

each other, according to the stipulations of the said third article of the treaty of amity, commerce and navigation.

This explanatory article, when the same shall have been ratified by his Majesty, and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be added to, and make a part of the said treaty of amity, commerce and navigation, and shall be permanently binding upon his Majesty and the United States.

IN WITNESS whereof, we, the said Commissioners of his Majesty, the King of Great-Britain and the United States of America, have signed this present explanatory article, and thereto affixed our seals. Done at Philadelphia, this fourth day of May, in the year of our Lord one thousand seven hundred and ninety-six.

P. BOND, (L. S.)
TIMOTHY PICKERING, (L. S.)

EXPLANATORY ARTICLE, to be added to the treaty of Amity, Commerce and Navigation, between the United States and his Britannic Majesty.

March 15, 1798.

Whereas by the twenty-eighth Article of the Treaty of Amity, Commerce and Navigation, between his Britannic Majesty and the United States, signed at London the nineteenth day of November, one thousand seven hundred and ninety-four, it was agreed, that the contracting parties were from time to time, readily treat of and concerning such further articles, as might be proposed, that they would sincerely endeavour so to form such articles, as that they might conduce to mutual convenience, and tend to promote mutual satisfaction and friendship; and that such articles, after having been duly ratified, should be added to and make a part of that Treaty: And whereas difficulties have arisen with respect to the execution of so much of the Fifth Article of the said treaty, as requires that the commissioners, appointed under the same, should in their description particularize the latitude and longitude of the source of the river, which may be found to be the one truly intended in the treaty of peace between his Britannic Majesty and the United States, under the name of the river St. Croix, by reason whereof it is expedient, that the said commissioners should be released from the obligation of conforming to the provisions of the said article in this respect. The undersigned being respectively named by his Britannic Majesty and the United States of America, their plenipotentiaries for the purpose of treating of and concluding such articles as may be proper to be added to the said treaty, in conformity to the above-mentioned stipulation, and having communicated to each other their respective full powers, have agreed and concluded, and do hereby declare in the name of his Britannic Majesty and of the United States of America—That the commissioners appointed under the 5th article of the above-mentioned treaty shall not be obliged to particularize, in their description, the latitude and longitude of the source of the river, which may be found to be the one truly intended in the aforesaid treaty of peace, under the name of the river St. Croix, but they shall be at liberty to describe the said river, in such other manner, as they may judge expedient, which description shall be considered as a complete execution of the duty required of the said commissioners in this respect by the article aforesaid. And to the end that no uncertainty may hereafter exist on this subject, it is further agreed, That as soon as may be after the decision of the said commissioners, measures shall be concerted between the government of the United States and his Britannic Majesty's

The commissioners under the 5th article released from particularizing the latitude and longitude of the source of the river intended by the St. Croix.

A monument to be erected at the source of that river.

This article to be a part of the treaty of November 19, 1794.

governors or lieutenant governors in America, in order to erect and keep in repair a suitable monument at the place ascertained and described to be the source of the said river St. Croix, which measures shall immediately thereupon, and as often afterwards as may be requisite, be duly executed on both sides with punctuality and good faith.

This explanatory article, when the same shall have been ratified by his Majesty and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be added to and make a part of the treaty of amity, commerce, and navigation between his Majesty and the United States, signed at London on the nineteenth day of November, one thousand seven hundred and ninety-four, and shall be permanently binding upon his Majesty and the United States.

Signed,

GRENVILLE, (L. S.)
RUFUS KING, (L. S.)

LETTER FROM THOMAS JEFFERSON TO GEORGE HAMMOND.

Philadelphia, September 5, 1793.

SIR,

I am honored with yours of August 30. Mine of the 7th of that month assured you that measures were taken for excluding from all further asylum in our ports, vessels armed in them to cruise on nations with which we are at peace, and for the restoration of the prizes the *Lovely Lass*, *Prince William Henry*, and the *Jane of Dublin*; and that should the measures for restitution fail in their effect, the president considered it as incumbent on the United States to make compensation for the vessels.

We are bound by our treaties with three of the belligerent nations, by all the means in our power, to protect and defend their vessels and effects in our ports, or waters, or on the seas near our shores, and to recover and restore the same to the right owners when taken from them. If all the means in our power are used, and fail in their effect, we are not bound by our treaties with those nations to make compensation.

Though we have no similar treaty with Great Britain, it was the opinion of the president, that we should use towards that nation the same rule, which, under this article, was to govern us with the other nations; and even to extend it to captures made on the high seas, and brought into our ports; if done by vessels which had been armed within them.

Having, for particular reasons, forbore to use all the means in our power for the restitution of the three vessels mentioned in my letter of August 7th, the president thought it incumbent on the United States to make compensation for them: And though nothing was said in that letter of other vessels taken under like circumstances, and brought in after the 5th of June, and before the date of that letter, yet when the same forbearance had taken place, it was and is his opinion, that compensation would be equally due.

As to prizes made under the same circumstances, and brought in after the date of that letter, the president determined, that all the means in our power should be used for their restitution. If these fail, as we should not be bound by our treaties to make compensation to the other powers in the analogous case, he did not mean to give an opinion that it ought to be done to Great Britain. But still, if any cases shall arise subsequent to that date, the circumstances of which shall place them on similar ground with those before it, the president would think compensation equally incumbent on the United States.

Instructions are given to the governors of the different states, to use all the means in their power for restoring prizes of this last description found within their ports. Though they will, of course, take measures to be informed of them, and the general government has given them the aid of the custom house officers for this purpose, yet you will be sensible of the importance of multiplying the channels of their information as far as shall depend on yourself, or any person under your direction, in order that the governors may use the means in their power for making restitution.

Without knowledge of the capture they cannot restore it. It will always be best to give the notice to them directly; but any information which you shall be pleased to send to me, also, at any time, shall be forwarded to them as quickly as distance will permit.

Hence you will perceive, sir, that the president contemplates restitution or compensation in the case before the 7th of August; and after that date, restitution if it can be effected by any means in our power. And that it will be important that you should substantiate the fact, that such prizes are in our ports or waters.

Your list of the privateers illicitly armed in our ports, is, I believe, correct.

With respect to losses by detention, waste, spoliation sustained by vessels taken as beforementioned, between the dates of June 5th and August 7th, it is proposed as a provisional measure, that the collector of the customs of the district, and the British consul, or any other person you please, shall appoint persons to establish the value of the vessel and cargo, at the time of her capture and of her arrival in the port into which she is brought, according to their value in that port. If this shall be agreeable to you, and you will be pleased to signify it to me, with the names of the prizes understood to be of this description, instructions will be given accordingly, to the collector of the customs where the respective vessels are.

I have the honor to be, &c.

THOMAS JEFFERSON.

George Hammond, esq.