russia, of St. Maurice and Lazarus of Sardinia, of Dannebrog of Denmark, of Leopold of Belgium, and of the Crown of Oak of the Low Countries, late his Minister Secretary of State; and Don Joseph Marius Arpino, Advocate-General of the Grand Court of Accounts;

And the said Plenipotentiaries, after having exchanged their respective full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

It is the intention of the two high contracting parties that there shall be, and continue through all time, a firm, inviolable, and universal peace, and a true and sincere friendship, between them and between their respective territories, cities, towns, and people, without exception of persons or places. But if, notwithstanding, the two nations should, unfortunately, become involved in war, one with the other, the term of six months, from and after the declaration thereof, shall be allowed to the merchants and other inhabitants, respectively, on each side, during which term they shall be at liberty to withdraw themselves, with all their effects, which they shall have the right to carry away, send away, or sell, as they please, without hinderance or molestation. During such period of six months their persons and their effects, including money, debts, shares in the public funds or in banks, and any other property, real or personal, shall be exempt from confiscation or sequestration; and they shall be allowed freely to sell and convey any real estate to them belonging, and to withdraw and export the proceeds without molestation, and without paying, to the profit of the respective governments, any taxes or dues other or greater than those which the inhabitants of the country wherein said real estate is situated shall, in similar cases, be subject to pay. And passports, valid for a sufficient term for their return, shall be granted, as a safe-conduct for themselves, their vessels, and the money and effects which they may carry or send away, against the assaults and prizes which may be attempted against their persons and effects, as well by vessels of war of the contracting parties as by their privateers.

Peace and friendship.

Rights of residents in case of war.

ARTICLE II.

Considering the remoteness of the respective countries of the two contracting parties, and the uncertainty resulting therefrom, with respect to the various events which may take place, it is agreed that a merchant vessel belonging to either of them, which may be bound to a port supposed at the time of its departure to be blockaded, shall not, however, be captured or condemned for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learned, during its voyage, that the blockade of the place in question still continued. But all vessels which, after having been warned off once, shall, during the same voyage, attempt a second time to enter the same blockaded port, during the continuance of the same blockade, shall thereby subject themselves to be detained and condemned.

Blockaded ports.

By blockaded port, is understood one into which, by the disposition of the Power which attacks it with a proportionate number of ships sufficiently near, there is evident danger in entering.

ARTICLE III.

The high contracting parties, in order to prevent and avoid all dispute by determining, with certainty, what shall be considered by them contraband in time of war, and as such cannot be conveyed to the countries, cities, places, or seaports of their enemies, have declared and agreed that under the name of contraband of war shall be comprised only cannons, mortars, petards, grenades, muskets, balls, bombs, gun-carriages, gunpowder, saltpetre, matches; troops, whether infantry or

Contraband articles.

cavalry, together with all that appertains to them; as also every other munition of war, and, generally, every species of arms, and instruments in iron, steel, brass, copper, or any other material whatever, manufactured, prepared, and made expressly for purposes of war, whether by land or sea.

Forfeitures.

And it is expressly declared and understood that the merchandize above set forth as contraband of war shall not entail confiscation, either on the vessel on which it shall have been loaded, or on the merchandize forming the rest of the cargo of said vessel, whether the said merchandize belong to the same or to a different owner.

ARTICLE IV.

**Right of travel
and residence.**

The citizens and subjects of each of the high contracting parties shall have free and undoubted right to travel and reside in the States of the other, remaining subject only to the precautions of police which are practiced towards the citizens or subjects of the most favored nations.

ARTICLE V.

**Exemption from
military service,
&c.**

The citizens or subjects of one of the high contracting parties, traveling or residing in the territories of the other, shall be free from all military service, whether by land or sea, from all billeting of soldiers in their houses, from every extraordinary contribution, not general and by law established, and from all forced loans; nor shall they be held, under any pretence whatever, to pay any taxes or impositions, other or greater than those which are or may hereafter be paid by the subjects or citizens of the most favored nations, in the respective States of the high contracting parties. Their dwellings, warehouses, and all premises appertaining thereto, destined for purposes of commerce or residence, shall be respected. No arbitrary search of or visit to their houses, whether private or of business, and no arbitrary examination or inspection whatever of their books, papers, or accounts of trade, shall be made; but such measures shall have place only in virtue of warrant granted by the judicial authorities. And each of the high contracting parties expressly engages that the citizens or subjects of the other, residing in their respective States, shall enjoy their property and personal security, in as full and ample a manner as their own citizens or subjects, or the citizens or subjects of the most favored nations.

