

to consider the expediency of re-  
pealing the law laying a direct tax,  
&c. within the United States. He  
stated his reasons to be, the difficulty  
and uncertainty of collection, and  
the want of necessity for the law,  
or use of its provisions for any fu-  
ture occasion.

OFFICIAL COPY  
OF THE  
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 Pre-  
sident of the United States of Ame-  
rica, equally desirous to terminate  
the differences which have arisen  
between the two States, have respec-  
tively appointed their Plenipoten-  
taries, and given them full  
powers to treat upon those differ-  
ences 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 ap-  
pointed for the Plenipotentiaries  
of the said Republic, the Citizens  
Joseph Buonaparte, Ex-Ambassa-  
dor at Rome and Councillor of  
State; Charles Pierre Claret Fleu-  
riac, Member of the National In-  
stitute and of the board of Longitude  
of France, and Councillor of State,  
President of the Section of the Ma-  
rine; and Pierre Louis Rœderer,  
Member of the National Institute  
of France, and Councillor of State,  
President of the section of the In-  
terior: and the President of the  
United States of America, by and  
with the advice and consent of the  
Senate of the said States, has ap-  
pointed for their Plenipotentiaries,  
Oliver Ellsworth, Chief Justice of  
the United States; William Rich-  
ardson Davie, late Governor of the  
State of North-Carolina, and Wil-  
liam Vans Murray, Minister Resi-  
dent of the United States at the  
Hague: Who, after having ex-  
changed their full powers, and af-  
ter 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 peo-  
ple, without exception of persons  
or places.

II. The Ministers Plenipoten-  
tary of the two parties not being  
able to agree at present respecting  
the treaty of alliance of 6th Feb-  
ruary, 1778, the treaty of amity  
and commerce of the same date,  
and the convention of 14th of No-  
vember, 1788, nor upon the in-  
demnities mutually due or claimed,  
the parties will 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 regu-  
lated as follows.

III. The public ships which  
have been taken on one part and the  
other, or which may be taken be-  
fore 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 (contra-  
band 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 the master and commander  
of the ship called \_\_\_\_\_  
of the town of \_\_\_\_\_  
burthen \_\_\_\_\_ 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 jurisdic-  
tion 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, and cause to be kept by  
his crew on board, the marine or-  
dinances and regulations, and enter  
in the proper 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 know-  
ledge 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  
leave to the officers and judges of the  
marine, and shall give a faithful ac-  
count to them of what passed and  
was done during his voyage; and  
he shall carry the colours, arms and  
ensigns of the French Republic or  
of the United States during his voy-  
age. In witness whereof we have  
signed these presents, and put the  
seal of our arms thereunto, any  
caused the same to be counter-  
signed by \_\_\_\_\_ at  
the \_\_\_\_\_ day of \_\_\_\_\_ anno  
Domini."

And this passport will be suffi-  
cient without any other paper, and  
ordinance to the contrary notwith-  
standing; which passport shall not  
be deemed requisite to have been  
renewed or recalled, whatever  
number of voyages the said ship may  
have made, unless the said ship have  
returned home within the space of  
a year. Proof with respect to the  
cargo shall be certificates, contain-  
ing the several particulars of the  
cargo, the place whence the ship  
sailed and whither 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 form 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 admis-  
sible by the general usage of nations.  
Proof with respect to other than  
merchant ships, shall be the com-  
mission they bear.

This article shall take effect from  
the date of the signature of the pre-  
sent convention. And if, from  
the date of the said signature, any  
property shall be condemned con-  
trary to the intent of the said con-  
vention, 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 pay-  
ment 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 confiscations.

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 the respective ports as  
those of the nation the most fa-  
voured; 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 inhabi-  
tants 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 citi-  
zens 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 with-  
out having the effect of this provi-  
sion contested or impeded; under  
any pretext whatever; and the said  
heirs, whether such by particular  
title, or *ab intestato*, shall be ex-  
empt from every duty whatever in  
both countries. It is agreed that  
this article shall in no manner de-  
rogate from the laws which either  
state may now have in force, or  
may hereafter 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 dis-  
posed 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 be-  
tween the two nations, which God  
forbid, the term of six months af-  
ter the declaration of war shall be  
allowed to the merchants and other

citizens and inhabitants, respec-  
tively, 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 obstruc-  
tion; 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, 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 pas-  
ports shall be a safe conduct against  
all insults and prizes which priva-  
teers may attempt against their per-  
sons and effects. And if anything  
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 in-  
dividuals 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 differ-  
ence, be sequestered or confis-  
cated.

X. It shall be free for the two  
contracting parties to appoint com-  
mercial agents for the protection of  
trade, to reside in France and the  
United States. Either party may  
except such places as may be thought  
proper, from the residents of these  
agents. Before any agent shall ex-  
ercise his functions, he shall be ac-  
cepted in the usual forms by the  
party to whom he is sent; and  
when he shall have been accepted  
and furnished with his exequatur,  
he shall enjoy the rights and prerog-  
atives of the similar agents of the  
most favoured nations.

