

of copies, or extracts thereof, every such document, book, paper, or copy, or extract being duly authenticated, either according to the legal forms now respectively existing in the two countries, or in such other manner as the said Commissioners shall see cause to require or allow.

The award of the said Commissioners or of any three of them as aforesaid, shall in all cases be final and conclusive, both as to the justice of the claim, and to the amount of the sum to be paid to the creditor or claimant: And the United States undertake to cause the sum so awarded to be paid in specie, to such creditor or claimant without deduction; and at such time or times, and at such place or places as shall be awarded by the said Commissioners; and on condition of such releases or assignments to be given by the creditor or claimant, as by the said Commissioners may be directed: Provided always, that no such payment shall be fixed by the said Commissioners to take place sooner than twelve months from the day of the exchange of the ratifications of this Treaty.

ART. VII. Whereas complaints have been made by divers merchants and others, citizens of the United States, that during the course of the war in which His Majesty is now engaged, they have sustained considerable losses and damage, by reason of irregular or illegal captures or condemnations of their vessels and other property under colour of authority or commissions from His Majesty, and that from various circumstances belonging to the said cases, adequate compensation for the losses and damages so sustained cannot now be satisfactorily obtained, had and received by the ordinary course of judicial proceedings; it is agreed, that in such cases where adequate compensation cannot, for whatever reason, be now affably obtained, had and received by the said merchants and others in the ordinary course of justice, full and complete compensation for the same will be made by the British government to the said complainants. But it is distinctly understood, that this provision is not to extend to such losses and damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimants.

That for the purpose of ascertaining the amount of any such losses and damages, five commissioners shall be appointed and authorized to sit in London, exactly in the manner directed with respect to those mentioned in the preceding article, and after having taken the same oath or affirmation (*mutatis mutandis*) the same term of eighteen months is also agreed for the reception of claims, and they are in like manner authorized to extend the same in particular cases. They shall receive testimony, books, papers and evidence in the same latitude, and exercise the like discretion and powers respecting that subject; and shall decide the claims in question according to the merits of the several cases, and to justice, equity and the laws of nations.

The award of the said Commissioners, or any such three of them as aforesaid, shall, in all cases be final and conclusive, both as to the justice of the claim, and the amount of the sum to be paid to the claimant; and his Britannic Majesty undertakes to cause the same to be paid to such claimant in specie, without any deduction, at such place or places, and at such time or times as shall be awarded by the said Commissioners, and on condition of such releases or assignments to be given by the claimants, as by the said Commissioners may be directed.

And whereas certain merchants and others his Majesty's subjects complain that in the course of the war they have sustained loss and damage by reason of the capture of the vessels and merchandise taken within the limits and jurisdiction of the states and brought into the ports of the same, or taken by vessels originally armed in parts of the said states.

It is agreed that in all such cases where restitution shall not have been made agreeably to the terms of the letter from Mr. Jefferson to Mr. Hammond, dated at Philadelphia, Sept. 5th 1793, a copy of which is annexed to this treaty; the complaints of the parties shall be referred to the appointment of the commissioners to be appointed by virtue of this article, who are hereby authorized and required to proceed in the like manner relative to those as to the others committed to them; and the United States undertake to pay to the complainants, or complainants in specie, without deduction, the amount of such sums as shall be awarded to them respectively by the said commissioners, and at the times and places which in such awards shall be specified; and on conditions of such releases or assignments to be given by the claimants as in the said awards may be directed: And it is further agreed that not only the now existing cases of both descriptions, but also all such as shall exist at the time of exchanging the ratifications of this treaty shall be considered as being within the provisions, intent and meaning of this article.

ART. 8. It is further agreed, that the commissioners mentioned in this and in

the two preceding articles shall be respectively paid in such manner as shall be agreed between the two parties; such agreement to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses attending the said commissions shall be defrayed jointly by the two parties, and the same being previously ascertained and allowed by the majority of the commissioners. And in case of death, sickness or necessary absence, the piece of every such commissioner respectively shall be supplied in the same manner, as such commissioner was last appointed, and the new commissioners shall take the same oath or affirmation and do the same duties.

ART. 9. It is agreed, that British subjects who now hold lands in the territories of the United States and American citizens who now hold lands in the dominions of His Majesty shall continue to hold them according to the nature and tenure of their respective estates and titles therein; and may grant, sell or devise the same to whom they please, in like manner as if they were natives; and that neither they nor their heirs or assigns shall so far as may respect the said lands and the legal remedies incident thereto, be regarded as aliens.

ART. 10. Neither the debts due from individuals of the one nation to individuals of the other, nor fines nor monies which they may have in the public funds, or in the public or private banks, shall ever in any event of war or national differences be sequestered or confiscated, it being understood and implied that debts and engagements contracted and made by individuals having confidence in each other and in their respective governments, should ever be defrauded or impaired by national authority on account of national differences and discontents.

ART. 11. It is agreed between His Majesty and the United States, of America that there shall be a reciprocal and entirely perfect liberty of navigation and commerce between their respective people, in the manner under the limitations and on the conditions specified in the following articles.

