

A treaty of Amity and Commerce concluded between his Majesty the King of Sweden and the United States of North America

The King of Sweden, of the Goths and Vandals, &c. &c. and the thirteen United States of North America, to wit, New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, The counties of Newcastle, Kent and Sussex on Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, desiring to establish in a stable and permanent manner the Rules which ought to be observed relative to the Correspondence and Commerce which the two parties have judged necessary to establish between their countries, states and subjects ^{respective} His Majesty and the United States have thought that they could not better accomplish that end than by taking for a basis of their Arrangements the mutual interest and Advantage of both Nations thereby avoiding all those burthensome preferences, which are usually sources of debate, embarrassment and discontent, and by leaving each party at liberty to make respecting Navigation & Commerce those interior regulations which shall be most convenient to itself. With this view his Majesty the King of Sweden has nominated and appointed for his plenipotentiary Count Gustavus Philip de Creutz, his Ambassador extraordinary to his most Christian Majesty & Knight Commander of his Orders; and the United States on their part have fully empowered Benjamin Franklin their Minister plenipotentiary to his most Christian Majesty; the said plenipotentiaries after exchanging their full powers and after mature deliberation in consequence thereof have agreed upon, concluded and signed the following Articles. —

Art. 1.

There shall be a firm inviolable and universal peace, and a true and sincere friendship between the King of Sweden, his heirs & successors, and the United States of America, and the subjects of his Majesty and those of the said states, and between the countries, islands, cities and ~~ports~~^{Towns} situated under the jurisdiction of the King and of the said United States, without any exception of persons or places, and the conditions agreed to in this present treaty shall be perpetual and permanent between the King his heirs & successors and the said United States.

Art. 2.

The King and the United States engage mutually not to grant hereafter any particular favour ^{to other nations} in respect to Commerce & navigation, which shall not immediately become common to the other party, who shall enjoy the same favour freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

Art. 3.

The subjects of the King of Sweden shall not pay in the ports, havens, roads, countries, islands, cities and towns of the United States, or ⁱⁿ any of them, any other nor greater duties or imposts of what nature soever they may be, than those which the most favoured nations are, or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities & exemptions in trade navigation & commerce, ^{which the said nations do or shall enjoy} whether in passing from one port to another of the United States, or in going to ^{or from the same} ~~returning from~~ ~~any part thereof~~ or to any part of the world whatever.

Art. 4.

The subjects and inhabitants of the said United States shall not pay in the ports, havens, roads, islands, cities and towns under the Dominion of the King of Sweden any other or greater duties or imposts, of what nature soever they may be, or by what name soever

called, than those which the most favoured nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and Commerce which the said nations do or shall enjoy whether in passing from one port to another of the Dominion of his said Majesty or ingoing to or from the same from or to any part of the world, whatever.

Art. 5.

There shall be granted, ^{ed} a full perfect and entire liberty of Conscience to the inhabitants and subjects of each party, and no person shall be molested on account of his worship, provided he ^{submits} ~~submits~~ so far as regards the public demonstration of it, to the laws of the country. Moreover liberty shall be granted, when any of the subjects or inhabitants of either party die in the territory of the other to bury them in convenient & decent places which shall be assigned for the purpose: And the two contracting parties will provide each in its jurisdiction that the subjects and inhabitants respectively may obtain certificates of the death in case the delivery of them is required.

Art. 6.

The subjects of the contracting parties in the respective states may freely dispose of their goods and effects, ^{fonds et biens} either by testament donation or otherwise in favour of such persons as they think proper, and their heirs in whatever place they shall reside shall receive the succession even ab intestato either in person or by their attorney, without having occasion to take out letters of naturalization. These inheritances as well as the capitals & effects, ^(fonds) which the subjects of the two parties, in changing their ^{dwelling} ~~abode~~, shall be desirous of removing from the place of their abode shall be exempted from all duties called "droit de detraction" on the part of the governments of the two states respectively. But it is at the same time agreed that ~~nothing contained in~~ ^{nothing contained in} this article shall ~~not~~ in any manner derogate from the ordinances published in Sweden against emigrations

or which may hereafter be published, which shall remain in full force and vigor. The United States on their part or any of them shall be at liberty to make, respecting this matter, such laws as they think proper.

