

## PEACE AND AMITY

*Treaty signed at Tripoli June 4, 1805*

*Senate advice and consent to ratification April 12, 1806*

*Ratified by the President of the United States April 17, 1806*

*Entered into force April 17, 1806*

*Proclaimed by the President of the United States April 22, 1806*

*Terminated November 1, 1912*<sup>1</sup>

8 Stat. 214; Treaty Series 359<sup>2</sup>

### TREATY OF PEACE AND AMITY BETWEEN THE UNITED STATES OF AMERICA AND THE BASHAW, BEY AND SUBJECTS OF TRIPOLI IN BARBARY

#### ARTICLE 1<sup>st</sup>

There shall be, from the conclusion of this Treaty, a firm, inviolable and universal peace, and a sincere friendship between the President and Citizens of the United States of America, on the one part, and the Bashaw, Bey and Subjects of the Regency of Tripoli in Barbary on the other, made by the free consent of both Parties, and on the terms of the most favoured Nation. And if either party shall hereafter grant to any other Nation, any particular favour or privilege in Navigation or Commerce, it shall immediately become common to the other party, freely, where it is freely granted, to such other Nation, but where the grant is conditional it shall be at the option of the contracting parties to accept, alter or reject, such conditions in such manner, as shall be most conducive to their respective Interests.

#### ARTICLE 2<sup>nd</sup>

The Bashaw of Tripoli shall deliver up to the American Squadron now off Tripoli, all the Americans in his possession; and all the Subjects of the Bashaw of Tripoli now in the power of the United States of America shall be delivered up to him; and as the number of Americans in possession of the Bashaw of Tripoli amounts to Three Hundred Persons, more or less; and the number of Tripoline Subjects in the power of the Americans to about, One Hundred more or less; The Bashaw of Tripoli shall receive from the United States

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<sup>1</sup> Date of U.S. recognition of Italian sovereignty over Libya (see 1912 For. Rel. 608).

<sup>2</sup> For a detailed study of this treaty, see 2 Miller 529.

of America, the sum of Sixty Thousand Dollars, as a payment for the difference between the Prisoners herein mentioned.

#### ARTICLE 3<sup>rd</sup>

All the forces of the United States which have been, or may be in hostility against the Bashaw of Tripoli, in the Province of Derne, or elsewhere within the Dominions of the said Bashaw shall be withdrawn therefrom, and no supplies shall be given by or in behalf of the said United States, during the continuance of this peace, to any of the Subjects of the said Bashaw, who may be in hostility against him in any part of his Dominions; And the Americans will use all means in their power to persuade the Brother of the said Bashaw, who has co-operated with them at Derne &c, to withdraw from the Territory of the said Bashaw of Tripoli; but they will not use any force or improper means to effect that object; and in case he should withdraw himself as aforesaid, the Bashaw engages to deliver up to him, his Wife and Children now in his power.

#### ARTICLE 4<sup>th</sup>

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

#### ARTICLE 5<sup>th</sup>

If any Citizens, or Subjects with or their 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 liberated immediately and their effects so captured shall be restored to their lawful owners or their Agents.

#### ARTICLE 6<sup>th</sup>

Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the Vessels of War belonging to the Regency of Tripoli on meeting with merchant Vessels belonging to Citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers, these two only shall be permitted to go on board said Vessel, without first obtaining leave from the Commander of said Vessel, who shall compare the passport, and immediately permit said Vessel to proceed on her voyage; and should any of the said Subjects of Tripoli insult or molest the Commander or any other person on board a Vessel so visited; or plunder any of the property contained in her; On complaint being made by the Consul of the United States of America resident at Tripoli and on his producing sufficient proof to substantiate the fact, The Commander or Rais of said Tripoline Ship or Vessel of War, as well as the Offenders shall be punished in the most exemplary manner.

All vessels of War belonging to the United States of America on meeting with a Cruizer belonging to the Regency of Tripoli, and having seen her passport and Certificate from the Consul of the United States of America residing in the Regency, shall permit her to proceed on her Cruize unmolested, and without detention. No passport shall be granted by either party to any Vessels, but such as are absolutely the property of Citizens or Subjects of said contracting parties, on any pretence whatever.

ARTICLE 7<sup>th</sup>

A Citizen or Subject of either of the contracting parties 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 two years, which, considering the distance between the two Countries, is no more than a reasonable time for her to procure proper passports.

ARTICLE 8<sup>th</sup>

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 should so put in from a disaster at Sea, and have occasion to repair; she shall be at liberty to land and reimark her Cargo, without paying any duties; but in no case shall she be compelled to land her Cargo.

ARTICLE 9<sup>th</sup>

Should a Vessel of either party be cast on the shore of the other, all proper assistance shall be given to her and her Crew. 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 10<sup>th</sup>

If a Vessel of either party, shall be attacked by an Enemy within Gunshot 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 11<sup>th</sup>

The Commerce between the United States of America and the Regency of Tripoli; The Protections 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 12<sup>th</sup>

The Consul of the United States of America shall not be answerable for debts contracted by Citizens of his own Nation, unless, he previously gives a written obligation so to do.

ARTICLE 13<sup>th</sup>

On a Vessel of War, belonging to the United States of America, anchoring before the City of Tripoli, the Consul is to inform the Bashaw of her arrival, and she shall be saluted with twenty one Guns, which she is to return in the same quantity or number.

