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Letter of Messrs. Monroe and Pinkney, to Mr. Madison—Treaty Concluded.

Art. 8. 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, or for other lawful cause, 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, or is otherwise confiscable, shall be made prize, and the vessel, unless by law subject to condemnation, shall be at liberty to proceed with the remainder of the cargo, 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.

It is also agreed, that in all cases of unfounded detention or other contravention of the regulations stipulated by the present treaty, the owners of the vessel and cargo so detained shall be allowed damages proportioned to the loss occasioned thereby, together with the costs and charges of the trial.

Art. 9. In order to regulate what is in future to be esteemed contraband of war, it is agreed, that under the said denomination, shall be comprised all arms and implements serving for the purposes of war, by land or by sea, such as cannon, muskets, mortars, petards, bombs, grenadoes, carcasses, saucisses, carriages for cannon, musket rests, baudoliers, gunpowder, match, saltpetre, ball, pikes, swords, head-pieces, cuirasses, halberts, lances, javelins, horse-furniture, holsters, belts, and generally all other implements of war; as also timber for ship building, copper in sheets, sail cloth, hemp, and cordage, and in general (with the exception of unwrought iron and fir planks, and also with the exception of tar and pitch, when not going to a port of naval equipment, in which case they shall be entitled to pre-emption) whatever may serve directly to the equipment of vessels; and all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy. But no vessel shall be detained on pretence of carrying contraband of war, unless some of the above mentioned articles, not excepted, are found on board of the said vessel at the time it is searched.

Art. 10. Whereas in consideration of the distance and of other circumstances incident to the situation of the high contracting parties, it may frequently happen that vessels may 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 her cargo, if not contraband, be confiscated, unless after such notice she shall again attempt to enter: but she shall be permitted to go to any other port or place she may think proper: nor shall any vessel, or goods of either party, that may have entered into such port or place before the same was besieged, blockaded, or invested by the other, and be found therein after the reduction or surrender of such place, be liable to confiscation, but shall be restored to the owners or proprietors thereof.

Neither of the parties, when at war, shall, during the continuance of the treaty, take from on board the vessels of the other, the subjects of the opposite belligerent, unless they be in the actual employment of such belligerent.

Art. 11. Whereas differences have arisen concerning the trading with the colonies of his majesty's enemies, and the instructions given by his majesty to his cruisers in regard thereto, it is agreed, that during the present hostilities, all articles of the growth, produce, and manufacture of Europe, not being contraband of war, may be freely carried from the U. States to the port of any colony, not blockaded, belonging to his majesty's enemies: provided, such goods shall previously have been entered and landed in the U. S. and shall have paid the ordinary duties on such articles so imported for home consumption, and on re-exportation shall, after the drawback, remain subject to a duty, equivalent to not less than one per cent. ad valorem and that the said goods, and the vessels conveying the same, shall, from the time of their clearance from the American port, be bona fide the property of citizens and inhabitants of the U. S. and in like manner that all articles, not being contraband of war, and being the growth and produce of the enemy's colonies, may be brought to the U. S. and after having been there landed, may be freely carried from thence, to any port of Europe, not blockaded, provided, such goods shall previously have been entered and landed in the said U. S. and shall have paid the ordinary duties on colonial articles so imported for home consumption, and on re-exportation shall, after the drawback, remain subject to a duty equivalent to not less than two per cent. ad valorem; and provided, that the said goods, and the vessel conveying the same, be bona fide the property of citizens and inhabitants of the U. States.

Provided always, That this article, or any thing therein contained, shall not operate to the prejudice of any right belonging to either party; but that after the expiration of the time limited for the article, the rights on both sides shall revive and be in full force.

Art. 12. And whereas it is expedient to make special provisions respecting the maritime jurisdiction of the high contracting parties, on the coasts of their respective possessions in North America, on account of peculiar circumstances belonging to those coasts, it is agreed that in all cases where one of the said high contracting parties shall be engaged in war, and the other be at peace, the belligerent power shall not stop, except for the purpose hereafter mentioned, the vessels of the neutral power, or the unarmed vessels of other nations, within five marine miles from the shore, belonging to the said neutral power, on the American seas.