ARTICLE VI.

**Right to manage
business, &c.**

The citizens and subjects of each of the contracting parties, residing in the States of the other, shall be entitled to carry on commerce, arts, or trade, and to occupy dwellings, shops, and warehouses, and to dispose of their property of every kind, whether real or personal, by sale, gift, exchange, or in any other way, without hindrance or obstacle. And they shall be free to manage their own affairs themselves, or to commit those affairs to persons whom they may appoint as broker, factor, or agent; nor shall they be restrained in their choice of persons to act in such capacities; nor shall they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ. Absolute freedom shall also be given in all cases to the buyer and seller to bargain together, and also to fix the price of any goods or merchandise imported into or to be exported from the States of either of the contracting parties, save and except cases where the laws of the said States may require the intervention of special agents, or where, in either of the countries, articles may be the subject of a Government monopoly, as at present in the Kingdom of the Two Sicilies the royal monopolies of tobacco, salt, playing cards, gunpowder, and saltpetre.

It being expressly understood, however, that none of the provisions of the present treaty shall be so construed as to take away the right of

either of the high contracting parties to grant patents of invention or improvement, either to the inventors or to others, and that the principles of reciprocity established by this treaty shall not extend to premiums which either of the high contracting parties may grant to their own citizens or subjects for the encouragement of the building of ships to sail under their own flag.

ARTICLE VII.

As to any citizen or subject of either of the high contracting parties dying within the jurisdiction of the other, his heirs being citizens or subjects of the other, shall succeed to his personal property, and either to his real estate or to the proceeds thereof, whether by testament or ab intestato; and may take possession thereof, either by themselves or by others acting for them; and may dispose of the same at will, paying to the profit of the respective Governments such dues only as the inhabitants of the country wherein the said property is, shall be subject to pay in like cases. And in case of the absence of the heir or of his representatives, the same care shall be taken of the said property as would be taken, in like cases, of the effects of the natives of the country itself; the respective Consular Agents having notice from the competent judicial authorities of the day and hour in which they will proceed to the imposing or removing of seals and to the making out of an inventory, in all cases where such proceedings are required by law; so that the said Consular Agent may assist thereat. The respective Consuls may demand the delivery of the hereditary effects of their countrymen, which shall be immediately delivered to them, if no formal opposition to such delivery shall have been made by the creditors of the deceased, or otherwise, as soon as such opposition shall have been legally overruled. And if a question shall arise as to the rightful ownership of said property, the same shall be finally decided by the laws and judges of the land wherein the said property is. And the citizens and subjects of either of the contracting parties in the States of the other shall have free access to the tribunals of justice of said States, on the same terms which are granted by the laws and usages of the country to native citizens or subjects; and they may employ, in defence of their interests and rights, such advocates, attorneys, and other agents, being citizens or subjects of the other, as they may choose to select.

Succession to property.

Property of absent heirs.

Access to courts of justice.

ARTICLE VIII.

There shall be, between the territories of the high contracting parties, reciprocal liberty of commerce and navigation; and to that effect the vessels of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party wherever national vessels arriving from abroad are permitted to enter. And all vessels of either of the two contracting parties arriving in the ports of the other shall be treated, on their arrival, during their stay, and at their departure, on the same footing as national vessels, as regards port charges, and all charges of navigation, such as of tonnage, light-houses, pilotage, anchorage, quarantine, fees of public functionaries, as well as all taxes or impositions of whatever sort, and under whatever denomination, received in the name, and for the benefit of the Government, or of local authorities, or of any private institution whatsoever, whether the said vessels arrive or depart in ballast, or whether they import or export merchandise.

Liberty of commerce and navigation.

ARTICLE IX.

