

MARYLAND GAZETTE.

T H U R S D A Y, J U L Y 16, 1795.

Treaty of amity, commerce, and navigation, between his Britannic majesty and the United States of America.

[Continued from our last.]

ARTICLE 7.

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 actually obtained, had and received by the ordinary course of judicial proceedings; it is agreed, that in all such cases where adequate compensation cannot be actually 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 or 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 such losses and damages, five commissioners shall be appointed and authorized to act 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 assigned 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 ports of the said states.

It is agreed, that in all such cases where restitution shall not have been made agreeably to the tenor of the letter from Mr. Jefferson to Mr. Hammond, dated at Philadelphia, Sept. 5, 1793, a copy of which is annexed to this treaty; the complaints of the parties shall be and hereby are referred to the commissioners to be appointed by virtue of this article, who are hereby authorized and required to proceed in the like manner relative to these as to the other cases committed to them; and the United States undertake to pay to the complainants or claimants, 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 description, 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 being to be settled at the time of the exchange of the ratifications of this treaty. And all other expences attending the said commissions shall be defrayed jointly by the two parties, the same being previously ascertained and allowed by the majority of the commissioners. And in the case of death, sickness, or necessary absence, the place of every such commissioner respectively shall be supplied in the same manner as such commissioner was first 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 shares 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 unjust and impolitic that debts and engagements contracted and made by individuals having

confidence in each other, and in their respective governments, should ever be destroyed 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 consents that it shall and may be lawful during the time herein after limited for the citizens of the United States to carry to any of his majesty's islands and ports in the West-Indies from the United States, in their own vessels, not being above the burthen of 70 tons, any goods or merchandises being of the growth, manufacture or produce of the said states, which it is or may be lawful to carry to the said islands or ports from the said states in British vessels; and that the said American vessels shall be subject there to no other or higher tonnage, duties or charges than shall be payable by British vessels in the ports of the United States; and that the cargoes of the said American vessels shall be subject there to no other or higher duties or charges than shall be payable on the like articles if imported there from the said states in British vessels.

And his majesty also consents that it shall be lawful for the said American citizens to purchase, load and carry away, in their said vessels to the United States from the said islands and ports all such articles being of the growth, manufacture or produce of the said islands as may now by law be carried from thence to the said states in British vessels and subject only to the same duties and charges on exportation to which 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, cocoa 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 stores 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 now may, by the laws of the said states, be so 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 article 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 regulate 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 also renew their discussions, 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, not generally 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 those subjects.

Art. 13. His majesty consents that the vessels belonging to the citizens of the United States of America shall be admitted and hospitably received in all the sea ports and harbours of the British territories in the East-Indies. And that the citizens of the said United States may freely carry on a trade between the said territories and the said United States in all articles of which the importation or exportation respectively to or from the said territories, shall not be entirely prohibited. Provided only, that it shall not be lawful for them in any time of war between the British government and any other power or state whatever, to export from the said territories, without the special permission of the British government there, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels when admitted into the said ports no other or higher tonnage duty than shall be payable on British vessels when admitted into the ports of the United States. And they shall pay no other or higher duties or charges on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed, that the vessels of the United States shall not carry any of the articles exported by them from the said British territories to any port or place except to some port or place in America, where the same shall be unladen, and such regulations shall be adopted by both parties, as shall from time to time 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 transgression should be attempted against the regulations of the British government in this respect, the observance of the same shall and 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 in manner aforesaid, to go to any other place therein, shall always be subject to the laws, government and jurisdiction, of what nature established in such harbour, 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 there.

Art. 14. There shall be between all the dominions of his majesty in Europe and the territories of the United States a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries respectively shall have liberty freely and securely, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places and rivers, within the dominions and territories aforesaid, to enter into the same, to resort there, and to remain and reside there, without any limitation of time; also to hire and possess houses and warehouses for the purposes of their commerce, and generally the merchants and traders on each side shall enjoy the most complete protection and security for their commerce; but subject always as to what respects this article to the laws and statutes of the two countries respectively.

Art. 15. 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 such as 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 articles of 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 prohibition be imposed on the exportation or importation of any articles to or from the territories of the two parties respectively, which shall not equally extend to all other nations.

But the British government reserves to itself the right of imposing on American vessels entering into the British ports in Europe 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 counterbalance the difference of duty now payable on the importation of European and Asiatic goods when imported into the United States in British 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 at the conclusion of the 12th article of this treaty, and are to be considered as a part thereof. In the interval it is agreed, that the United States will not impose any new or additional tonnage duties on British vessels, nor increase the now subsisting duties on British vessels, nor increase the now subsisting difference between the duties payable on the importation of any articles in British or in American vessels.

Art. 16. It shall be free 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 function. But before any consul shall act as such he shall be in the usual forms approved and admitted 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, a consul may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back, the offended government assigning to the other their reasons for the same.

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

Art. 17. It is agreed, that in all cases where vessels shall be captured or detained on just suspicion of 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 without any impediment. And it is agreed, that all proper measures shall be taken to prevent delay, in deciding the cases of ships or cargoes so brought in for adjudication; and in the payment or recovery of any indemnification adjudged or agreed to be paid to the masters or owners of such ships.

Art. 18. In order to regulate what is in future to be deemed contraband of war, it is agreed, that under the said denomination shall be comprehended all arms and implements serving for the purposes of war, by land or sea, such as cannon, muskets, mortars, petards, bombs, grenades, cartridges, saucers, cartridges for cannon, musket balls, bandoliers, gunpowder, match, salt-petre, ball, pikes, swords, broad swords, cuirasses, halberds,