Art 7.

All and every the subjects, inhabitants, of the Kingdom of Sweden, as well as those of the United States, shall be permitted to navigate with their vessels in all safety and freedom and without any regard to those to whom the merchandizes & cargoes may belong, from any port whatever. And the subjects and inhabitants, of the two States, shall likewise be permitted to sail & trade with their vessels and with the same liberty and safety to frequent the places, ports and havens, of powers, enemies to both or either of the contracting parties, without being in any wise molested or troubled, and to carry on a commerce not only directly from the ports of an enemy to a neutral port, but even from one port of an enemy to another port of an enemy, whether it be under the jurisdiction of the same or of different princes. And as it is acknowledged by this treaty, with respect to ships & merchandizes, that free ships shall make the merchandizes free and that every thing which shall be on board of ships belonging to subjects of the one or the other of the contracting parties shall be considered as free, even though the cargo or a part of it should belong to the enemies of one or both; it is nevertheless provided that contraband goods shall always be excepted; which, being intercepted, shall be proceeded against according to the spirit of the following articles. It is likewise agreed that the same liberty be extended to persons who may be on board a free ship with this effect that although they be enemies to both or either of the parties they shall not be taken out of the free ships, unless they are soldiers in the actual service of the said enemies.

Art 8

This liberty of navigation & commerce shall extend to all kinds

of merchandizes except those only which are expressed in the following article, and are distinguished by the name of Contraband Goods.

Art 9.

Under the name of Contraband or prohibited goods shall be comprehended, arms, questum, cannon balls, Arquebuses, Musquets ^{mortars} bombs, petards, granadoes, saucisses, pitch balls, carriages, for Ordnance, Musquet rests, bandoliers, cannon powder, matches, salt petre, sulphur bullets, pikes, Sabres, swords, morions, helmets, cuirasses, halberds, javelins, pistols, holsters, belts, bayonets, horses with their harness and all other like kinds of arms and instruments of war for the use of hoops.

Art 10.

Those which follow shall not be reckoned in the number of prohibited goods, that is to say, all sorts of cloths, and all other manufactures of wool, flax, silk, cotton or any other materials, all kinds of wearing apparel together with the things, of which they are commonly made; Gold, silver coined or uncoined, brass, iron, lead copper, latten, coal, wheat, barley and all sorts of corn or pulse, tobacco all kinds of spices, salted & smoked flesh, salted fish, cheese, butter, beer, oyl, wine, sugar, all sorts of salt and provisions which serve for the nourishment and sustenance of man; All kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail cloth, anchors and ^{any} parts of anchors, ship-masts, planks, boards, beams and all sorts of trees and other things proper for building or repairing ships; nor shall any goods be considered as contraband, which have not been worked into the form of any instrument or thing for the purpose of war by land or by sea, much less such as have been prepared or wrought up for any other use. All which shall be reckoned free goods, as likewise all other, which are not comprehended & particularly mentioned in the foregoing article; so that they shall not, by any pretended interpretation, be comprehended among prohibited or contraband goods.

On the contrary they may be freely transported by the subjects of the King and of the United States even to places belonging to an enemy such places only excepted as are besieged, blockaded or invested, and those places ~~only~~ shall be considered as ports, which are nearly surrounded by one of the belligerent powers.

Art. 11.

