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State Papers.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES.
WHEREAS a Treaty between the United States and Sweden, made and concluded at Stockholm, on the fourth day of September, in the year one thousand eight hundred and sixteen, by Jonathan Russell, Minister Plenipotentiary of the United States, on the part of the United States, and the Count d'Engestrom, Minister of State for foreign affairs, and the Count Adolphe George de Morner, Counsellor of State, fully authorised and empowered by their respective governments, was duly ratified on the twenty-seventh day of May last, by and with the advice and consent of the Senate, on the part of the United States, with the exception of the third, fourth and sixth articles, and by the King of Sweden, on the twenty-fourth day of July last past, with the exception of the three articles referred to; and the ratifications of the two governments, as aforesaid, have been duly exchanged at Stockholm, by the Plenipotentiaries of the United States and Sweden on the part of their respective governments, which treaty is in the words and figures following, to wit:

TRANSLATION.

In the name of the most Holy and Indivisible Trinity.

The United States of America and his Majesty the King of Sweden and Norway, equally animated with a sincere desire to maintain and confirm the relations of friendship and commerce which have hitherto subsisted between the two States, and being convinced that this object cannot be more effectually accomplished than by establishing reciprocally the commerce between the two States, upon the firm basis of liberal and equitable principles, equally advantageous to both countries, have named, to his end, Plenipotentiaries, and have furnished them with the necessary full powers to treat, in their name, to conclude a treaty, to-wit: The President of the United States, Jonathan Russell, a citizen of the said United States, and now their Minister Plenipotentiary at the Court of Stockholm; and his Majesty, the King of Sweden and Norway, his excellency the Count Laurent d'Engestrom, his Minister of State for foreign affairs, Chancellor of the University of Lund, Knight Commander of the Order of the King, Knight of the Order of Charles 13th, Grand Cross of the Orders of St. Etienne of Hungary, of the Legion of Honour of France, of the Black Eagle and of the Red Eagle of Prussia, and the Count Adolphe George de Morner, his Counsellor of State and Commander of the Order of the Polar Star; and the said Plenipotentiaries, after having produced and exchanged their full powers, found in good and due form, have agreed on the following articles:

ARTICLE FIRST.

There shall be between all the territories under the dominion of the United States of America, and of his Majesty, the King of Sweden and Norway, a reciprocal liberty of commerce. The inhabitants of either of the two countries shall have liberty, with all security for their persons, vessels and cargoes, to come freely to all ports, places and rivers within the territories of the other, into which the vessels of the most favored nations are permitted to enter. There remain and reside in any part wherever of the said territories; they can hire and occupy houses and warehouses for their commerce; and, generally, the merchants and traders of each of the two nations, shall enjoy in the other the most complete security and protection for the transaction of their business being bound, alone, to conform to the laws and statutes of the two countries, respectively.

ARTICLE 2.

No other or higher duties, imports, or charges, whatsoever, shall be imposed on the importation into the territories of his Majesty, the King of Sweden and Norway, of the produce or manufactures of the United States, nor on the importation into the United States of the produce or manufactures of the territories of His Majesty, the King of Sweden and Norway, than those to which the same articles would be subjected in each of the two countries, respectively, if these articles were the growth, produce or manufacture of any other country. The same principle shall likewise be observed, in respect to exportation, in such manner that in each of the two countries, respectively, the articles which shall be exported for the other, cannot be charged with any duty, impost or charge, whatsoever, higher or other than those to which the same articles would be subjected if they were exported to any other country whatever.

Nor shall any prohibition be imposed on the exportation or importation of any article, the growth, produce or manufacture of the territories of His Majesty, the King of Sweden and Norway, or of the United States, to or from the said territories of His Majesty, the King of Sweden and Norway, or to, or from the said United States, which shall not equally extend to all other nations.

Swedish or Norwegian vessels arriving in ballast, or importing into the United States the produce or manufactures of their countries, or exporting from the United States the produce or manufactures of said States, shall not be obliged to pay, either for the vessels or the cargoes, any other or higher duties, imposts, or charges, whatsoever, than those which the vessels of the United States would pay in the same circumstances, and, vice versa, the vessels of the United States, arriving in ballast, or importing into the territories, under the dominion of his Majesty the King of Sweden and Norway, the produce or manufactures of the United States, or exporting from the territories under the dominion of his Majesty the King of Sweden and Norway, the produce or manufactures of these territories, shall not pay, either for the vessels or the cargoes, any other or higher duties, imposts or charges, whatsoever, than those which would be paid if these articles were transported by Swedish or Norwegian vessels, respectively.

That which is here above stipulated, shall also extend to the Swedish colony of St. Barthelemy, as well in what relates to the rights and advantages which the vessels of the United States shall enjoy in its ports, as in relation to those which the vessels of the colony shall enjoy in the ports of the United States, provided the owners are inhabitants of St. Barthelemy, and there established and naturalized, and shall have there caused their vessels to be naturalized.

