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REJECTED BRITISH TREATY.

Treaty of Amity, Commerce and Navigation, between his Britannic Majesty and the United States of America.

His Britannic Majesty and the U. States of America, being equally desirous to promote and perpetuate the good understanding and friendship which happily subsist between the subjects of the United Kingdom and the citizens of the United States, and for that purpose to regulate the commerce and navigation between their respective countries, territories, and people on the basis of reciprocity and mutual convenience, have respectively named their plenipotentiaries, and have given to them full powers to make and conclude a treaty of amity, navigation and commerce; that is to say, his Britannic Majesty has named for his plenipotentiaries Henry Richard Vassall, (Lord Holland,) one of his Majesty's privy council and Lord keeper of his Majesty's privy seal, and William lord Auckland, one of his Majesty's privy council and president of the committee of council for all matters of trade and foreign plantations. And the president of the United States, by and with the advice of the senate thereof, hath appointed for their plenipotentiaries, James Monroe and William Pinkney, commissioners extraordinary and plenipotentiaries; who, after having exchanged their respective full powers, have agreed on the following articles.

ARTICLE I.

There shall be a firm, inviolable, and universal peace, and all true and sincere friendship between his Britannic Majesty, his heirs and successors, and the United States of America, and between their respective countries, territories, cities, towns and people, of every degree, without exception of persons or places.

ARTICLE II.

It is agreed that the several articles of the treaty of amity, commerce and navigation between his Majesty and the United States, made at London on the 19th day of November one thousand seven hundred and ninety four which have not expired, nor, as yet, had their full operation and effect, shall be confirmed in the best form and in their full tenor; and that the contracting parties will also, from time to time, enter into friendly explanations on the subject of the said articles, for the purpose of removing all such doubts as may arise or have arisen, as to the true import of the same; as well as for the purpose of rendering the said articles more conformable to their mutual wishes and convenience.

ARTICLE III.

His Majesty agrees, that the vessels belonging to the United States of America, and sailing direct from the ports of the said states, shall be admitted and hospitably received in all the sea ports and harbors of the British dominions 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 U. S. in 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 vice. The citizens of the United States shall pay for their vessels, when admitted into the said ports, no other or higher tonnage than shall be payable on British vessels, when admitted into the ports of the United States. And they shall pay no higher or other 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 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 the vessels going with their original cargoes, or part thereof, from one port or discharge to another, are 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 transgressions should be attempted against the regulations of the British government in this respect, the obser-

vance 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 harbor 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 whatever nature, established in such harbor, 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.

ARTICLE IV.

There shall be between all the dominions of his Majesty in Europe and in 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.

ARTICLE V.

It is agreed that no other or higher duties shall be paid by the ships or merchandize of the one party in the ports of the other, than such as are paid by the like vessels or merchandize of all other nations. Nor shall any other or higher duty be imposed in one country on the importation of any articles the growth, produce or manufacture of the other, than 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 article 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 at any time be payable by British vessels in the ports of America, and the government of the United States, reserves to itself a right of imposing on British vessels entering into the ports of the United States a tonnage duty equal to that which shall at any time be payable by American vessels in the British ports in Europe.

It is agreed that in the trade of the two countries with each other, the same duties of exportation and importation on all goods and merchandize; and also the same drawbacks and bounties shall be paid and allowed in either country, whether such importation or exportation shall be in British or American vessels.

ARTICLE VI.

The high contracting parties not having been able to arrange at present by treaty any commercial intercourse between the territories of the United States and his Majesty's islands and ports in the West Indies, agree that until that subject shall be regulated in a satisfactory manner each of the parties shall remain in the complete possession of its rights, in respect to such an intercourse.

ARTICLE VII.

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 and 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 the 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 so excepted.

ARTICLE VIII.

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 if 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 vessels and cargo so detained shall be allowed damages proportioned to the loss occasioned thereby, together with the cost and charges of the trial.

ARTICLE IX.

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 purpose of war, by land or sea, such as cannon, muskets, mortars, petards, bombs, grenades, carcasses, saucisses, carriages for cannon, muskets, rests, bandoliers, gun powder, match, saltpetre, ball pikes, swords, head pieces, coltasses, 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 fire 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.

ARTICLE X.

Whereas in consideration of the distance and other circumstances incident to the situation of the high contracting parties, it may frequently happen that vessels may sail for a port or place which is an enemy without being 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, & be found therein after the reduction or surrender of such place; be liable to confiscation; but shall be restored to 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.

ARTICLE XI.

Whereas differences have arisen concerning the trading with the colonies of his Majesty's enemies, and the instructions given by his Majesty to 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 United 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 United States, and shall have paid the ordinary duties on such articles so imported for home consumption, and on re-exportation shall after the drawbacks remain subject to a duty equivalent to no 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 bonafide the property of citizens and inhabitants of the United States; 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 United States, and after having been there landed, may be freely carried from thence to every part of Europe, not blockaded, provided such goods shall previously have been entered and landed in the U. States 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 vessels conveying the same be bona fide the property of citizens and inhabitants of the United States.

Provided always, that this article or any thing therein contained, shall not ope-

rate 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.

ARTICLE XII.

And whereas it is expedient to make special provisions respecting the maritime jurisdiction of the high contracting parties of 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 shall 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 power and effect only during the continuance of the present treaty.

ARTICLE XIII.

With respect to the searching of merchant ships, the commander of ships of war and privateers shall conduct themselves honorably as the course of the war then existing may possibly permit towards the most friendly power that may remain neutral, observing as much as possible the acknowledged principles and rules of the law of nations. And justs 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 thereafter 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; 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 cruises 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 should 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.

ARTICLE XIV.

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 merchandize, taken by them and brought into the ports 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, agents duly deputed, and authorized in writing by them (proper evidence being shown in the court of admiralty for proving the property) even in case such effects should be passed into other hands by sale, if it be