ART. 12. His Majesty conveys that it shall and may be lawful during the time hereafter limited for the citizens of the United States to carry to any of his Majesty's Islands and ports in the West-Indies, in the manner directed with respect to those mentioned in the preceding article, and after having taken the same oath or affirmation (*mutatis mutandis*) the same term of eighteen months is also agreed for the reception of claims, and they are in like manner authorized to extend the same in particular cases. They shall receive testimony, books, papers and evidence in the same latitude, and exercise the like discretion and powers respecting that subject; and shall be adopted by both parties as shall seem to time to be found necessary to enforce the due and faithful observance of this stipulation. It is also understood that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but vessels going with their original cargoes, or part thereof, from one port of discharge to another, are not to be considered as carrying on the coasting trade; neither is this article to be construed to allow the citizens of the said States to settle or reside within the said territories, or to go into the interior parts thereof without the permission of the British government established there; and if any infringement should

be attempted against the regulations of the British Government in this respect, the observance of the same shall & may be enforced against the citizens of America in the same manner as against British subjects or others transgressing the same rule. And the citizens of the United States whenever they arrive in any port or harbour in the said territories, or if they should be permitted to carry to the said islands or ports from the said States in British vessels; and that the said American vessels shall be subject to all the laws, government & jurisdiction of whatever nature established in such harbours, port or place, according as the same may be.

The citizens of the United States, may also touch for refreshment at the island of St. Helena, but subject in all respects to such regulations as the British government may from time to time establish in British vessels and subject only to the same duties and charges on exportation as when British vessels and their cargoes are or shall be subject in similar circumstances.

Provided always, that the said American vessels do carry and land their cargoes in the United States only, it being expressly agreed and declared that during the continuance of this article, the United States will prohibit and restrain the carrying any molasses, sugar, coffee, cocoas or cotton in American vessels, either from his Majesty's Islands or from the United States to any part of the world except the United States, reasonable sea-fares excepted.

Provided also, that it shall and may be lawful, during the same period, for British vessels to import from the said islands into the United States and to export from the United States to the said islands, all articles

whatever, being of the growth, produce or manufacture of the said islands, or of the United States respectively, which may, by the laws of the said States, be imported and exported. And that the cargoes of the said British vessels shall be subject to no other or higher duties or charges, than shall be payable on the same articles, if so imported or exported in American vessels.

It is agreed that this article, and every matter and thing therein contained shall continue to be in force during the continuance of the war in which his Majesty is now engaged; and also for two years from and after the day of the signature of the preliminary or other articles of peace by which the same may be terminated.

And it is further agreed, that at the expiration of the said term, the two contracting parties will endeavour further to re-

gulate their commerce in this respect according to the situation in which his Majesty may then find himself with respect to the West Indies, and with a view to such arrangements as may best conduce to the mutual advantage and extension of commerce. And the said parties will then renew their discussion, and endeavour to agree, whether in any and what cases, neutral vessels shall protect enemy's property; and in what cases provisions and other articles contraband may become such. But in the mean time their conduct towards each other in these respects shall be regulated by the articles herein after inserted on the same.

But the British Government reserves to itself the right of imposing on American vessels entering into the British dominions a tonnage duty equal to that which shall be payable by British vessels in the ports of America: And also such duty as may be adequate to counteract the difference of duty now payable on the importation of European and Asiatic goods when imported into the United States or Britain or in American vessels.

The two parties agree to treat for the more exact equalization of the duties on the respective navigation of their subjects and people in such manner as may be most beneficial to the two countries. The arrangements for this purpose shall be made at the same time with those mentioned in the 12th article of this treaty, and are to be considered as part thereof. In the interval it is agreed, that the United States will not impose any or additional tonnage duties on British vessels, nor increase the existing differential between the duties payable on the importation of any articles in British or in American vessels.

ART. 13. It shall be lawful for the two contracting parties, respectively to appoint consuls for the protection of trade, to reside in the dominions and territories aforesaid, and the said consuls shall enjoy those liberties and rights which belong to them by reason of their functions. But each party shall have a consul at each of the ports of the United States. And the said party shall pay no other or higher duties or charges on the importation or exportation of the cargoes of the said vessels, than shall be required by the party to whom he is sent; and it is hereby declared to be lawful and proper, that in case of illegal or improper conduct towards the laws or government of a Consul, either he may be punished according to law, if the law will reach the case or be dismissed; or even sent back, the offended party, according to the other their rights, for the same.

Either of the parties may except from the influence of consuls such particular places as their party shall judge proper to be excepted.

ART. 14. It is agreed, that in all cases where vessels shall be captured or detained in just suspicion of having or having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war; the said vessel shall be brought to the nearest or most convenient port; and if any property of an enemy should be found on board such vessel, that part only which belongs to the enemy shall be made prize, and the vessel shall be at liberty to proceed with the remainder notwithstanding any impediment.

