

TREATIES AND CONVENTIONS

CONCLUDED BETWEEN

THE UNITED STATES OF AMERICA AND OTHER POWERS

SINCE JULY 4, 1776.

CONTAINING NOTES, WITH REFERENCES TO NEGOTIATIONS PRECEDING THE
SEVERAL TREATIES, TO THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL
CONSTRUCTION OF THEM, AND TO THE CAUSES OF THE
ABROGATION OF SOME OF THEM; A CHRONOLOGICAL
LIST OF TREATIES; AND AN ANALYTICAL INDEX.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.

1889.

TRIPOLI.

1796.*

TREATY OF PEACE AND FRIENDSHIP.

Concluded November 4, 1796; Ratification advised by the Senate June 7, 1797; proclaimed June 10, 1797.

ARTICLE I.

There is a firm and perpetual peace and friendship between the United States of America and the Bey and subjects of Tripoli of Barbary, made by the free consent of both parties, and guaranteed by the Most Potent Dey and Regency of Algiers.

Peace under the guarantee of the Dey of Algiers.

ARTICLE II.

If any goods belonging to any nation with which either of the parties is at war, shall be loaded on board of vessels belonging to the other party, they shall pass free, and no attempt shall be made to take or detain them.

Enemy's goods.

ARTICLE III.

If any citizens, subjects, or effects belonging to either party, shall be found on board a prize-vessel taken from an enemy by the other party, such citizens or subjects shall be set at liberty and the effects restored to the owners.

Persons and property in enemy's vessels.

ARTICLE IV.

Proper passports are to be given to all vessels of both parties, by which they are to be known. And considering the distance between the two countries, eighteen months from the date of this treaty shall be allowed for procuring such passports. During this interval, the other papers belonging to such vessels shall be sufficient for their protection.

Passports.

ARTICLE V.

A citizen or subject of either party having bought a prize-vessel condemned by the other party or by any other nation, the certificate of condemnation and bill of sale shall be a sufficient passport for such vessel for one year; this being a reasonable time for her to procure a proper passport.

Condemnation and bill of sale of a prize-vessel to be available as passport for one year.

* See Notes : "Abrogated, suspended, or obsolete treaties."

ARTICLE VI.

Vessels of either party putting into the ports of the other, and having need of provisions or other supplies, they shall be furnished at the market price. And if any such vessel shall so put in from a disaster at sea, and have occasion to repair, she shall be at liberty to land and reembark her cargo, without paying any duties. But in no case shall she be compelled to land her cargo.

Vessels putting
into ports of the parties
for provisions or
repairs.

ARTICLE VII.

Should a vessel of either party be cast on the shore of the other, all proper assistance shall be given to her and her people—no pillage shall be allowed; the property shall remain at the disposition of the owners, and the crew protected and succoured till they can be sent to their country.

Shipwrecks

ARTICLE VIII.

If a vessel of either party should be attacked by an enemy within gun shot of the forts of the other, she shall be defended as much as possible. If she be in port, she shall not be seized or attacked, when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be allowed to pursue her from the same port within twenty-four hours after her departure.

Neutrality of ports.

ARTICLE IX.

The commerce between the United States and Tripoli; the protection to be given to merchants, masters of vessels and seamen; the reciprocal right of establishing Consuls in each country, and the privileges, immunities, and jurisdictions to be enjoyed by such Consuls are declared to be on the same footing with those of the most favoured nations respectively.

Commerce.

ARTICLE X.

The money and presents demanded by the Bey of Tripoli, as a full and satisfactory consideration on his part, and on the part of his subjects, for this treaty of perpetual peace and friendship, are acknowledged to have been received by him previous to his signing the same, according to a receipt which is hereto annexed; except such part as is promised on the part of the United States, to be delivered and paid by them on the arrival of their Consul in Tripoli, of which part a notice is likewise hereto annexed. And no pretence of any periodical tribute or farther payment is ever to be made by either party.

Price of peace.

ARTICLE XI.

As the Government of the United States of America is not in any sense founded on the Christian Religion; as it has in itself no character of enmity against the laws, religion, or tranquillity of Musselmen; and as the said States never have entered into any war or act of hostility against any Mehomitan nation, it is declared by the parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two countries.

Religious freedom.

ARTICLE XII.

In case of any dispute arising from the violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared on any pretext whatever. But if the Consul residing at the place where the dispute shall happen shall not be able to settle the same, an amicable reference shall be made to the mutual friend of the parties, the Dey of Algiers, the parties hereby engaging to abide by his decision. And he, by virtue of his signature to this treaty, engages for himself and his successors to declare the justice of the case according to the true interpretation of the treaty, and to use all the means in his power to enforce the observance of the same.