In order to avoid & prevent on both sides all ~~kind of~~ disputes and discord, it is agreed, that in case one of the parties shall be engaged in a war, the vessels ~~and ships~~ ^{ships} belonging to the subjects or inhabitants of the other shall be furnished with sea letters or passports, expressing the name, property and port of the vessel and also the name & place of abode of the Master or commander of the said vessel, in order that it may thereby appear that the said vessel really & truly belongs to the subjects of ^{the} one or ^{the} other party. These passports which shall be drawn up in good & due form shall be renewed every time the vessel returns home in the course of the year. It is also agreed that the said vessels when loaded shall be provided not only with sea letters but also with certificates containing a particular account of the cargo, the place from which the vessel sailed and that of her destination, in order that it may be known, whether they carry any of the prohibited or contraband merchandizes, mentioned in the 9 article of the present treaty; which certificates shall be made out by the officers of the place from which the vessel shall depart.

Art 12.

Although the vessels of the one and of the other party may navigate freely and with all safety as is explained in the 7 article they shall nevertheless be bound at all times when required, to exhibit as well on the high sea as in port their passports & certificates above mentioned. And not being loaded with having contraband merchandize on board for an enemy's port, they may freely and without hindrance ^{nevertheless} pursue their voyage to the place of their destination. ~~But~~ the exhibition of papers shall not be

demanded of merchant ships ^{under the} conveyance of Vessels of War, ^{but} credit shall
be given to the word of the officer commanding the Convoy.

Art 13.

If on producing the said certificates it be discovered that the
vessel carries some of the goods which are declared to be prohibited or
contraband & which are consigned to an enemy's port, it shall not
however be lawful to break up the hatches of such ships, nor to open
any chest, coffer, pack, cask, or vessel, nor to remove or displace the
smallest part of the merchandise, until the cargo has been landed
in the presence of officers appointed for the purpose and until an
inventory thereof has been taken. Nor shall it be lawful to sell
exchange, or alienate the cargo or any part thereof, until legal pro-
cess shall have been had against the prohibited merchandizes and
sentence shall have passed declaring them liable to confiscation,
saving nevertheless as well the ships themselves as the other mer-
chandizes ^{which} shall have been found therein, which by virtue of this
present treaty are to be esteemed free, and which are not to be detained
on pretence of their having been loaded with prohibited merchandise
and much less confiscated as lawful prize, and in case the contra-
band merchandise be only a part of the cargo and the master of the
vessel agrees, consents, & offers to deliver them to the vessel, that has
discovered them, in that case the vessel latter, after receiving the
merchandizes, which are good prize, shall immediately let the vessel
go and shall not by any means hinder her from pursuing her
voyage to the place of her destination. When a vessel is taken and
brought into any of the ports of the contracting parties, if upon
examination she be found to be loaded only with merchandizes
declared to be free, the owner or he who has made the prize shall be
bound to pay all costs & damages to the master of the vessel unjustly
detained.

Art 14

It is likewise agreed that whatever shall be found to be laden by the
subjects of ^{either} one of the two contracting parties on a ship belonging to

the enemies of the other party shall be wholly confiscated the whole effects, although not of the number of those declared Contraband shall be confiscated as if they belonged to the enemy, except ^{nevertheless} such goods and merchandizes as were put on board before the declaration of war & even six months after the declaration after which term none shall be presumed to be ignorant of it, which merchandizes shall not in any manner be subject to confiscation, but shall be faithfully & specifically delivered to the owners who shall claim or cause them to be claimed before confiscation or sale, as also their proceeds if the claim be made within eight months & could not be made sooner after the sale, which is to be public: provided nevertheless that if the said merchandizes be of the Contraband it shall not be ⁱⁿ any wise lawful to carry them after war to a port belonging to the enemy.

Art. 15.

And that more effectual care may be taken for the security of the two contracting parties, that they suffer no prejudice by the men of war of the other party or by privateers all captains & commanders of ships of his Britannic Majesty and of the United States and all their subjects shall be forbidden to do any injury or damage to those of the other party, & if they act to the contrary, having been found guilty on examination by their proper judges they shall be bound to make satisfaction for all damages & the interest thereof & to make them good under pain & obligation of their persons and goods.

