

# MARYLAND GAZETTE.

T H U R S D A Y, JANUARY 1, 1801.

14

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A MUTILATED copy of the Convention having appeared, the editor of the National Intelligencer, with permission, publishes the following official copy:

## CONVENTION

BETWEEN THE FRENCH REPUBLIC AND THE UNITED STATES OF AMERICA.

THE premier consul of the French republic, in the name of the people of France, and the president of the United States of America, equally desirous to terminate the differences which have arisen between the two states, have respectively appointed their plenipotentiaries, and given them full powers to treat upon these differences and to terminate the same— that is to say, the premier consul of the French republic, in the name of the people of France, has appointed for the plenipotentiaries of the said republic, the citizens Joseph Buonaparte, ex-ambassador at Rome, and counsellor of state; Charles Pierre Claret de Fleurieu, member of the national institute, and of the board of longitude of France, and counsellor of state, president of the section of the marine; and Pierre Louis Roderer, member of the national institute of France, and counsellor of state, president of the section of the interior; and the president of the United States of America, by and with the advice and consent of the senate of the said States, has appointed for their plenipotentiaries, Oliver Ellsworth, chief justice of the United States, William Richardson Davie, late governor of the state of North-Carolina, and William Vans Murray, minister resident of the United States at the Hague; who after having exchanged their full powers, and after full and mature discussion of the respective interests, have agreed on the following articles:

Art. I. There shall be a firm, inviolable and universal peace, and a true and sincere friendship between the French republic and the United States of America, and between their respective countries, territories, cities, towns and people, without exception of persons or places.

II. The ministers plenipotentiary of the two parties, not being able to agree at present respecting the treaty of alliance of the 6th of February, 1778, the treaty of amity and commerce of the same date, and the convention of 14th November, 1788, nor upon the indemnities mutually due or claimed, the parties shall negotiate further on these subjects at a convenient time, and until they may have agreed upon these points, the said treaties and conventions shall have no operation, and the relations of the two countries shall be regulated as follows:

III. The public ships which have been taken on one part and the other, or which may be taken before the exchange of ratifications, shall be restored.

IV. Property captured and not yet definitively condemned, or which may be captured before the exchange of ratifications, (contraband goods destined to an enemy's port excepted) shall be mutually restored on the following proofs of ownership, viz. The proof on both sides with respect to merchant ships, whether armed or unarmed, shall be a passport in the form following:

To all who shall see these presents, greeting: It is hereby made known that leave and permission has been given to \_\_\_\_\_, master and commander of the ship called \_\_\_\_\_, of the town of \_\_\_\_\_, burdened \_\_\_\_\_ tons or thereabouts, lying at present in the port and haven of \_\_\_\_\_, and bound for \_\_\_\_\_, and laden with \_\_\_\_\_, after that his ship has been visited, and before sailing, he shall make oath before the officers who have the jurisdiction of maritime affairs, that the said ship belongs to one or more of the subjects of \_\_\_\_\_, the act whereof shall be put at the end of these presents; as likewise that he will keep the cause to be kept by his crew on board, the marine ordinances and regulations, and enter in the port office a list, signed and witnessed, containing the names and surnames, the places of birth and abode of the crew of his ship, and of all who shall embark on board her, whom he shall not take on board without the knowledge and permission of the officers of the marine; and in every port or haven where he shall enter with his ship, he shall shew this present to the officers and judges of the marine, and shall give a faithful account to them of what passed and was done during his voyage, and he shall carry the colours, arms and ensigns of the French republic of the United States, during his voyage; in witness whereof we have signed these presents, and put the seal of our arms thereunto, and caused the same to be countersigned by \_\_\_\_\_, at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ Anno Domini 1801.

And this passport will be sufficient without any other paper, any ordinance to the contrary notwithstanding; which passport shall not be deemed requisite to have been \_\_\_\_\_ or recalled, whatever number of voyages the said ship may have made, unless she

shall have returned home within the space of a year. Proof with respect to the cargo shall be certificates, containing the several particulars of the cargo, the place whence the ship sailed and whether she is bound, so that the forbidden and contraband goods may be distinguished by the certificates, which certificates shall have been made out by the officers of the place whence the ship set sail, in the accustomed forms of the country. And if such passport or certificates, or both, shall have been destroyed by accident, or taken away by force, their deficiency may be supplied by such other proofs of ownership as are admissible by the general usage of nations. Proof with respect to other than merchant ships, shall be the commission they bear.

This article shall take effect from the date of the signature of the present convention; and if from the date of the said signature, any property shall be condemned contrary to the intent of the said convention, before the knowledge of this stipulation shall be obtained, the property so condemned shall, without delay, be restored or paid for.

V. The debts contracted by one of the two nations with individuals of the other, or by the individuals of one with the individuals of the other, shall be paid, or the payment may be prosecuted in the same manner as if there had been no misunderstanding between the two states; but this clause shall not extend to indemnities claimed on account of captures or condemnations.

VI. Commerce between the parties shall be free; the vessels of the two nations and their privateers, as well as their prizes, shall be treated in their respective ports as those of the nation the most favoured, and in general the two parties shall enjoy in the ports of each other, in regard to commerce and navigation, the privileges of the most favoured nation.