ARTICLE 3.

His Majesty, the King of Sweden and Norway, agrees that all articles, the growth, produce or manufacture of the West Indies, which are permitted to be imported in Swedish or Norwegian vessels, whether these articles be imported, directly or indirectly, from said Indies, may likewise be imported into its territories in vessels of the United States, and there shall not be paid, either for said vessels or the cargoes, any higher or other duties, imposts or charges whatsoever than those which would be paid by Swedish or Norwegian vessels in the same circumstances, with an addition only of ten per centum on the said duties, imposts and charges, and no more.

In order to avoid misapprehension in this respect, it is expressly declared that the term "West Indies" ought to be taken in its most extensive sense, comprising all that portion of the earth, whether main land or islands, which at that time has been denominated the West Indies in contradistinction to that other portion of the earth denominated the East Indies.

ARTICLE 4.

The United States of America, on their part, agree that all articles the growth, produce or manufacture of the countries surrounding the Baltic sea, or bordering thereon which are permitted to be imported in vessels of the United States, whether these articles be imported directly or indirectly from the Baltic, may likewise be imported into the United States, in Swedish or Norwegian vessels; and there shall not then be paid for the said vessels, or for the cargoes, any higher or other duties, imposts or charges whatsoever, than those which would be paid by vessels of the United States in the same circumstances, with an addition only of ten per centum, on the said duties, imposts and charges, and no more.

In order to avoid all uncertainty in respect to the duties, imposts or charges whatsoever, which a vessel belonging to the citizens or subjects of one of the contracting parties ought to pay, on arriving in the ports of the other, with a cargo consisting partly of articles, the growth, produce or manufacture of the country to which the vessel belongs, and partly of any other merchandise, which the said vessel is permitted to import by the preceding articles, it is agreed that, in case a cargo should be thus mixed, the vessel shall always pay the duties, imposts and charges, according to the nature of that part of the cargo which is subjected to the highest duties, in the same manner, as if the vessel imported this sort of merchandise only.

ARTICLE 5.

The high contracting parties grant mutually the liberty of having in the places of commerce and ports of the other, Consuls, Vice Consuls or commercial Agents, who shall enjoy all the protection and assistance necessary for the due discharge of their functions. But it is here expressly declared that in case of illegal or improper conduct in respect to the laws or government of the country to which they are sent, the said consul, vice consul or agent, may be either punished according to law, dismissed or sent away by the offended government, that government assigning to the other the reasons therefor. It is, nevertheless, understood that the archives and documents relative to the affairs of the consulate shall be protected from all examination and shall be carefully preserved, being placed under the seal of the consul, and of the authority of the place where he shall have resided.

The consuls and their deputies shall have the right, as such, to act as judges and arbitrators in the differences which may arise between the captains and crews of the vessels of the nation whose affairs are entrusted to their care. The respective governments shall have no right to interfere in matters of this kind, except the conduct of the captain and crew shall disturb the peace and tranquillity of the country in which the vessel may be, or that the consul of the place will feel himself obliged to report to the interposition and support of the Executive authority to whose decision he is respected and maintained. It being, nevertheless, understood that this kind of judgment or award shall not deprive the contending parties of the right which they shall have, on their return, to recur to the judicial authorities of their own country.

ARTICLE 6.

In order to prevent all dispute and uncertainty in respect to what may be considered as being the growth, produce or manufacture of the contracting parties respectively, it is agreed that whatever the chief or intendant of the customs shall have designated and specified as such, in the clearance delivered to the vessels which depart from the European ports of His Majesty the King of Sweden and Norway, shall be acknowledged and admitted as such in the United States; and that, in the same manner, whatever the chief or collector of the customs in the ports of the United States shall have designated and specified as the growth, produce or manufacture of the United States shall be acknowledged and admitted as such in the territories of His Majesty the King of Sweden and Norway.

ARTICLE 7.

The citizens or subjects of one of the contracting parties, arriving with their vessels on any coast belonging to the other, but not willing to enter into port, or being entered into port and not willing to unload or break bulk, shall have liberty to depart, and to pursue their voyage, without molestation and without being obliged to render account of their cargo, or to pay any duties, imposts, or charges whatsoever on the vessels or cargo, excepting only the dues of pilotage, when a pilot shall have been employed, or those of quayage or light money, whenever these dues are paid in the same circumstances by the citizens or subjects of the country. It being, nevertheless, understood, that whenever the vessels belonging to the citizens or subjects of one of the contracting parties shall be within the jurisdiction of the other, they shall conform to the laws and regulations concerning navigation, and the places and ports into which it may be permitted to enter, which are in force with regard to the citizens or subjects of the country; and it shall be lawful for the officers of the customs in the district where the said vessels may be to visit them, to remain on board, and to take such precautions as may be necessary to prevent an illicit commerce while such vessels remain within the said jurisdiction.

ARTICLE 8.

