

party, and be afterwards retaken by a ship of war or privateer of the power at war, also ships and merchandises of what nature soever they may be, when recovered from a pirate or sea rover, shall be brought into a port of one of the two powers, and shall be committed to the custody of the officers of the said port, that they may be restored entire to the true proprietor as soon as he shall have produced full proof of the property. Merchants, masters and owners of ships, seamen, people of all sorts, ships and vessels, and in general all merchandises and effects of one of the allies or their subjects, shall not be subject to any embargo, nor detained in any of the countries, territories, islands, cities, towns, ports, rivers or domains whatever of the other ally, on account of any military expedition, or any public or private purpose whatever, by seizure, by force, or by any such manner; much less shall it be lawful for the subjects of one of the parties to seize or take any thing by force from the subjects of the other party without the consent of the owner. This however is not to be understood to comprehend seizures, detentions and arrests, made by order and by the authority of justice, and according to the ordinary course for debts or faults of the subject, for which process shall be had in the way of right according to the forms of justice.

Art. 18. If it should happen that the two contracting parties should be engaged in a war at the same time with a common enemy, the following points shall be observed on both sides.

1st. If the ships of one of the two nations retaken by the privateers of the other have not been in the power of the enemy more than twenty-four hours, they shall be restored to the original owner, on payment of one third of the value of the ship and cargo. If on the contrary the vessel retaken has been more than twenty-four hours in the power of the enemy, it shall belong wholly to him who has retaken it.

2d. In case, during the interval of twenty-four hours, a vessel be retaken by a man of war of either of the two parties, it shall be restored to the original owner on payment of a thirtieth part of the value of the vessel and cargo, and a tenth part, if it has been retaken after the twenty-four hours, which sums shall be distributed as a gratification among the crew of the men of war that shall have made the recapture.

3d. The prizes made in manner above mentioned, shall be restored to the owners after proof made of the property, upon giving security for the part coming to him who has recovered the vessel from the hands of the enemy.

4th. The men of war and privateers of the two nations shall reciprocally be admitted with their prizes into each others ports, but the prizes shall not be unloaded or sold there until the legality of a prize made by Swedish ships shall have been determined according to the laws and regulations established in Sweden, as also that of the prizes made by American vessels shall have been determined according to the laws and regulations established by the United States of America.

5th. Moreover, the king of Sweden and the United States of America, shall be at liberty to make such regulations as they shall judge necessary, respecting the conduct which their men of war and privateers respectively shall be bound to observe with regard to vessels which they shall take and carry into the ports of the two powers.

Art. 19. The ships of war of his Swedish majesty, and those of the United States, and also those which their subjects shall have armed for war, may with all freedom conduct their prizes which they shall have made from their enemies, into the ports which are open in time of war to other friendly nations, and the said prizes upon entering the said ports, shall not be subject to arrest or seizure, nor shall the officers of the places take cognizance of the validity of the said prizes, which may depart, and be conducted freely and with all liberty, to the places pointed out in their commissions, which the captains of the said vessels shall be obliged to shew.

Art. 20. In case any vessel belonging to either of the two states, or to their subjects, shall be stranded, shipwrecked, or suffer any other damage on the coasts, or under the dominion of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof, and passports shall be granted to them to secure their return to their own country. The ships and merchandises wrecked, or their proceeds if the effects have been sold, being claimed in a year and a day by the owners, or their attorney, shall be restored, on their paying the costs of salvage, conformable to the laws and customs of the two nations.

Art. 21. When the subjects and inhabitants of the two parties, with their vessels, whether they be public and equiped for war, or private employed in commerce, shall be forced by tempest, by pursuit of privateers and of enemies, or by any other urgent necessity, to retire and enter any of the rivers, bays, roads or ports, of either of the two parties, they shall be received and treated with all humanity and politeness, and they shall enjoy all friendship, protection and assistance, and they shall be at liberty to supply themselves with refreshments, provisions, and every thing necessary for their sustenance, for the repair of their vessels, and for continuing their voyage; provided always, that they pay a reasonable price; and they shall not in any manner be detained or hindered from sailing out of the said ports or roads, but they may retire and depart when and as they please, without any obstacle or hindrance.