

## A CONVENTION

Aug. 11, 1802.

Convention with Spain ratified by the U. S. Jan. 9, 1804, and by the King of Spain, July 9, 1818.

The parties wish to adjust claims amicably.

A board of five commissioners to be appointed.

Commissioners to take an oath.

Commissioners may meet and sit at Madrid, receive claims, &c.

Commissioners may examine every question on oath.

No appeal from the commissioners.

*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. (a)*

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>e</sup> Pedro Cevallos, Counsellor 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: (b)

1. 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.

2. 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.

3. 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 the 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.

4. 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.

5. 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

a) See notes of the treaties between the United States and Spain, ante, page 138.

b) This convention was annulled by the tenth article of the Treaty with Spain of February 22, 1819, post, 260.

## CONVENCIÓN

*Entre su Magestad Católica y los Estados Unidos de America, sobre indemnización de pérdidas, daños y perjuicios irrogados durante la última guerra en consecuencia de los excesos cometidos por individuos de ambas naciones, contra el derecho de gentes ó tratado existente.*

DESEANDO su Magestad Católica y el gobierno de los Estados Unidos de America, ajustar amistosamente las demandas que han ocasionado los excesos cometidos durante la última guerra por individuos de una y otra nacion, contra el derecho de gentes ó el tratado existente entre los dos países; ha dado su Magestad Católica plenos poderes á este efecto á D<sup>o</sup> Pedro Cevallos, su Consejero de Estado, Gentilhombre de Camara con ejercicio, primer Secretario de Estado y del despacho universal Superintendente General de Correos y Postas en España é Indias; y el gobierno de los Estados Unidos de America á D<sup>o</sup> Carlos Pinckney, ciudadano de dichos Estados y su Ministro Plenipotenciario cerca de su Magestad Católica, quienes han convenido en lo siguiente :

1. Se formará una junta compuesta de cinco vocales de los quales, dos serán nombrados por su Magestad Católica, otros dos por el gobierno de los Estados Unidos, y el quinto de comun consentimiento; y en el caso de no poderse convenir en el sugeto para quinto vocal, nombrará uno cada parte dexando la eleccion entre los dos á la suerte, y se procederá en la misma forma en adelante al nombramiento ulterior de los sugetos que reemplazaren á los que actualmente lo son en los casos de muerte, enfermedad ó precisa ausencia.

2. Hecho asi el nombramiento prestará cada uno de los vocales el juramento de examinar, discutir, y sentenciar las demandas sobre que jurgaren con arreglo al dr<sup>o</sup>, de gentes y tratado existente, y con la imparcialidad que dicta la justicia.

3. Residirán los vocales y celebrarán la juntas en Madrid, en donde en el prefijo termino de diez y ocho meses, contados desde el dia en q<sup>e</sup> se junten, admitirán todas las demandas q<sup>e</sup> á consecuencia de esta Convencion hicieren tanto los vasallos de su Magestad Católica como los ciudadanos de los Estados Unidos de America, que tuvieren derecho, á reclamar pérdidas, daños y perjuicios, en consecuencia de los excesos cometidos por Espanoles y ciudadanos de dichos Estados durante la última guerra contra el dr<sup>o</sup> de gentes y tratado existente.

4. Se autoriza por dichas partes contratantes á los vocalas para oír y examinar baxo la sancion del juramento qualesquiera puntos concernientes á las referidas demandas y á recibir como digno de fé todo testimonio de cuya autenticidad no puede dudarse con fundamento.

5. Bastara el acuerdo de tres vocales para que sus sentencias tengan fuerza de irrevocables y sin apelacion tanto por lo que respecta á la justicia de las demandas, como por lo q<sup>e</sup> hace á las cantidades q<sup>e</sup> se adjudicaren p<sup>r</sup> indemnización á los demandantes; pues se obligan las

Awards to be paid in specie.

Rights founded on claims originating from excesses of foreign cruisers, reserved by each party.

Convention effective on exchange of ratifications.

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.

6. 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.

7. The present Convention shall have no force or effect until it be ratified by the contracting parties, and the ratification shall be exchanged as soon as possible.

In faith whereof, we, the underwritten Plenipotentiaries, have signed this Convention, and have affixed thereto our respective seals.

Done at Madrid, this 11th day of August, 1802.

PEDRO CEVALLOS. (L. s.)  
CHARLES PINCKNEY. (L. s.)