XI. The citizens of the French  
Republic shall pay in the ports, ha-  
vens, roads countries, islands, ci-  
ties and towns of the United States,  
no other, or greater duties or im-  
posts, of what nature soever they  
may be, or by what name soever  
called, than those which the nations  
most favored are, or shall be obli-  
ged 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 citi-  
zens of the United States shall re-  
ciprocally enjoy in the territories  
of the French Republic in Europe,  
the same privileges and immunities,  
as well for their property and per-  
sons, 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 merchandize  
(contraband goods always excepted)  
from any part whatever to any port  
of the enemy of the other, and to  
sail and trade with their ships and  
merchandize, 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 distur-  
bance whatsoever, and to pass not  
only directly from the places and  
ports of the enemy aforementioned,  
to neutral ports and places,  
but also from one place belong-  
ing to an enemy, to another  
place belonging to an enemy, whe-  
ther they be under the jurisdiction  
of the same power, or several; under  
unless such ports or places shall be  
actually blockaded, besieged, or  
invested.

And whereas it frequently hap-  
pens, that vessels sail for a port  
or place belonging to an enemy,  
without knowing that the same is  
either besieged, blockaded, or in-  
vested, it is agreed that every vessel,  
so circumstanced, may be turned  
away from such port or place, but  
shall not be detained, nor any part  
of her cargo, if not contraband, be  
confiscated, unless, after notice of  
such blockade or investment,  
the shall again attempt to enter: but  
the 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 restrain-  
ed from quitting such place with  
her cargo, nor if found therein af-  
ter 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, saltpe-  
tre, petards, match, ball, bombs,  
grenades, carcasses, pikes, halberts,  
swords, belts, pistols, holsters, ca-  
valry saddles and furniture, cannon,  
mortars, their carriages and beds,  
and generally all kinds of arms,  
ammunition of war, and instru-  
ments fit for the use of troops: all  
the above articles, whenever they  
are destined to the port of an en-  
emy, are hereby declared to be con-  
traband, and just objects of confis-  
cation; 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 belong-  
ing to the same, or a different own-  
er.

XIV. It is hereby stipulated,  
that free ships shall give a freedom  
to goods, and that everything 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 al-  
ways 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 ei-  
ther party, they are not to be taken  
out of that free ship, unless they are  
soldiers, and in actual service of the

XV. On the contrary, it is a-  
greed, that whatever shall be found  
to be laden by the citizens of either  
party on any ship belonging to the  
enemies of the other, or their citi-  
zens, shall be confiscated without  
distinction of goods, contraband or  
not contraband, in the same manner  
as if it belonged to the enemy, ex-  
cept such goods and merchandize  
as were put on board such ship be-  
fore 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, whe-  
ther they be of the nature of such  
as are prohibited, or otherwise,  
which is as aforesaid, were put on  
board any ship belonging to an en-  
emy 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 proprietors demanding the  
same; but so that if the said mer-  
chandizes be contraband, it shall  
not be any ways lawful to carry  
them afterwards to any ports belong-  
ing to the enemy.

The two contracting parties agree  
that the term of two months being  
passed after the declaration of war,  
their respective citizens, from what-  
ever part of the world they come,  
shall not plead the ignorance men-  
tioned in this article.

XVI. The merchant ships be-  
longing to the citizens of either of  
the contracting parties, which shall  
be bound to a port of the enemy of  
one of the parties, and concerning  
whose voyage, and the articles of  
their cargo, there shall be just  
grounds of suspicion, shall be obli-  
ged to exhibit, as well upon the  
high seas, as in the ports or roads,  
not only their passports, but like-  
wise their certificates, shewing that  
their goods are not of the quality of  
those which are specified to be con-  
traband in the thirteenth article of  
the present convention.

XVII. And that captures on  
light suspicions may be avoided, and  
injuries thence arising prevented,  
it is agreed, that when one party  
shall be engaged in war, and the  
other party be neuter, the ships of  
the neutral party shall be furnished  
with passports similar to that descri-  
bed in the fourth article, that it  
may appear thereby that the ships  
really belong to the citizens of the  
neutral party; they shall be valid  
for any number of voyages, but  
shall be renewed every year, that  
is, if the ship happens to return  
home in the space of a year. If the  
ships are laden, they shall not only  
be provided with the passports a-  
bove-mentioned, but also with cer-  
tificates similar to those described  
in the same article, so that it may  
be known whether they carry any  
contraband goods. No other paper  
shall be required, any usage or or-  
dinance to the contrary, notwith-  
standing. And if it shall not ap-  
pear from the said certificates that  
there are contraband goods on  
board, the ships shall be permitted  
to proceed on their voyage. If it  
shall appear from the certificates,  
that there are contraband goods on  
board any such ship, and the com-  
mander of the same shall offer to de-  
liver them up, the offer shall be ac-  
cepted, and the ship shall be at li-  
berty to pursue its voyage, unless  
the quantity of the contraband  
goods be greater than can conveni-  
ently be received on board the ship  
of war or privateer, in which case  
the ship may be carried into port  
for the delivery of the same.