Provided, That the said stipulations shall not take effect in favor of the ships of any nation or nations, which shall not have agreed to respect the limit aforesaid, as the line of maritime jurisdiction of the said neutral state; and it is further stipulated, that if either of the high contracting parties shall be at war with any nation or nations, which shall not have agreed to respect the said special limit or line of maritime jurisdiction herein agreed upon, such contracting party shall have the right to stop, or search any vessel, beyond the limit of a cannon shot, or three marine miles from the said coasts of the neutral power, for the purpose of ascertaining the nation to which such vessel shall belong: and with respect to the ships and property of the nation or nations not having agreed to respect the aforesaid line of jurisdiction, the belligerent power shall exercise the same rights, as if this article did not exist: and the several provisions stipulated by this article, shall have full force and effect only, during the continuance of the present treaty.

Art. 13. With respect to the searching of merchant ships, the commanders of ships of war and privateers shall conduct themselves as favorably as the course of the war then existing may possibly permit, towards the most friendly power that may remain neuter, observing as much as possible the acknowledged principles and rules of the law of nations. And for the better security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injuries by the men of war or privateers of either party, all commanders of ships of war and privateers, and all others the said subjects and citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them, and if they act to the contrary, they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

For this cause all commanders of privateers, before they receive their commissions, shall hereafter be compelled to give, before a competent judge, sufficient security by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of two thousand pounds sterling; or if such ship be provided with above one hundred and fifty seamen or soldiers, in the sum of four thousand pounds sterling, to satisfy all damages and injuries, which the said privateers, or officers, or men, or any of them, may do or commit during their cruize, contrary to the tenor of this treaty, or to the laws and instructions for regulating their conduct, and further, that in all cases of aggression, the said commissions shall be revoked and annulled.

It is also agreed, that whenever a judge of a court of admiralty, of either of the parties, shall pronounce sentence against any vessel, or goods, or property, belonging to the subjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required, be delivered to the commander of the said vessel, without the smallest delay, he paying all legal fees and demands for the same.

Art. 14. 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, protect, 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.

And all their ships, with the goods or merchandizes taken by them, and brought into the port of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners, or the factors, or agents, duly deputed, and authorized in writing by them (proper evidence being shewn in the court of admiralty for proving the property) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew, or had good reason to believe, or suspect that they had been piratically taken.

Art. 15. It is likewise agreed, that the subjects and citizens of the two nations shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign prince or state, enemies to the other party, nor shall the enemies of one of the parties be permitted to invite, or endeavor to enlist in the military service, any of the subjects or citizens of the other party: and the laws against all such offences and aggressions, shall be punctually executed; and if any subject or citizen of the said parties respectively, shall accept any foreign commission, or letters of marque, for arming any vessel to act as a privateer against the other party, it is hereby declared to be lawful for the said party to treat and punish the said subject or citizen, having such commission or letters of marque, as a pirate.

Art. 16. It is expressly stipulated, that neither of the said contracting parties will order or authorise any acts of reprisal against the other, on complaints of injuries and damages, until the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence; and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

Art. 17. The ships of war of each of the contracting parties shall at all times be hospitably received in the ports of the other, their officers and crews paying due repect to the laws and government of the country. The officers shall be treated with that respect which is due to the commissions which they bear; and if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the two countries. And both contracting parties agree, that in case any vessel of the one should, by stress of weather, danger from enemies, or other misfortunes, be reduced to the necessity of seeking shelter in any of the ports of the other, into which such vessel could not in ordinary cases claim to be admitted, she shall, on manifesting that necessity to the satisfaction of the government of the place, be hospitably received and permitted to refit, and to purchase at the market price such necessaries as she may stand in need of, conformably to such orders and regulations as the government of the place, having respect to the circumstances of each case, shall prescribe. She shall not be allowed to break bulk, or unload her cargo, unless the same shall be *bona fide* necessary to her being refitted; nor shall she be obliged to pay any duties whatever, except only on such articles as she may be permitted to sell for the purpose aforesaid.

Art. 18 It shall not be lawful for any foreign privateers (not being subjects or citizens of either of the said parties) who have commissions from any power or state in enmity with either nation, to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same, nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that prince or state from whom they obtained their commissions.

Art. 19. It shall be lawful for the ships of war and privateers, belonging to the said parties respectively, to carry withersoever they please the ships and goods taken from their enemies, without being obliged to pay any fees to the officers of the admiralty or to any judges whatever, nor shall the said prizes when they arrive at and enter the ports of the said parties, be detained or seized, nor shall the searchers, or other officers of those places, visit such prizes (except for the purpose of preventing the carrying of any part of the cargo thereof on shore, in any manner contrary to the established laws of revenue, navigation or commerce) nor shall such officers take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail, and depart as speedily as may be, and carry their said prizes to the places mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to shew.