Disputes between the parties to be referred to the Dey of Algiers.

Signed and sealed at Tripoli of Barbary, the 3d day of Jumad, in the year of the Hegira 1211, corresponding with the 4th day of November, 1796, by

[SEAL.]
[SEAL.]
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JUSSUF BASHAW MAHOMET, *Bey*.
MAMET, *Treasurer*.
AMET, *Minister of Marine*.
AMET, *Chamberlain*.
ALLY, *Chief of the Divan*.
SOLIMAN KAYA.
GALIL, *General of the Troops*.
MAHOMET, *Comt. of the City*.
MAMET, *Secretary*.

Signed and sealed at Algiers, the 4th day of Argil, 1211, corresponding with the 3d day of January, 1797, by

[SEAL.]

HASSAN BASHAW, *Dey*.

And by the Agent Plenipotentiary of the United States of America,
[SEAL.] JOEL BARLOW.

I, Joel Barlow, Agent and Consul General of the United States of America, for the City and Kingdom of Algiers, certify and attest that the foregoing is a true copy of the treaty, concluded between the said United States and the Bey and subjects of Tripoli of Barbary, of which the original is to be transmitted by me to the Minister of the said United States, in Lisbon.

Certificate of the copy, by Joel Barlow.

In testimony whereof, I sign these presents with my hand, and affix thereto the seal of the Consulate of the United States, at Algiers, this 4th day of January, 1797.

[SEAL.]

JOEL BARLOW.

To all to whom these presents shall come or be made known :

Whereas the under-written David Humphreys hath been duly appointed Commissioner Plenipotentiary, by letters patent under the signature of the President and seal of the United States of America, dated the 30th of March, 1795, for negotiating and concluding a treaty of peace with the most illustrious the Bashaw, Lords and Governors of the City and Kingdom of Tripoli : Whereas, by a writing under his hand and seal, dated the 10th of February, 1796, he did, (in conformity to the authority committed me therefor,) constitute and appoint Joel Barlow, and Joseph Donaldson, junior, agents, jointly and separately in the business aforesaid : Whereas the

Confirmation of the treaty by David Humphreys.

annexed treaty of peace and friendship was agreed upon, signed and sealed at Tripoli of Barbary, on the 4th of November, 1796, in virtue of the powers aforesaid, and guaranteed by the Most Potent Dey and Regency of Algiers: And whereas the same was certified at Algiers on the 3d of January, 1797, with the signature and seal of Hassan Bashaw, Dey, and of Joel Barlow, one of the agents aforesaid, in the absence of the other.

Now, know ye, that I, David Humphreys, Commissioner Plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained, reserving the same nevertheless for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

In testimony whereof, I have signed the same with my name and seal, at the city of Lisbon, this 10th of February, 1797.

[SEAL.]

DAVID HUMPHREYS.

1805.

TREATY OF PEACE, AMITY, AND COMMERCE.

Concluded June 4, 1805 ; ratification advised by the Senate April 12, 1806.

ARTICLE I.

There shall be from the conclusion of this treaty a firm, inviolable, and universal peace, and a sincere friendship, between the President and citizens of the United States of America, on the one part, and the Bashaw, Bey, and subjects of the Regency of Tripoli, in Barbary, on the other, made by the free consent of both parties, and on the terms of the most favoured nation. And if either party shall hereafter grant to any other nation any particular favour or privilege in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, but where the grant is conditional, it shall be at the option of the contracting parties to accept, alter, or reject such conditions, in such manner as shall be most conducive to their respective interests.

ARTICLE II.

The Bashaw of Tripoli shall deliver up to the American squadron now off Tripoli all the Americans in his possession, and all the subjects of the Bashaw of Tripoli now in the power of the United States of America shall be delivered up to him; and as the number of Americans in possession of the Bashaw of Tripoli amounts to three hundred persons, more or less, and the number of Tripoline subjects in the power of the Americans to about one hundred, more or less, the Bashaw of Tripoli shall receive from the United States of America the sum of sixty thousand dollars, as a payment for the difference between the prisoners herein mentioned.

ARTICLE III.