The national character of the vessels of the respective countries shall be recognized and admitted by each of the parties, according to its own laws and special rules, by means of papers granted by the competent authorities to the captains or masters. And no vessels of either of the contracting parties shall be entitled to profit by the immunities and ad-

Nationality of vessels.

vantages granted in the present treaty, unless they are provided with the proper papers and certificates, as required by the regulations existing in the respective countries, to establish their tonnage and their nationality.

ARTICLE X.

Importations and exportations.

The vessels of each of the high contracting parties shall be allowed to introduce into the ports of the other, and to export thence, and to deposit and store there, every sort of goods, wares, and merchandise, from whatever place the same may come, the importation and exportation of which are legally permitted in the respective States, without being held to pay other or heavier custom-house duties or imposts, of whatever kind or name, other or of higher rate than those which would be paid for similar goods or products if the same were imported or exported in national vessels; and the same privileges, drawbacks, bounties, and allowances which may be allowed by either of the contracting parties on any merchandise imported or exported in their own vessels shall be allowed, also, on similar produce imported or exported in vessels of the other party.

ARTICLE XI.

No preference of importations.

No priority or preference shall be given, directly or indirectly, by either of the contracting parties, nor by any company, corporation, or agent, in their behalf, or under their authority, in the purchase of any article of commerce lawfully imported on account of or in reference to the character of the vessel in which such article was imported; it being the true intent and meaning of the contracting parties that no distinction or difference shall be made in this respect.

ARTICLE XII.

Vessels on equal footing.

The principles contained in the foregoing articles shall be applicable in all their extent to vessels of each of the high contracting parties, and to their cargoes, whether the said vessels arrive from the ports of either of the contracting parties, or from those of any other foreign country, so that, as far as regards dues of navigation or of customs, there shall not be made, either in regard to direct or indirect navigation, any distinction whatever between the vessels of the two contracting parties.

ARTICLE XIII.

Coasting trade and fisheries.

The above stipulations shall not, however, extend to fisheries, nor to the coasting trade from one port to another in each country, whether for passengers or merchandise, and whether by sailing vessels or steamers, such navigation and traffic being reserved exclusively to national vessels.

But, notwithstanding, the vessels of either of the two contracting parties may load or unload in part at one or more ports of the territories of the other, and then proceed to any other port or ports in said territories to complete their loading or unloading, in the same manner as a national vessel might do.

ARTICLE XIV.

Equality of duties on produce of either country.

No higher or other duty shall be imposed on the importation, by sea or land, into the United States, of any article the growth, produce, or manufacture of the Kingdom of the Two Sicilies, or of her fisheries; and no higher or other duty shall be imposed on the importation, by sea or by land, into the Kingdom of the Two Sicilies, of any article the growth, produce, or manufacture of the United States or their fisheries, than are or shall be payable on the like articles the growth, produce, or manufacture of any other foreign country.

No other or higher duties and charges shall be imposed in the United States on the exportation of any article to the Kingdom of the Two Sicilies, or in the Kingdom of the Two Sicilies on the exportation of any

article to the United States, than such as are or shall be payable on the exportation of the like article to any foreign country. And no prohibition shall be imposed on the importation or exportation of any article the growth, produce, or manufacture of the United States or their fisheries, or of the Kingdom of the Two Sicilies and her fisheries, from or to the ports of the United States or of the Kingdom of the Two Sicilies, which shall not equally extend to every other foreign country.

ARTICLE XV.

If either of the high contracting parties shall hereafter grant to any other nation any particular favor, privilege, or immunity, in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, and on yielding the same compensation, or a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, when the grant is conditional.

Favors granted to other nations to become common.

ARTICLE XVI.

The vessels of either of the high contracting parties that may be constrained by stress of weather, or other accident, to seek refuge in any port within the territories of the other, shall be treated there in every respect as a national vessel would be in the same strait: Provided, however, that the causes which gave rise to this forced landing are real and evident; that the vessel does not engage in any commercial operation, as loading or unloading merchandise; and that its stay in the said port is not prolonged beyond the time rendered necessary by the causes which constrained it to land; it being understood, nevertheless, that any landing of passengers, or any loading or unloading caused by operations of repair of the vessel or by the necessity of providing subsistence for the crew, shall not be regarded as a commercial operation.

Vessels seeking refuge.

ARTICLE XVII.