Art. 16.

For this cause, every individual who is desirous of fitting out a privateer shall before he receives letters patent or ^{special} commission shall be obliged to give bond with sufficient sureties, before a competent judge, for a sufficient sum, to answer all damages which the owner of the privateer his officers or others in his employ may commit during the cruise, contrary to the tenor of this treaty and contrary to the edicts published by either party, whether by the King of Sweden or by the United States in virtue of the same treaty and also under the penalty of having the said letters patent or special commission revoked and made void.

Art. 17.

One of the contracting parties being at war & the other remaining neutral if it should happen that a merchant ship of the neutral power be taken

by the enemy of the other party and be afterwards retaken by a ship of war or privateer of the power at war, all ships & merchandizes of what nature soever they may be when recovered from a pirate or sea rover, shall be brought into a port of one of the two powers & shall be committed to the custody of the officers of the said port, that they may be restored entire to the ^{true} proprietor as soon as he shall have produced full proof of the property. Merchants, masters & owners of ships, seamen, people of all sorts, ships & vessels & in general all merchandizes & effects of one of the allies or their subjects shall not be subject to any embargo nor detained in any of the countries, territories, islands, cities, towns, ports, rivers or domains whatsoever of the other ally on account of any military expedition or any public or private purpose whatever, by seizure, ~~by force~~, or by any ^{such manner} ~~any thing~~ which shall it be lawful for the subjects of one of the parties to seize or take by force from the subjects of the other party without the consent of the owner. This however is not to be understood to comprehend seizures, detentions and arrests made by order and by the authority of justice & according to the ordinary course for debts or faults of the subject, for which process shall be had in the way of right according to the forms of justice.

Art. 18.

If it should happen that the two contracting parties should be engaged in a war at the same time with a common enemy, the following points shall be observed on both sides

1. If the ships of one of the two nations taken by the privateers of the other have not been in the power of the enemy more than 24 hours, they shall be restored to the original owner on payment of one third of the value of the ship and cargo. If on the contrary the vessel retaken has been more than 24 hours in the power of the enemy, it shall belong wholly to him who has retaken it.
2. In case, during the interval of 24 hours, a vessel be retaken by a man of war of either of the two parties, it shall be restored to the original owner on payment of a thirtieth part of the value of the vessel and cargo, and a tenth part, if it has been retaken after the 24 hours, which sum shall be distributed as a gratification among the crew of the man of war that shall have made the recapture.
3. The prizes made in manner above mentioned shall be restored to the owners after proof made of the property, upon giving security for the

part coming to him who has recovered the vessel from the hands of the enemy.
14. The men of war and privaters of the two nations shall reciprocally be admitted with their prizes into each others ports; but the prizes shall not be unloaded or sold there until the legality of a prize made by Swedish ships shall have been determined according to the laws & regulations established in Sweden: & also that of the prizes made by American vessels shall have been determined according to the laws & regulations established by the United States of America.

5 Moreover the King of Sweden and the United States of America shall be at liberty to make such regulations as they shall judge necessary respecting the conduct which their men of war & privaters respectively shall be bound to observe with regard to vessels which they shall take and carry into the ports of the two powers.

Art 19.

The ships of war of his Swedish Majesty and those of the United States, and also those which their subjects shall have armed for war may with all freedom conduct their prizes which they shall have made from their enemies into the ports which are open in time of war to other friendly nations, ^{and} shall the said prizes upon entering the said ports, ^{shall not} be subject to arrest or seizure, nor shall the officers of the places take cognizance of the validity of the said prizes which may depart and be conducted freely & with all liberty to the places pointed out in their commissions, which the captains of the said vessels shall be obliged to show.

Art 20.

In case any vessel belonging to either of the two states or to their subjects shall be stranded, shipwrecked or suffer any other damage on the coasts or 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 to them to secure their return to their own country. The ships and merchandize, wrecked or their proceeds if the effects have been sold being claimed in a year & a day by the owners or their attorney shall be restored on their paying the costs of salvage conformable to the laws and customs of the two nations.