VII. The citizens and inhabitants of the United States shall be at liberty to dispose by testament, donation, or otherwise, of their goods, moveable and immovable, holden in the territory of the French republic in Europe, and the citizens of the French republic shall have the same liberty with regard to goods, moveable and immovable, holden in the territory of the United States, in favour of such persons as they shall think proper. The citizens and inhabitants of either of the two countries, who shall be heirs of goods, moveable or immovable, in the other, shall be able to succeed *ab intestato*, without being obliged to obtain letters of naturalization, and without having the effect of this provision contested or impeded, under any pretext whatever; and the said heirs, whether such by particular title or *ab intestato*, shall be exempt from every duty whatever in both countries. It is agreed, that this article shall in no manner derogate from the laws which either state may have in force, or hereafter may enact, to prevent emigration; and also, that in case the laws of either of the two states should restrain strangers from the exercise of the rights of property, with respect to real estate, such real estate may be sold, or otherwise disposed of, to citizens or inhabitants of the country where it may be, and the other nation shall be at liberty to enact similar laws.

VIII. To favour commerce on both sides, it is agreed, that in case a war should break out between the two nations, (which God forbid) the term of six months after the declaration of war, shall be allowed to the merchants and other citizens and inhabitants respectively, on one side and the other, during which time they shall be at liberty to withdraw themselves, with their effects and moveables, which they shall be at liberty to carry, send away, or sell, as they please, without the least obstruction; nor shall their effects, much less their persons, be seized, during such term of six months, on the contrary, passports which shall be valid for a time necessary for their return home, shall be given to them for their vessels and the effects which they shall be willing to send away or carry with them; and such passports shall be a safe conduct against all insults and prizes, which privateers may attempt against their persons and effects; and if any thing be taken from them, or any injury done to them or their effects, by one of the parties, their citizens or inhabitants, within the term above prescribed, full satisfaction shall be made to them on that account.

IX. Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor monies, which they may have in public funds, or in the public or private banks, shall ever in any event of war or of national difference, be sequestered or confiscated.

X. It shall be free for the two contracting parties to appoint commercial agents for the protection of trade, to reside in France and the United States. Either party may accept such place, as may be thought proper, from the residents of these agents. Before any agent shall exercise his functions, he shall be accepted in the usual forms by the party to whom

he is sent; and when he shall have been accepted and furnished with his *credentia*, he shall enjoy the rights and prerogatives of the similar agents of the most favoured nations.

XI. The citizens of the French republic shall pay, in the ports, havens, roads, countries, islands, cities, and towns of the United States, no other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the nations most favoured are, or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce, whether in passing from one port in the said states to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy. And the citizens of the United States shall reciprocally enjoy in the territories of the French republic, in Europe, the same privileges and immunities, as well for their property and persons, as for what concerns trade, navigation and commerce.

XII. It shall be lawful for the citizens of either country to sail with their ships and merchandise (contraband goods always excepted) from any port whatsoever to any port of the enemy of the other, and to sail and trade with their ships and merchandise, with perfect security and liberty, from the countries, ports and places of those who are enemies of both, or of either party, without any opposition or disturbance whatsoever, and to pass not only directly from the places and ports of the enemy afore-mentioned, to neutral ports and places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same power, or under several, unless such ports or places shall be actually blockaded, besieged or invested.

And whereas it frequently happens, that vessels sail 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, so circumstanced, may be turned away from such port or place, but she shall not be detained nor any part of her cargo, if not contraband, be confiscated, unless, after notice of such blockade or investment, she shall again attempt to enter: but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port or place before the same was actually besieged, blockaded or invested by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender of such place, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

XIII. In order to regulate what shall be deemed contraband of war, there shall be comprised under that denomination gunpowder, salt-petre, petards, match, ball, bombs, grenades, carcasses, pikes, halberds, swords, belts, pistols, holsters, cavalry saddles and furniture, cannon, mortars, their carriages and beds, and generally all kinds of arms, ammunition of war, and instruments fit for the use of troops: all the above articles, whenever they are destined to the port of an enemy, are hereby declared to be contraband, and just objects of confiscation; but the vessel in which they are laden, and the residue of the cargo, shall be considered free, and not in any manner infected by the prohibited goods, whether belonging to the same or a different owner.

XIV. It is hereby stipulated that free ships shall give a freedom to goods, and that every thing shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to either party, they are not to be taken out of that free ship, unless they are soldiers and in actual service of the enemy.

XV. On the contrary it is agreed, that whatever shall be laden by the citizens of either party, on any ship belonging to the enemies of the other, or their citizens, shall be confiscated without distinction of goods, contraband or not contraband, in the same manner as if it belonged to the enemy, except such goods and merchandises as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done without knowledge of such declaration; so that the goods of the citizens of either party, whether they be of the nature of such as are prohibited or otherwise, which, as is aforesaid, were put on board any ship belonging to an enemy before the war, or after the declaration of the same without the knowledge of it, shall no ways be liable to confiscation, but shall well and truly be restored without delay to the