In case any ship of war or merchant-vessel shall be wrecked on the coasts or within the maritime jurisdiction of either of the high contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored, with the least possible delay, to the proprietors, upon being claimed by them, or by their duly authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Sicilian Consul, or Vice-Consul, in whose district the wreck may have taken place, and such Consul, Vice-Consul, proprietors, or factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage and expenses of quarantine, which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandise saved from the wreck shall not be subject to duties, unless cleared for consumption; it being understood that in case of any legal claim upon such wreck, goods, or merchandise, the same shall be referred for decision to the competent tribunals of the country.

Wrecked or damaged vessels.

ARTICLE XVIII.

Each of the high contracting parties grants to the other, subject to the usual exequatur, the liberty of having, in the ports of the other where foreign commerce is usually permitted, Consuls, Vice-Consuls, and Commercial Agents of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but

Consular officers.

if any such Consul, Vice-Consul, or Commercial Agent shall exercise commerce, he shall be subjected to the same laws and usages to which private individuals of the nation are subjected in the same place. And whenever either of the two contracting parties shall select for a Consular Agent a citizen or subject of this last, such Consular Agent shall continue to be regarded, notwithstanding his quality of foreign Consul, as a citizen or a subject of the nation to which he belongs, and consequently shall be submitted to the laws and regulations to which natives are subjected. This obligation, however, shall not be so construed so as to embarrass his consular functions, nor to affect the inviolability of the consular archives.

ARTICLE XIX.

Settlement of disputes between masters and crews.

The said Consuls, Vice-consuls, and Commercial Agents shall have the right as such to judge, in quality of arbitrators, such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crew, or of the captain, should disturb the public peace or order of the country, or such Consul, Vice-Consul, or Commercial Agent should require their assistance to cause his decisions to be carried into effect or supported. Nevertheless, it is understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return home, to the judicial authorities of their own country.

ARTICLE XX.

Deserters from vessels.

The said Consuls, Vice-Consuls, and Commercial Agents may cause to be arrested and sent back, either on board or to their own country, sailors and all other persons who, making a regular part of the crews of vessels of the respective nations, and having embarked under some other name than that of passengers, shall have deserted from the said vessels. For this purpose they shall apply to the competent local authorities, proving, by the register of the vessel, the roll of the crew, or, if the vessel shall have departed, with a copy of the said papers, duly certified by them, that the persons they claim formed part of the crew; and on such a reclamation, thus substantiated, the surrender of the deserter shall not be denied. Every assistance shall also be given to them for the recovery and arrest of such deserters; and the same shall be detained and kept in the prisons of the country, at the request and cost of the Consuls, until the said Consuls shall have found an opportunity to send them away. It being understood, however, that if such an opportunity shall not occur in the space of four months from the date of their arrest, the said deserters shall be set at liberty, and shall not be again arrested for the same cause. Nevertheless, if the deserter shall be found to have committed any other crime or offence on shore, his surrender may be delayed by the local authorities until the tribunal before which his case shall be pending shall have pronounced its sentence, and until such sentence shall have been carried into effect.

ARTICLE XXI.

Extradition of criminals.

It is agreed that every person who, being charged with or condemned for any of the crimes enumerated in the following article, committed within the States of one of the high contracting parties, shall seek asylum in the States, or on board the vessels of war of the other party, shall be arrested and consigned to justice on demand made, through the proper diplomatic channel, by the Government within whose territory the offence shall have been committed.

This surrender and delivery shall not, however, be obligatory on either of the high contracting parties until the other shall have presented a copy of the judicial declaration or sentence establishing the

culpability of the fugitive, in case such sentence or declaration shall have been pronounced. But if such sentence or declaration shall not have been pronounced, then the surrender may be demanded, and shall be made, when the demanding Government shall have furnished such proof as would have been sufficient to justify the apprehension, and commitment for trial, of the accused, if the offence had been committed in the country where he shall have taken refuge.

Evidence of criminality.

ARTICLE XXII.

Persons shall be delivered up, according to the provisions of this treaty, who shall be charged with any of the following crimes, to wit:

Crimes for which surrender may be made.