ARTICLE 14<sup>th</sup>

As the Government of the United States of America, 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 voluntary war or act of hostility against any Mahometan Nation, except in the defence of their just rights to freely navigate the High Seas: It is declared by the contracting parties that no pretext arising from Religious Opinions, shall ever produce an interruption of the Harmony existing between the two Nations; And the Consuls and Agents of both Nations respectively, shall have liberty to exercise his Religion in his own house; all slaves of the same Religion shall not be impeded in going to said Consuls house at hours of Prayer. The Consuls shall have liberty and personal security given them to travel within the Territories of each other, both by land and sea, and shall not be prevented from going on board any Vessel that they may think proper to visit; they shall have likewise the liberty to appoint their own Drogoman and Brokers.

ARTICLE 15<sup>th</sup>

In case of any dispute arising from the violation 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; The Government of that Country shall state their grievances in writing, and transmit it to the Government of the other, and the period of twelve Calendar months shall be allowed for answers to be returned; during which time no act of hostility shall be permitted by either party, and in case the grievances are not redressed, and War should be the event, the Consuls and Citizens or Subjects of both parties reciprocally shall be permitted to embark with their effects unmolested, on board of what vessel or Vessels they shall think proper.

ARTICLE 16<sup>th</sup>

If in the fluctuation of Human Events, a War should break out between the two Nations; The Prisoners captured by either party shall not be made Slaves; but shall be exchanged Rank of Rank; and if there should be a deficiency on

either side, it shall be made up by the payment of Five Hundred Spanish Dollars for each Captain, Three Hundred Dollars for each Mate and Super-cargo and One hundred Spanish Dollars for each Seaman so wanting. And it is agreed that Prisoners shall be exchanged in twelve months from the time of their capture, and that this Exchange may be effected by any private Individual legally authorized by either of the parties.

ARTICLE 17<sup>th</sup>

If any of the Barbary States, or other powers at War with the United States of America, shall capture any American Vessel, and send her into any of the ports of the Regency of Tripoli, they shall not be permitted to sell her, but shall be obliged to depart the Port on procuring the requisite supplies of Provisions; and no duties shall be exacted on the sale of Prizes captured by Vessels sailing under the Flag of the United States of America when brought into any Port in the Regency of Tripoli.

ARTICLE 18<sup>th</sup>

If any of the Citizens of the United States, or any persons under their protection, shall have any dispute with each other, the Consul shall decide between the parties; and whenever the Consul shall require any aid or assistance from the Government of Tripoli, to enforce his decisions, it shall immediately be granted to him. And if any dispute shall arise between any Citizen of the United States and the Citizens or Subjects of any other Nation, having a Consul or Agent in Tripoli, such dispute shall be settled by the Consuls or Agents of the respective Nations.

ARTICLE 19<sup>th</sup>

If a Citizen of the United States should kill or wound a Tripoline, or, on the contrary, if a Tripoline shall kill or wound a Citizen of the United States, the law of the Country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.

ARTICLE 20<sup>th</sup>

Should any Citizen of the United States of America die within the limits of the Regency of Tripoli, the Bashaw and his Subjects shall not interfere with the property of the deceased; but it shall be under the immediate direction of the Consul, unless otherwise disposed of by will. Should there be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property. Neither shall the Bashaw or his Subjects give hindrance in the execution of any will that may appear.

Whereas, the undersigned, Tobias Lear, Consul General of the United

States of America for the Regency of Algiers, being duly appointed Commissioner, by letters patent under the signature of the President, and Seal of the United States of America, bearing date at the City of Washington, the 18<sup>th</sup> day of November 1803 for negotiating and concluding a Treaty of Peace, between the United States of America, and the Bashaw, Bey and Subjects of the Regency of Tripoli in Barbary—

Now Know Ye, That I, Tobias Lear, Commissioner as aforesaid, do conclude the foregoing 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.

Done at Tripoli in Barbary, the fourth day of June, in the year One thousand, eight hundred and five; corresponding with the sixth day of the first month of Rabbia 1220.

TOBIAS LEAR [SEAL]

Having appeared in our presence, Colonel Tobias Lear, Consul General of the United States of America, in the Regency of Algiers, and Commissioner for negotiating and concluding a Treaty of Peace and Friendship between Us and the United States of America, bringing with him the present Treaty of Peace with the within Articles, they were by us minutely examined, and we do hereby accept, confirm and ratify them, Ordering all our Subjects to fulfill entirely their contents, without any violation and under no pretext.

In Witness whereof We, with the heads of our Regency, Subscribe it.

Given at Tripoli in Barbary the sixth day of the first month of Rabbia 1220, corresponding with the 4<sup>th</sup>. day of June 1805.

JUSUF CARAMANLY <i>Bashaw</i>	[SEAL]
MOHAMET CARAMANLY <i>Bey</i>	[SEAL]
MOHAMET <i>Kahia</i>	[SEAL]
HAMET <i>Rais de Marino</i>	[SEAL]
MOHAMET DGHIES <i>First Minister</i>	[SEAL]
SALAH <i>Aga of Divan</i>	[SEAL]
SELIM <i>Hasnadare</i>	[SEAL]
MURAT <i>Dulartile</i>	[SEAL]
MURAT RAIS <i>Admiral</i>	[SEAL]
SOLIMAN <i>Kehia</i>	[SEAL]
ABDALLA <i>Basa Aga</i>	[SEAL]
MAHAMET <i>Scheig al Belad</i>	[SEAL]
ALLI BEN DIAB <i>First Secretary</i>	[SEAL]

## [RECEIPT]

We hereby acknowledge to have received from the hands of Colonel Tobias Lear the full sum of sixty thousand dollars, mentioned as Ransom for two hundred Americans, in the Treaty of Peace concluded between Us and the United States of America on the Sixth day of the first Month of Rabbia 1220—and of all demands against the said United States.

Done this twenty first day of the first month of Rabbia 1220.<sup>3</sup>

(JOSEPH CARMANALY) *Bashaw* [SEAL]

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<sup>3</sup> June 19, 1805.