Art. 21

When the subjects and inhabitants of the two parties with their

vessels whether they be public, and equipped for war or private or employed in commerce shall be forced by tempest, by pursuit of privateers and of enemies or by any other urgent necessity, to retire and enter any of the rivers, bays, roads or ports of either of the two parties, they shall be received and treated with all humanity & politeness and they shall enjoy all friendship protection & assistance, and they shall be at liberty to supply themselves with refreshments, provisions & every thing necessary for their sustenance, for the repair of their vessels and for continuing their voyage, ~~the whole~~ provided allway, that they pay a reasonable price, and they shall not in any manner be detained or hindered from sailing out of the said ports or roads, but they may retire and depart when and as they please without any obstacle or hindrance

Art 22

In order to favour Commerce on both sides as much as possible, it is agreed that in case a war should break out between the said two nations which God forbid, the term of nine months after the declaration of war shall be allowed to the merchants and subjects respectively on one side and the other, in order that they may withdraw with their effects and moveables, which they shall be at liberty to carry off or to sell where they please without the least obstacle; nor shall any ~~of~~ ^{seize} their effects & much less their persons during the said nine months, but on the contrary passports which shall be valid for a time necessary for their return shall be given them for their vessels and the effects which they shall be willing to carry with them. And if any thing is taken from ~~them~~ if any injury is done to them ~~by one of the parties~~ by one of the parties their people & subjects during the term above prescribed, full and entire satisfaction shall be made to them on that account. The above mentioned passports shall also serve as a safe conduct against all insults or prizes which privateers may attempt ~~to~~ against their persons and effects

Art. 23.

No subject of the king of Sweden shall take a commission or

Letters of marque for arming any vessel to act as a privateer against the United States of America or any of them or against the subjects people or inhabitants of the said United States or any of them or against the property of the inhabitants of the said States from any prince or state whatever with whom the said United States shall be at war. Nor shall any citizen subject or inhabitant of the said United States or any of them apply for or take any commission or letters of marque for arming any vessel to cruise against the subjects of his Swedish Majesty or any of them or their property from any prince or state whatever with whom his said Majesty shall be at war. And if any person of either nation shall take such commissions or letters of marque he shall be punished as a pirate.

Art. 24

The vessels of the subjects of either of the parties coming upon any coast belonging to the other, but not willing to enter into port or being entered into port and not willing to unload their cargoes or to break bulk, shall not be obliged to do it, but on the contrary shall enjoy all the franchises and exemptions which are granted by the rules subsisting with respect to that object.

Art. 25

When a vessel belonging to the subjects or inhabitants of either of the parties sailing on the high sea shall be met by a ship of war or privateer of the other, the said ship of war or privateer, to avoid all disorder shall remain out of cannon shot, but may always send their boat on board the merchant ship, and ~~send~~ ^{put on} two or three men ~~to go~~ on board of her, to whom the master or commander of the said vessel shall exhibit his passport stating the property of the vessel and when the said vessel shall have exhibited her passport, she shall be at liberty to continue her voyage and it shall not be lawful to molest or search her in any manner, or to give her chase or force her to quit her intended course.

Art 26

The two contracting parties grant mutually the liberty of having, each in the ports of the other, Consuls, vice Consuls, Agents and commissaries whose functions shall be regulated by a particular agreement.

Art 27.

The present treaty shall be ratified on both sides and the ratifications shall be exchanged in the space of eight months, or sooner if possible, counting from the day of the signature.

In faith whereof the respective plenipotentiaries have signed the above articles and have thereto affixed their seals.

Done at Paris the third day of April in the year of our Lord one thousand seven hundred and eighty three.

signed. Gustav Philip Comte de Creutz. B. Franklin

(L.S.)

(L.S.)

