

[Translation]

Treaty of Peace and Friendship between the United States of America and the Bey and Subjects of Tripoli of Barbary.

The Barbary Treaties 1786-1816

Treaty of Peace and Friendship, Signed at Tripoli November 4, 1796

Art 1	Art 2	Art 3	Art 4	Art 5	Art 6
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Treaty of Peace and Friendship, signed at Tripoli November 4, 1796 (3 Ramada I, A. H. 1211), and at Algiers January 3, 1797 (4 Rajab, A. H. 1211). Original in Arabic. Submitted to the Senate May 29, 1797. (Message of May 26, 1797.) Resolution of advice and consent June 7, 1797. Ratified by the United States June 10, 1797. As to the ratification generally, see the notes. Proclaimed June 10, 1797.

The following fourteen pages of Arabic are a reproduction of the text in the original treaty book, first the pages of the treaty in left-to-right order of pagination, and then the "receipt" and the "note" mentioned, according to the Barlow translation, in Article 10. Following the Arabic and in the same order, is the translation of Joel Barlow as written in the treaty book-the twelve articles of the treaty, the "receipt," and the "note"; and after these is the approval of David Humphreys from the same document, which is fully described in the notes. Following those texts is the annotated translation of 1930.

ARTICLE 1.

There is a firm and perpetual Peace and friendship between the United States of America and the Bey and subjects of Tripoli of Barbary, made by the free consent of both parties, and guaranteed by the most potent Dey & regency of Algiers.

ARTICLE 2.

If any goods belonging to any nation with which either of the parties is at war shall be loaded on board of vessels belonging to the other party they shall pass free, and no attempt shall be made to take or detain them.

ARTICLE 3.

If any citizens, subjects or effects belonging to either party shall be found on board a prize vessel taken from an enemy by the other party, such citizens or subjects shall be set at liberty, and the effects restored to the owners.

ARTICLE 4.

Proper passports are to be given to all vessels of both parties, by which they are to be known. And, considering the distance between the two countries, eighteen months from the date of this treaty shall be allowed for procuring such passports. During this interval the other papers belonging to such vessels shall be sufficient for their protection.

ARTICLE 5

A citizen or subject of either party having bought a prize vessel condemned by the other party or by any other nation, the certificate of condemnation and bill of sale shall be a sufficient passport for such vessel for one year; this being a reasonable time for her to procure a proper passport.

ARTICLE 6

Vessels of either party putting into the ports of the other and having need of provisions or other supplies, they shall be furnished at the market price. And if any such vessel shall so put in from a disaster at sea and have occasion to repair, she shall be at liberty to land and reembark her cargo without paying any duties. But in no case shall she be compelled to land her cargo.

ARTICLE 7.

Should a vessel of either party be cast on the shore of the other, all proper assistance shall be given to her and her people; no pillage shall be allowed; the property shall remain at the disposition of the owners, and the crew protected and succoured till they can be sent to their country.

ARTICLE 8.

If a vessel of either party should be attacked by an enemy within gun-shot of the forts of the other she shall be defended as much as possible. If she be in port she shall not be seized or attacked when it is in the power of the other party to protect her. And when she proceeds to sea no enemy shall be allowed to pursue her from the same port within twenty four hours after her departure.

ARTICLE 9.

The commerce between the United States and Tripoli,-the protection to be given to merchants, masters of vessels and seamen,- the reciprocal right of establishing consuls in each country, and the privileges, immunities and jurisdictions to be enjoyed by such consuls, are declared to be on the same footing with those of the most favoured nations respectively.

ARTICLE 10.

The money and presents demanded by the Bey of Tripoli as a full and satisfactory consideration on his part and on the part of his subjects for this treaty of perpetual peace and friendship are acknowledged to have been recieved by him previous to his signing the same, according to a receipt which is hereto annexed, except such part as is promised on the part of the United States to be delivered and paid by them on the arrival of their Consul in Tripoly, of which part a note is likewise hereto annexed. And no presence of any periodical tribute or farther payment is ever to be made by either party.

ARTICLE 11.

As the government of the United States of America is not in any sense founded on the Christian Religion,-as it has in itself no character of enmity against the laws, religion or tranquility of Musselmen,-and as the said States never have entered into any war or act of hostility against any Mehomitan nation, it is declared by the parties that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two countries.

ARTICLE 12.