If any ship shall not be furnished  
with such passport or certificates as  
are above required for the same,  
such case may be examined by a pro-

per judge or tribunal, and if it shall  
appear from other documents or  
proofs, admissible by the usage of  
nations, that the ship belongs  
to the citizens of the neutral party,  
it shall not be confiscated, but shall  
be released with her cargo (contra-  
band goods excepted) and be per-  
mitted to proceed on her voyage.

If the master of a ship, named in  
the passport, should happen to die  
or be removed by any other cause,  
and another be put in her place, the  
ship and cargo shall nevertheless be  
equally secure, and the passports re-  
main in full force.

XVIII. If the ships of the citi-  
zens of either of the parties shall  
be met with either sailing along the  
coasts, or on the high seas, by any  
ship of war or privateer on the other,  
for the avoiding of any disorder,  
the said ships of war or privateers shall  
remain out of cannon shot, and may  
send their boats on board the mer-  
chant ship which they shall so meet  
with, and may enter her to the num-  
ber of two or three men only, to  
whom the master or commander of  
such ship shall exhibit his passport  
concerning the property of the ship,  
made out according to the form pre-  
scribed in the fourth article.

It is expressly agreed that the  
neutral party shall in no case be  
red to go on board the examining  
vessel, for the purpose of exhibiting  
his papers, or for any other exami-  
nation whatever.

XIX. It is expressly agreed by  
the contracting parties, that the stipu-  
lations above-mentioned, relative  
to the conduct to be observed on the  
sea by the cruisers of the belligerent  
party towards the ships of the neu-  
tral party, shall be applied only to  
ships sailing without convoys; and  
when the said ships shall be convoyed  
(it being the intention of the parties  
to observe all the regard due to the  
protection of the flag displayed by  
public ships) it shall not be lawful  
to visit them: but the verbal decla-  
ration of the commander of the con-  
voy, that the ships he convays, be-  
long to the nation whose flag he  
carries, and that they have no con-  
traband goods on board, shall be  
considered by the respective cruisers  
as fully sufficient: the two parties  
reciprocally engaging not to admit  
under the protection of their con-  
voys, ships which shall carry con-  
traband goods destined to an enemy.

XX. In all cases where vessels  
shall be captured or detained under  
pretence of carrying to the enemy  
contraband goods, the captor shall  
give a receipt for such of the papers  
of the vessel as he shall retain,  
which receipt shall be annexed to a  
descriptive list of the said papers:  
and it shall be unlawful to break up  
or open the hatches, chests, trunks,  
casks, bales or vessels found on  
board, or remove the smallest part  
of the goods, unless the lading be  
brought on shore in presence of the  
competent officers, and an inven-  
tory be made by them of the said  
goods. Nor shall it be lawful to  
sell, exchange or alienate the same  
in any manner, unless there shall  
have been lawful process, and the  
competent judge or judges shall have  
pronounced against such goods sen-  
tence of confiscation, saving always  
the ship and the other goods which  
it contains.

XXI. And that proper care may  
be taken of the vessel and cargo,  
and embezzlement prevented, it is  
agreed, that it shall not be lawful  
to remove the master, commander  
or supercargo of any captured  
ship from on board thereof, either  
during the time the ship may be at  
sea after her capture, or pending  
the proceedings against her, or her  
cargo, or any thing relative thereto.  
And in all cases where a vessel of  
the citizens of either party shall be  
captured, or seized, and held for  
adjudication, her officers, passen-  
gers and crew shall be hospitably  
treated. They shall not be impris-  
oned or deprived of any part of  
their wearing apparel, nor of the  
possession and use of their money,  
not exceeding for the captain, su-  
percargo and mate, five hundred  
dollars each, and for the sailors and  
passengers, one hundred dollars  
each.

XXII. It is further agreed, that  
in all cases, the established courts  
for prize causes, in the country to  
which the prizes may be conducted,  
shall alone take cognizance of them.  
And whenever such tribunal of ei-  
ther of the parties shall pronounce  
judgment against any vessel or goods,  
or property claimed by the citizens  
of the other party, the sentence or de-  
cree shall mention the reasons or mo-  
tives on which the same shall have  
been founded, and an authenticated  
copy of the sentence or decree, and  
of all the proceedings in the case,  
shall if demanded, be delivered to  
the commander or agent of the said  
vessel, without any delay, he pay-  
ing the legal fees for the same.

XXIII. And that more abundant  
care may be taken for the security  
of the respective citizens of the con-  
tracting parties, and to prevent  
their suffering injuries by the men  
of war and privateers of either party,  
all commanders of ships of war