## T R E A T Y

### *Between the United States of America and the French Republic. (a)*

April 30, 1803.

Desire of the parties to remove all sources of misunderstanding relative to the construction of the treaty of Madrid, &c. &c.

THE President of the United States of America, and the First Consul of the French Republic, in the name of the French people, desiring to remove all source of misunderstanding relative to objects of discussion mentioned in the second and fifth articles of the convention of the 8th Vendémiaire, an. 9 (30th September, 1800) relative to the rights claimed by the United States, in virtue of the treaty concluded at Madrid, the 27th of October, 1795, between his Catholic Majesty and the said United States, and willing to strengthen the union and friendship which at the time of the said convention was happily re-established between the two nations, have respectively named their plenipotentiaries, to wit: the President of the United States [of America,] by and with the advice and consent of the Senate of the said states, Robert R. Livingston, minister plenipotentiary of the United States, and James Monroe, minister plenipotentiary and envoy extraordinary of the said states, near the government of the French Republic; and the First Consul, in the name of the French people, citizen Francis Barbé Marbois, minister of the public treasury, who, after having respectively exchanged their full powers, have agreed to the following articles.

ARTICLE I. Whereas, by the article the third of the treaty concluded at St. Ildelfonso, the 9th Vendémiaire, an. 9 (1st October, 1800) be-

(a) For notes of the Treaties and Conventions between the United States and France, see page 6.

partes contratantes á satisfacerlas en especie, sin rebaxa, en las épocas y parages señalados, y baxo las condiciones q<sup>º</sup> se expresaren en las sentencias de la junta.

6. No habiendo sido posible ahora á dhos Plenipotenciarios convenirse en el modo de q<sup>º</sup> la referida junta arbitrarse las reclamaciones originadas en consecuencia de los excesos de los corsarios, agentes, consules, ó tribunales, extrangeros en los respectivos territorios, q<sup>º</sup> fueren imputables á los dos gobiernos : se han convenido expresamente en que cada gobierno se reserve, como por esta Convencion se hace, para si, sus vasallos y ciudadanos respectivamente todas los diôs q<sup>º</sup> ahora les asistan, y en que promuevan en adelante sus reclamaciones en el tiempo q<sup>º</sup> les acomodare.

7. La presente Convencion no tendrá ningun valor ni efecto hasta que se haya ratificado por las partes contratantes, y se cangearán las ratificaciones lo mas pronto que sea posible.

En fé de loqual, nosotros los ynfrascriptos Plenipotenciarios, hemos firmado esta Convencion, y hemos puesto nuestros sellos respectivos.

Hecho en Madrid, á 11 de Agosto, de 1802.

PEDRO CEVALLOS. (L. S.)  
CHARLES PINCKNEY. (L. S.)

## TRAITÉ

### *Entre les Etats-Unis d'Amérique et la République Française.*

LE Président des Etats-Unis d'Amérique et le Premier Consul de la République Française, au nom du Peuple Française, désirant prévenir tout sujet de més intelligence relativement aux objets de discussion mentionnés dans les Articles 2 et 5 de la Convention du (8 Vendémiaire an. 9, 30 7<sup>bre</sup> 1800,) et relativement aux droits réclamés pour les Etats-Unis en vertu du Traité conclu à Madrid le 27 Octobre 1793, entre Sa Majesté Catholique et les dits Etats-Unis : et voulant fortifier de plus en plus les rapports d'union et d'amitié qui, à l'époque de la ditte convention, ont été heureusement rétablis entre les deux Etats, ont respectivement nommé pour Plénipotentiaires, Savoir : Le Président des Etats-Unis d'Amérique, par et avec l'avis et le consentement du Senat des dits Etats, Robert R. Livingston, Ministre Plénipotentiaire des Etats-Unis, et James Munroé, Ministre Plénipotentiaire et envoyé extraordinaire des dits Etats, auprès du gouvernement de la République Française : et le Premier Consul au nom du peuple Français, le Citoyen François Barbé-Marbois, Ministre du Trésor Public : Lesquels après avoir fait l'échange de leurs pleins-pouvoirs sont convenus des Articles suivans :

ART. I<sup>er</sup> Attendu que par l'article 3 du-Traité conclu à St. Ildefonse le 9 Vendémiaire an. 9, (1<sup>er</sup> Octobre, 1800,) entre le Premier Consul de