It is also agreed, that the vessels of one of the contracting parties, entering the ports of the other, shall be permitted to discharge a part only of their cargoes, whenever the captain or owner shall desire so to do, and they shall be allowed to depart freely with the remainder, without paying any duties, imposts, or charges whatsoever, except on that part which shall have been loaded, and which shall be marked and noted on the list or manifest containing the enumeration of the merchandise which the vessel ought to have on board, and which list ought always to be presented, without reservation, to the officers of the customs at the place where the vessel shall have arrived; and nothing shall be paid on the part of the cargo which the vessel takes away; and the said vessel may proceed therewith to any other port or ports in the same country, into which vessels of the most favored nations are permitted to enter, and there dispose of the same; or the said vessel may depart therewith to the ports of any other country. It is, however, understood, that the duties, imposts, or charges which are payable on the vessel itself, ought to be paid at the first port where it breaks bulk and discharge the cargo, and that no such duties or imposts shall be again demanded in the ports of the same country where the said vessel may thereafter enter, except the inhabitants of the country be subjected to further duties in the same circumstances.

ARTICLE 9.

The citizens or subjects of one of the contracting parties, shall enjoy in the ports of the other, as well for their vessels as for their merchandise, all the rights and privileges of entretrep, which are enjoyed by the most favored nations in the same ports.

ARTICLE 10.

In case any vessel, belonging to either of the two States, or to their citizens or subjects, shall be stranded, shipwrecked, or have suffered any other damage on the coasts under the dominion of either 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 them to return to their own country. The ships and merchandise wrecked, or the proceeds thereof, if the effects be sold, being claimed in a year, and a day, by the owners or their attorney, shall be restored on paying the same costs of salvage, conformably to the laws & usages of the two nations, which the citizens or subjects of the country would pay in the same circumstances. The respective governments shall watch over the companies which are or may be instituted for saving shipwrecked persons and property, that vexations and abuses may not take place.

ARTICLE 11.

It is agreed that vessels arriving direct from the United States, at a port under the dominion of His Majesty the King of Sweden and Norway, or from the ports of his said Majesty in Europe, at a port of the United States, furnished with a certificate of health from the competent health officer of the port whence they took their departure, certifying that no malignant or contagious disease existed at that port, shall not be subjected to any other quarantine than such as shall be necessary for the visit of the health officer of the port at which they may have arrived; but shall, after such visit, be permitted immediately to enter and discharge their cargoes; provided, always, that there may not be found any person on board, who has been, during the voyage, afflicted with a malignant or contagious disease, and that the country from which the vessel comes may not be generally regarded at the time as infected, or suspected, that it has been previously necessary to issue a regulation by which all vessels coming from that country are regarded as suspected, and subjected to quarantine.

ARTICLE 12.

The treaty of Amity and Commerce, concluded at Paris, in 1783, by the Plenipotentiaries of the United States, and of His Majesty the King of Sweden, is renewed and put in force by the present treaty, in respect to all which is contained in the second, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, and twenty-fifth articles of the said treaty, as well as the separate articles one, two, four, and five, which were signed the same day by the same plenipotentiaries; and the articles specified shall be considered to have as full force and vigor as if they were inserted word for word: provided, nevertheless, that the stipulations contained in the articles above mentioned shall always be considered as making no change in the conventions previously concluded with other friendly and allied nations.

ARTICLE 13.

Considering the distance of the respective countries of the two high contracting parties, and the uncertainty that results therefrom in relation to the various events which may take place, it is agreed that a merchant vessel, belonging to one of the contracting parties, and destined to a port supposed to be blockaded at the time of her departure, shall not, however, be captured or condemned for having a first time attempted to enter the said port, unless it may be proved that the said vessel could and ought to have learned, on her passage, that the place in question continued to be in a state of blockade. But vessels which, after having been once turned away, shall attempt a second time, during the same voyage, to enter the same port of the enemy, while the blockade continues, shall be liable to detention and condemnation.

ARTICLE 14.

The present Treaty, when the same shall have been ratified by the President of the United States, by and with the advice and consent of the Senate, and by His Majesty the King of Sweden and Norway, shall continue in force, and be obligatory on the United States and His Majesty the King of Sweden and Norway, for the term of eight years from the exchange of the ratifications; and the ratifications shall be exchanged in eight months, from the signature of this treaty, or sooner if possible.

Done at Stockholm, the fourth day of September, in the year of Grace one thousand eight hundred and sixteen.

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JONAS RUSSELL,
LE COMTE D'ENGESTROM,
LE COMTE A. G. DE MORNER.

Now, therefore, be it known that I, JAMES MONROE, President of the United States, have caused the said Treaty to be made public, to the end that the same, and every clause and article thereof, with the exception of the three articles above referred to, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this 31st day of December, in the year of our Lord one thousand eight hundred and eighteen, and of the Independence of the United States the forty-third.

JAMES MONROE.

By the President:
JOHN QUINCY ADAMS,
Secretary of State.