Murder, (including assassination, parricide, infanticide, and poisoning;) attempt to commit murder; rape; piracy; arson; the making and uttering of false money, forgery, including forgery of evidences of public debt, bank-bills and bills of exchange; robbery with violence; intimidation or forcible entry of an inhabited house; embezzlement by public officers, including appropriation of public funds; when these crimes are subject, by the code of the Kingdom of the Two Sicilies, to the punishment *della reclusione*, or other severer punishment, and by the laws of the United States to infamous punishment.

ARTICLE XXIII.

On the part of each country, the surrender of fugitives from justice shall be made only by the authority of the Executive thereof. And all expenses whatever of detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

Surrender, how made.

ARTICLE XXIV.

The citizens and subjects of each of the high contracting parties shall remain exempt from the stipulations of the preceding articles, so far as they relate to the surrender of fugitive criminals; nor shall they apply to offences committed before the date of the present treaty, nor to offences of a political character, unless the political offender shall also have been guilty of some one of the crimes enumerated in Article XXII.

Political offenses, &c., not included.

ARTICLE XXV.

The present treaty shall take effect from the day in which ratifications shall be exchanged, and shall remain in force for the term of ten years, and further, until the end of twelve months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same; each of the said contracting parties reserving to itself the right to give such notice at the end of said term of ten years, or at any subsequent time.

Duration of convention.

ARTICLE XXVI.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of the Kingdom of the Two Sicilies; and the ratifications shall be exchanged at Naples within twelve months from the date of its signature, or sooner if possible.

Ratifications.

In faith whereof, the respective Plenipotentiaries have signed the foregoing articles in the English and Italian languages, and have hereunto affixed the seals of their arms.

Signatures.

Done in duplicate, at the city of Naples, this first day of October, in the year of our Lord one thousand eight hundred fifty-five.

Date.

ROBERT DALE OWEN.	[L. S.]
LUIGI CARAFA.	[L. S.]
PRINCIPE DI COMITINI.	[L. S.]
GIUSEPPE MARIO ARPINO.	[L. S.]

DECLARATIONS.

Duties on wines
and cottons.

[See Article XI,
treaty of 1845, p.
776.]

It having been stipulated in Article XI of the treaty of the first December, 1845, that the red and white wines, of every kind, of the Kingdom of the Two Sicilies, including those of Marsala, which may be imported directly into the United States of America, whether in vessels of the one or of the other country, shall not pay other or higher duties than the red and white wines of the most favored nations; and, in like manner, that the cottons of the United States of America which may be imported directly into the Kingdom of the Two Sicilies, whether in vessels of the one or of the other nation, shall not pay other or higher duties than the cottons of Egypt, Bengal, or the most favored nations:

And it being agreed in the new treaty concluded between the United States of America and the Kingdom of the Two Sicilies, and to-day signed by the undersigned, not only that no duties of customs shall be paid on merchandise the produce of one of the two countries imported into the other country, other or higher than shall be paid on merchandise of the same kind the produce of any other country, but also that, as to all duties of navigation or of customs, there shall not be made, as to the vessels of the two countries, any distinction whatever between direct and indirect navigation:

The undersigned declare, as to the construction of the new treaty, from the day on which the ratifications thereof shall be exchanged, that the red and white wines, of every kind, of the Kingdom of the Two Sicilies, including the wine of Marsala, which shall be imported into the United States of America, shall not pay other or higher duties than are paid by the red and white wines of the most favored nations.

And, in like manner, that the cottons of the United States which shall be imported into the Kingdom of the Two Sicilies shall not pay other or higher duties than the cottons of Egypt, Bengal, or the most favored nations.

Effect of decla-
ration.

The present declaration shall be considered as an integral part of the said new treaty, and shall be ratified, and the ratifications thereof exchanged, at the same time as those of the treaty itself.

Signatures.

In faith whereof, the undersigned have hereunto set their hands and affixed the seal of their arms.

Date.

Done in duplicate, in the city of Naples, this first day of October, in the year of our Lord one thousand eight hundred and fifty-five.

ROBERT DALE OWEN.

[L. S.]

LUIGI CARAFA.

[L. S.]

PRINCIPE DI COMITINI.

[L. S.]

GIUSEPPE MARIO ARPINO.

[L. S.]