No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but if forced by stress of weather or the dangers of the sea to enter them, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible: nothing in this treaty contained, shall however be construed to operate contrary to the former and existing public treaties with other sovereigns or states. But the two parties agree, that while they continue in amity, neither of them will in future make any treaty that shall be inconsistent with this or the preceding article.

Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other, to be taken within cannon shot of the coast, nor within the jurisdiction described in article 12, so long as provisions of the said article shall be in force, by ships of war or others, having commissions from any prince, republic, or state whatever; but in case it should so happen, the party, whose territorial rights shall thus have been violated, shall use his utmost endeavors to obtain from the offending party, full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war or merchant vessels.

Art. 20. If at any time a rupture should take place (which God forbid) between his majesty and the United States, the merchants and others, of each of the two nations, residing in the dominions of the other, shall have the privilege of remaining and continuing their trade, so long as they do it peaceably, and commit no offence against the laws; and in case their conduct should render them suspected, and the respective governments should think proper to order them to remove, the term of twelve months, from the publication of the order, shall be allowed them for that purpose, to remove with their families, effects and property; but this favor shall not be extended to those who shall act contrary to the established laws; and for greater certainty, it is declared, that such rupture shall not be deemed to exist, while negociations for accommodating differences shall be depending, nor until the respective ambassadors or ministers, if such there shall be, shall be recalled, or sent home on account of such differences, and not on account of personal misconduct, according to the nature and degree of which, both parties retain their rights, either to request the recall, or immediately to send home the ambassador or minister of the other; and that without prejudice to their mutual friendship and good understanding.

Art. 21. It is further agreed, that his majesty and the United States, on mutual requisitions by them respectively, or by their respective ministers, or officers, authorised to make the same, will deliver up to justice all persons, who being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other, provided, that this shall only be done on such evidence of criminality, as, according to the laws of the place, where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expense of such apprehension and delivery shall be borne and defrayed by those who make the requisition, and receive the fugitive.

Art. 22. In the event of a shipwreck happening in a place belonging to one or other of the high contracting parties, not only every assistance shall be given to the unfortunate persons, and no violence done to them, but also the effects which they shall have thrown out of the ship into the sea, shall not be concealed or detained, nor damaged under any pretext whatever; on the contrary, the above mentioned effects and merchandise shall be preserved, and restored to them, upon a suitable recompense being given to those who shall have assisted in saving their persons, vessels and effects.

Art. 23. And it being the intention of the high contracting parties, that the people of their respective dominions shall continue to be on the footing of the most favored nation, it is agreed, that in case either party shall hereafter grant any additional advantages, in navigation or trade, to any other nation, the subjects or citizens of the other party shall fully participate therein.

Art. 24. The high contracting parties engage to communicate to each other, without delay, all such laws as have been or shall be hereafter enacted by their respective legislatures, as also all measures which shall have been taken for the abolition or limitation of the African slave trade; and they further agree to use their best endeavors to procure the co-operation of other powers for the final and complete abolition of a trade so repugnant to the principles of justice and humanity.

Art. 25. And it is further agreed, that nothing herein contained shall contravene or affect the due execution of any treaty or treaties now actually subsisting between either of the high contracting parties and any other power or powers.

Art. 26. This treaty, when the same shall have been ratified by his majesty, and by the President of the U. States, with the advice of their Senate, and the respective ratifications mutually exchanged, shall be binding and obligatory on his majesty and on the said states, for ten years, from the date of the exchange of the said ratification, and shall be reciprocally executed and observed, with punctuality and the most sincere regard to good faith.

IN faith whereof, we, the undersigned plenipotentiaries, on the part of his majesty the king of Great Britain, and the commissioners extraordinary and plenipotentiaries on the part of the United States of America, have signed this present treaty, and have caused to be affixed thereto the seal of our arms. Done at London, this thirty-first day of December, one thousand eight hundred and six.

(Signed) VASSAL HOLLAND, Seal.)
(Signed) AUCKLAND, (Seal.)
(Signed) JAS. MONROE, (Seal.)
(Signed WM. PINKNEY, (Seal.)

Note from Lord Holland and Lord Auckland.

The undersigned, Henry Richard Vassal Lord Holland, and William Lord Auckland, Plenipotentiaries of his Britannic majesty, have the honor to inform James Monroe and William Pinkney, commissioners extraordinary and plenipotentiary of the United