It is agreed that whenever a judge of a court of admiralty of either of the parties, shall pronounce sentence against any vessel or property belonging to the said party, or to the said party, when they arrive at their ports or places of safety, or to the owners or their factors or agents duly certified and authorized in writing by the said party, that the said articles, shall be delivered to him, and that the said party, shall be at liberty to make such arrangements as shall be expedient.

ART. 15. It is further agreed, that both the said contracting parties, shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, provide or harbor, conceal or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

All their ships with the goods or merchandizes taken by them and brought into the ports of either of the said Parties, shall be seized as far as they can be discovered and shall be referred to the owners or their Factors or agents duly certified and authorized in writing by the said party, as soon as possible.

ART. 16. In order to regulate what is future to be deemed contraband of war, it is agreed, that under the said documents, shall be comprised all arms and implements for the purposes of war, by land or sea, such as canons, culverins, mortars, teards, bombs, grenades, caeces, sauciers, carriages for caeces, mortars, hand-guns, gun-powder, match, salt-petre, ball, dices, heads, sword, pikes, cutlasses, halberts, lances, javelins, bone furniture, halberd, belis, and generally all other implements of war; as also timber for ship building, tar, resin, copra, pitch, salts, hemp and coirage, and generally whatever may serve directly to the equipment of vessels, unseaworthy, old, fit for pikes only excepted; and all the said articles are hereby declared to be subjects of confiscation, whenever they are attempted to be carried to an enemy.

And whereas the difficulty of agreeing on the precise articles in which alone provisions and other articles not generally contraband may be regarded as such, render it expedient to provide against the inconveniences and misunderstandings which might ensue, it is further agreed that whenever any such articles so becoming contraband according to the existing laws of Nations, shall for that reason be seized, the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified; and the captors, or in their default, the government under whose authority they are, shall pay to the masters or owners of such vessels the full value of all articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage and detention to such vessels.

And whereas it frequently happens that vessels fail for a port or place belonging to an enemy, without knowing that the same, is either besieged, blockaded, or invested; it is agreed, that every vessel circumstanced may be turned away from such port or place, but she shall not be detained nor her cargo, if not contraband, be confiscated unless after notice she shall again attempt to enter; but she shall be liable to any other port or place.

ART. 17. It is agreed that no other or higher duties shall be paid by the ships or merchandise of the one party in the ports of the other, than are paid by the like vessels or merchandise of all other nations.—Nor shall any other or higher duty be imposed in one country on the importation of any article the growth, produce or manufacture of the other than are or shall be payable on the importation of the like articles being of the growth, produce or manufacture of any other foreign country. Nor shall any

protection be imposed on the exporting or importation of any articles to or from the territories of the two parties respectively, which shall not equally extend to all.

But the British Government reserves to itself the right of imposing on American vessels, should by their weapons, danger from enemies or other misfortunes be reduced in the ease of any vessel being captured or otherwise lost, her right to compensation, but shall be referred to the owners or proprietors thereof.

ART. 18. And that more abundant care shall be taken for the security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injury by the men of war, or privates of either party, all commanders of ships of war privates and others the said party, shall be bound to do all that may be necessary to protect the said party, or giving any outrage against them, and if they set off to the country, they shall be bound to furnish and load her cargo safe to the same as shall be necessary for bringing her to the nearest port of her destination, and to make satisfaction for all damages and injuries, which the said party or their officers or men, may suffer by reason of their going to the nearest port of that Prince or State from whom they obtained their commissions.

ART. 19. And that more abundant care shall be taken for the security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injury by the men of war, or privates of either party, all commanders of ships of war privates and others the said party, shall be bound to do all that may be necessary to protect the said party, or giving any outrage against them, and if they set off to the country, they shall be bound to furnish and load her cargo safe to the same as shall be necessary for bringing her to the nearest port of her destination, and to make satisfaction for all damages and injuries, which the said party or their officers or men, may suffer by reason of their going to the nearest port of that Prince or State from whom they obtained their commissions.

ART. 20. It is agreed that the said ten articles of this Treaty shall be permanent, and that the subsequent articles, except the tenth, shall be limited in their duration to twelve years, to be computed from the day on which the ratifications of this Treaty shall be exchanged, but subject to this condition—that whereas the said tenth article will expire by the limitation therein contained, at the end of two

years from the signing the preliminary articles of peace which shall terminate the present war in which his Majesty is engaged, it is agreed, that proper measures shall be taken for bringing the said tenth article into a final and definite state, and that the said tenth article will be binding on the parties to this Treaty, to the extent of the time remaining before the expiration of the said preliminary articles of peace which shall terminate the present war in which his Majesty is engaged, and that proper measures shall be taken for bringing the said tenth article into a final and definite state, and that the said tenth article will be binding on the parties to this Treaty, to the extent of the time remaining before the expiration of the said preliminary articles of peace which shall terminate the present war in which his Majesty is engaged, and that proper measures shall be taken for bringing the said tenth article into a final and definite state, and that the said tenth article 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