All the forces of the United States which have been or may be in hostility against the Bashaw of Tripoli, in the province of Derne, or elsewhere within the dominions of the said Bashaw, shall be withdrawn therefrom; and no supplies shall be given by or

in behalf of the said United States, during the continuance of this peace, to any of the subjects of the said Bashaw who may be in hostility against him, in any part of his dominions; and the Americans will use all means in their power to persuade the brother of the said Bashaw, who has co-operated with them at Derne, &c., to withdraw from the territory of the said Bashaw of Tripoli, but they will not use any force or improper means to effect that object; and in case he should withdraw himself as aforesaid, the Bashaw engages to deliver up to him his wife and children, now in his power.

ARTICLE IV.

If any goods belonging to any nation with which either of the parties are at war should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempts shall be made to take or detain them.

Free ships make free goods.

ARTICLE V.

If any citizens or subjects, with their effects, belonging to either party, shall be found on board a prize vessel taken from an enemy by the other party, such citizens or subjects shall be liberated immediately, and their effects so captured shall be restored to their lawful owners, or their agents.

Citizens to be given up if taken in prize vessels.

ARTICLE VI.

Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the vessels of war belonging to the Regency of Tripoli, on meeting with merchant-vessels belonging to citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; these two only shall be permitted to go on board said vessel, without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage; and should any of the said subjects of Tripoli insult or molest the commander, or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the Consul of the United States of America resident at Tripoli, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Tripoline ship or vessel of war, as well as the offenders, shall be punished in the most exemplary manner. All vessels of war belonging to the United States of America, on meeting with a cruiser belonging to the Regency of Tripoli, on having seen her passport and certificate from the Consul of the United States of America residing in the Regency, shall permit her to proceed on her cruise unmolested, and without detention. No passport shall be granted by either party to any vessels, but such as are absolutely the property of citizens or subjects of said contracting parties, on any pretence whatever.

Passports.

ARTICLE VII.

A citizen or subject of either of the contracting parties, having bought a prize-vessel, condemned by the other party, or by any other nation, the certificate of condemnation and bill of sale shall be a sufficient passport for such vessel for two years, which,

Passports of prize vessels.

considering the distance between the two countries, is no more than a reasonable time for her to procure proper passports.

ARTICLE VIII.

Vessels of either party, putting into the ports of the other, and having need of provisions or other supplies, they shall be furnished at the market price, and if any such vessel should so put in, from a disaster at sea, and have occasion to repair, she shall be at liberty to land and reimbarc her cargo without paying any duties; but in no case shall she be compelled to land her cargo.

Vessels may enter ports for supplies and repairs without payment of duties.

ARTICLE IX.

Should a vessel of either party be cast on the shore of the other, all proper assistance shall be given to her and her crew. No pillage shall be allowed, the property shall remain at the disposition of the owners, and the crew protected and succoured, till they can be sent to their country.

Assistance to be given to distressed vessels.

ARTICLE X.

If a vessel of either party shall be attacked by an enemy within gunshot of the forts of the other, she shall be defended as much as possible. If she be in port, she shall not be seized or attacked when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be allowed to pursue her from the same port within twenty-four hours after her departure.

The time when, and the distance at which, an enemy's vessel may be attacked.

ARTICLE XI.

The commerce between the United States of America and the Regency of Tripoli; the protections to be given to merchants, masters of vessels, and seamen; the reciprocal right of establishing Consuls in each country, and the privileges, immunities, and jurisdictions to be enjoyed by such Consuls, are declared to be on the same footing with those of the most favoured nations, respectively.

Commerce and Consuls.

ARTICLE XII.

The Consul of the United States of America shall not be answerable for debts contracted by citizens of his own nation, unless he previously gives a written obligation so to do.

Consul not liable for debts of his own citizens.

ARTICLE XIII.

On a vessel of war belonging to the United States of America, anchoring before the city of Tripoli, the Consul is to inform the Bashaw of her arrival, and she shall be saluted with twenty-one guns, which she is to return in the same quantity or number.

Salutes.

ARTICLE XIV.

As the Government of the United States of America has in itself no character of enmity against the laws, religion, or tranquility of Musselmen, and as the said States never have entered into any voluntary war or act of hostility against any Mahometan na-

Religious freedom.

tion, except in the defence of their just rights to freely navigate the high seas, it is declared by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two nations. And the Consuls and Agents of both nations respectively, shall have liberty to exercise his religion in his own house. All slaves of the same religion shall not be impeded in going to said Consul's house at hours of prayer. The Consuls shall have liberty and personal security given them to travel within the territories of each other both by land and sea, and shall not be prevented from going on board any vessel that they may think proper to visit. They shall have likewise the liberty to appoint their own drogaman and brokers.

Consuls at liberty to travel and visit ships.

ARTICLE XV.