In case of any dispute arising from a notation of any of the articles of this treaty no appeal shall be made to arms, nor shall war be declared on any pretext whatever. But if the (consul residing at the place where the dispute shall happen shall not be able to settle the same, an amicable reference shall be made to the mutual friend of the parties, the Dey of Algiers, the parties hereby engaging to abide by his decision. And he by virtue of his signature to this treaty engages for himself and successors to declare the justice of the case according to the true interpretation of the treaty, and to use all the means in his power to enforce the observance of the same.

Signed and sealed at Tripoli of Barbary the 3d day of Jumad in the year of the Higera 1211-corresponding with the 4th day of Novr 1796 by

JUSSUF BASHAW MAHOMET Bey SOLIMAN Kaya

MAMET Treasurer

GALIL Genl of the Troops

AMET Minister of Marine

MAHOMET Coml of the city

AMET Chamberlain

MAMET Secretary

ALLY-Chief of the Divan

Signed and sealed at Algiers the 4th day of Argib 1211-corresponding with the 3d day of January 1797 by

HASSAN BASHAW Dey

and by the Agent plenipotentiary of the United States of America

[Seal] Joel BARLOW

[The "Receipt"]

Praise be to God &c-

The present writing done by our hand and delivered to the American Captain OBrien makes known that he has delivered to us forty thousand Spanish dollars,-thirteen watches of gold, silver & pinsbach,-five rings, of which three of diamonds, one of saphire and one with a watch in it, One hundred & forty piques of cloth, and four caftans of brocade,-and these on account of the peace concluded with the Americans.

Given at Tripoli in Barbary the 20th day of Jumad 1211, corresponding with the 21st day of Novr 1796-

(Signed) JUSSUF BASHAW-Bey whom God Exalt

The foregoing is a true copy of the receipt given by Jussuf Bashaw- Bey of Tripoli-

(Signed) HASSAN BASHAW-Dey of Algiers.

The foregoing is a literal translation of the writing in Arabic on the opposite page.

JOEL BARLOW

[The " Note "]

On the arrival of a consul of the United States in Tripoli he is to deliver to Jussuf Bashaw Bey-

twelve thousand Spanish dollars five hawsers-8 Inch

three cables-10 Inch

twenty five barrels tar

twenty five d^o pitch

ten d^o rosin

five hundred pine boards

five hundred oak d^o

ten masts (without any measure mentioned, suppose for vessels from 2 to 300 ton)

twelve yards

fifty bolts canvas

four anchors

And these when delivered are to be in full of all demands on his part or on that of his successors from the United States according as it is expressed in the tenth article of the following treaty. And no farther demand of tributes,

presents or payments shall ever be made.

Translated from the Arabic on the opposite page, which is signed & sealed by Hassan Bashaw Dey of Algiers-the 4th day of Argib 1211-or the 3d day of Jane 1797-by-

Joel BARLOW

[Approval of Humphreys]

To all to whom these Presents shall come or be made known.

Whereas the Underwritten David Humphreys hath been duly appointed Commissioner Plenipotentiary by Letters Patent, under the Signature of the President and Seal of the United States of America, dated the 30th of March 1795, for negotiating and concluding a Treaty of Peace with the Most Illustrious the Bashaw, Lords and Governors of the City & Kingdom of Tripoli; whereas by a Writing under his Hand and Seal dated the 10th of February 1796, he did (in conformity to the authority committed to me therefor) constitute and appoint Joel Barlow and Joseph Donaldson Junior Agents jointly and separately in the business aforesaid; whereas the annexed Treaty of Peace and Friendship was agreed upon, signed and sealed at Tripoli of Barbary on the 4th Of November 1796, in virtue of the Powers aforesaid and guaranteed by the Most potent Dey and Regency of Algiers; and whereas the same was certified at Algiers on the 3d of January 1797, with the Signature and Seal of Hassan Bashaw Dey, and of Joel Barlow one of the Agents aforesaid, in the absence of the other.

Now Know ye, that I David Humphreys Commissioner Plenipotentiary aforesaid, do approve and conclude the said Treaty, and every article and clause therein contained, reserving the same nevertheless for the final Ratification of the President of the United States of America, by and with the

advice and consent of the Senate of the said United States.

In testimony whereof I have signed the same with my Name and Seal, at the City of Lisbon this 10th of February 1797.

[Seal] DAVID HUMPHREYS.

Source:
Treaties and Other International Acts of the United States of America.
Edited by Hunter Miller
Volume 2
Documents 1-40 : 1776-1818
Washington : Government Printing Office, 1931.