Separate Article

The King of Sweden and the United States of America ^{with} agree that the present treaty shall have its full effect for the space of fifteen years counting from the day of the ratification and the two contracting parties reserve to themselves the liberty of renewing it at the end of that term.

Done at Paris the third of April in the year of our Lord One thousand seven hundred and eighty three

signed Gustav Philip Comte de Creutz. B. Franklin

(L.S.)

(L.S.)

Separate Articles

Art 1.

His Swedish Majesty shall use all the means in his power to protect & defend the vessels and effects belonging to citizens or inhabitants of the United States of North America and every of them, which shall be in the ports, havens, roads or on the seas near ~~the~~ countries, islands cities and towns of his said Majesty, and shall use his utmost endeavour to recover and restore to the right owners all such vessels and effects which shall be taken from them within his jurisdiction

Art 2.

In like manner the United States of North America shall protect & defend the vessels and effects belonging to the subjects of his Swedish Majesty, which shall be in the ports, havens, or roads or on the seas near to the countries, islands cities and towns of the said states and shall use their utmost efforts to recover and restore to the right owners all such vessels and effects which shall be taken from them within their jurisdiction

Art. 3.

If in any future war at sea the contracting powers resolve to remain neutral and as such to observe the strictest neutrality ^{there} it is agreed that if the merchant ships of either party should happen to be in a ~~part~~ part of the sea where the ships of war of the same nation are stationed, or if they are met on the high sea, without being able to have recourse to ^{their own} ~~proper~~ convoys in that case the commander of the ships of war of the other party, if required, shall in good faith and sincerity give them all necessary assistance, and in such case the ships of war and frigates of either of the powers shall protect and support the merchant ships of the other, provided nevertheless, that the ships claiming assistance are not engaged in any illicit commerce contrary to the principle of the neutrality.

Art 4

It is agreed & concluded that all merchants, captains of mer-

chant ships or other subjects of his Swedish Majesty shall have full liberty in all places under the dominion or jurisdiction of the United States of America to manage their own affairs and to employ in the management of them whomsoever they please; and they shall not be obliged to make use of any interpreter or broker nor to pay them any reward unless they make use of them. Moreover the masters of ships shall not be obliged, in loading or unloading their vessels to ~~make~~ employ labourers appointed by public authority for that purpose; but they shall be at full liberty, themselves to load or unload their vessels, or to employ in loading or unloading them whomsoever they think proper without paying reward under the title of salary to any other person whatever. And they shall not be obliged to turn over any kind of merchandizes to other vessels nor to receive them on board their own to wait longer for their loading longer than they please, and all and every of the citizens people and inhabitants of the United States of America shall ^{reciprocally} have and enjoy the same privileges and liberties in all places under the jurisdiction of the said realm.

Art 5

It is agreed that when merchandizes shall have been put on board the ships or vessels of either of the contracting parties they shall not be subjected to any examination; but all examination and search shall must be before loading and the prohibited merchandizes must be stopped on the spot before they are embarked, unless there is full evidence or proof of fraudulent practice on the part of the owner of the ship or of him who has the command of her. In which case only he shall be responsible and subject to the laws of the country in which he may be. In all other cases neither the subjects of either of the contracting parties who shall be with their vessels in the ports of the other, nor their merchandizes shall be ^{seized} ~~detained~~ or molested on account of contraband goods while they shall ^{have} ~~be~~ ^{take} ~~put~~ on board, nor shall any kind of

Embargo be laid on their ships, subjects, or citizens of the State,
whose merchandizes are declared contraband or the exportation
of which is forbidden, ~~whom it touches~~ ^{those only who} they shall have sold
or intended to sell or alienate, such merchandize, being liable
to punishment for such contravention

Done at Paris the third day of April in the year of our
Lord one thousand seven hundred and eighty three
signed

Gustave Philip Compté de Creutz.

B Franklin

(G.P.C.)

(B.F.)

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