In case of any dispute arising, from the violation of any of the articles of this treaty, no appeal shall be made to arms; nor shall war be declared on any pretext whatever; but if the Consul residing at the place where the dispute shall happen shall not be able to settle the same, the Government of that country shall state their grievances in writing, and transmit it to the Government of the other; and the period of twelve callendar months shall be allowed for answers to be returned, during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and war should be the event, the Consuls and citizens or subjects of both parties, reciprocally, shall be permitted to embark with their effects unmolested on board of what vessel or vessels they shall think proper.

Time allowed to settle disputes before an appeal to arms.

ARTICLE XVI.

If, in the fluctuation of human events, a war should break out between the two nations, the prisoners captured by either party shall not be made slaves, but shall be exchanged rank for rank. And if there should be a deficiency on either side, it shall be made up by the payment of five hundred Spanish dollars for each captain, three hundred dollars for each mate and supercargo, and one hundred Spanish dollars for each seaman so wanting. And it is agreed that prisoners shall be exchanged in twelve months from the time of their capture; and that this exchange may be effected by any private individual legally authorized by either of the parties.

Prisoners.

ARTICLE XVII.

If any of the Barbary States, or other Powers, at war with the United States of America, shall capture any American vessel, and send her into any of the ports of the Regency of Tripoli, they shall not be permitted to sell her, but shall be obliged to depart the port, on procuring the requisite supplies of provisions; and no duties shall be exacted on the sale of prizes, captured by vessels sailing under the flag of the United States of America, when brought into any port in the Regency of Tripoli.

Vessels of United States captured not to be sold in ports of Tripoli. No duty to be imposed on sale of prizes of United States.

ARTICLE XVIII.

If any of the citizens of the United States, or any persons under their protection, shall have any dispute with each other, the Consul shall decide between the parties, and whenever the Consul shall require any aid or assistance from the Government of Tripoli to enforce his decisions, it shall immediately be granted to him, and if any dispute shall arise between any citizen of the United States and the citizens or subjects of any other nation having a Consul or Agent in Tripoli; such dispute shall be settled by the Consuls or Agents of the respective nations.

Disputes to be settled by the consul of United States.

ARTICLE XIX.

If a citizen of the United States should kill or wound a Tripoline, or, on the contrary, if a Tripoline shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.

The *lex loci* to prevail with regard to homicides.

ARTICLE XX.

Should any citizen of the United States of America die within the limits of the Regency of Tripoli, the Bashaw and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the Consul, unless otherwise disposed of by will. Should there be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property. Neither shall the Bashaw or his subjects give hindrance in the execution of any will that may appear.

Estate of deceased.

Whereas the undersigned, Tobias Lear, Consul General of the United States of America, for the Regency of Algiers, being duly appointed Commissioner, by letters-patent under the signature of the President and seal of the United States of America, bearing date at the city of Washington, the 18th day of November, 1803, for negotiating and concluding a treaty of peace between the United States of America, and the Bashaw, Bey, and subjects of the Regency of Tripoli in Barbary.

Now know ye, that I, Tobias Lear, Commissioner as aforesaid, do conclude the foregoing treaty, and every article and clause therein contained, reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

Done at Tripoli, in Barbary the fourth day of June, in the year one thousand eight hundred and five, corresponding with the sixth day of the first month of Rabbia, 1220.

TOBIAS LEAR.

Having appeared in our presence, Colonel Tobias Lear, Consul-General of the United States of America, in the Regency of Algiers, and Commissioner for negotiating and concluding a treaty of peace and friendship between us and the United States of America, bringing with him the present treaty of peace, with the within articles, they were by

us minutely examined, and we do hereby accept, confirm, and ratify them, ordering all our subjects to fulfill entirely their contents without any violation, and under no pretext.

In witness whereof we, with the heads of our Regency, subscribe it.

Given at Tripoli, in Barbary, the sixth day of the first month of Rabbia, 1220, corresponding with the fourth day of June, 1805.

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JUSUF CARAMANLY, *Bashaw*.
MOHAMET CARABNANLY, *Bey*.
MOHAMET, *Kahia*.
HAMET, *Rais de Marine*.
MOHAMET DGHIES, *First Minister*.
SALAH, *Aga of Divan*.
SELIM, *Hasnadar*.
MURAT, *Dulartile*.
MURAT RAIS, *Admiral*.
SOLIMAN, *Kehia*.
ABDALLA, *Basa Aga*.
MOHAMET, *Scheig al Belad*.
ALLI BEN DIAB, *First Secretary*.