Sweden[1]

AMITY AND COMMERCE

Treaty, with separate article and separate articles 1–5, signed at Paris April 3, 1783
Ratified by Sweden May 23, 1783
Ratified by the Continental Congress July 29, 1783
Proclaimed by the United States September 25, 1783
Ratifications exchanged at Paris February 6, 1784
Entered into force February 6, 1784
Expired February 6, 1799; renewed in respect of articles 2, 5–19, 21–23, and 25, and separate articles 1, 2, 4, and 5 by treaties of September 4, 1816,[2] *and July 4, 1827*[3]
Terminated February 4, 1919[4]

8 Stat. 60; Treaty Series 346[5]

[TRANSLATION]

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, etc., etc., etc., 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 New Castle, 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

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[1] See also SWEDEN AND NORWAY.
[2] Treaty between the United States and the King of Sweden and Norway (TS 347, *post*, p. 868, SWEDEN AND NORWAY).
[3] TS 348, *post*, p. 876, SWEDEN AND NORWAY.
[4] Pursuant to notice of termination, with respect to Sweden, of treaty of July 4, 1827 given by the United States Feb. 4, 1918.
[5] For a detailed study of this treaty, see 2 Miller 123.

relative to the correspondence and commerce which the two parties have judged necessary to establish between their respective countries, states, and subjects; 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 and 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, and 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:

Article 1

There shall be a firm, inviolable, and universal peace and a true and sincere friendship between the King of Sweden, his heirs and 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 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 and successors, and the said United States.

Article 2

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

Article 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 favored 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 United States, or in going to or from the same, from or to any part of the world whatever.

ARTICLE 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 favored 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 in going to or from the same, from or to any part of the world whatever.

ARTICLE 5

There shall be granted 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, 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 and 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.

ARTICLE 6

The subjects of the contracting parties in the respective states may freely dispose of their goods and effects, either by testament, donation, or otherwise, in favor of such persons as they may 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 and effects which the subjects of the two parties, in changing their abode, shall be desirous of removing from the place of their abode, shall be exempted from all duty called *droit de détraction* on the part of the Government of the two states respectively. But it is at the same time agreed that nothing contained in this article shall 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.

ARTICLE 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 merchandises and cargoes may belong, from any port whatever. And the subjects and inhabitants of the two states shall likewise be permitted to sail and 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 and merchandises, that free ships shall make the merchandises free, and that everything 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 ship unless they are soldiers in the actual service of the said enemies.

ARTICLE 8

This liberty of navigation and commerce shall extend to all kinds of merchandises, except those only which are expressed in the following article and are distinguished by the name of contraband goods.

ARTICLE 9

Under the name of contraband or prohibited goods shall be comprehended arms, great guns, cannon balls, arquebuses, muskets, mortars, bombs, petards, grenades, saucisses, pitch balls, carriages for ordnance, musket rests, bandoleers, cannon powder, matches, saltpeter, sulphur, bullets, pikes, sabers, swords, morions, helmets, cuirasses, halberds, javelins, pistols and their holsters, belts, bayonets, horses with their harness, and all other like kinds of arms and instruments of war for the use of troops.

ARTICLE 10

These 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, coals, wheat, barley, and all sorts of corn or pulse; tobacco, all kinds of spices, salted and smoked flesh, salted fish, cheese, butter, beer, oil, wines, 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, sailcloth, 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 others which are not comprehended and 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, blocked, or invested, and those places only shall be considered as such, which are nearly surrounded by one of the belligerent powers.

Article 11

In order to avoid and prevent, on both sides, all disputes and discord, it is agreed that in case one of the parties shall be engaged in a war, the ships and vessels 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 and place of abode of the master or commander of the said vessel, in order that it may thereby appear that the said vessel really and truly belongs to the subjects of the one or the other party. These passports, which shall be drawn up in good and 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 merchandises mentioned in the ninth article of the present treaty; which certificates shall be made out by the officers of the place from which the vessel shall depart.

Article 12

Although the vessels of the one and of the other party may navigate freely and with all safety, as is explained in the seventh article, they shall, nevertheless, be bound at all times when required, to exhibit, as well on the high sea as in port, their passports and certificates above mentioned. And not having contraband merchandise on board for an enemy's port, they may freely and

without hindrance pursue their voyage to the place of their destination. Nevertheless, the exhibition of papers shall not be demanded of merchant ships under the convoy of vessels of war, but credit shall be given to the word of the officer commanding the convoy.

ARTICLE 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, and 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, coffers, packs, casks, or vessels, nor to remove or displace the smallest part of the merchandises, 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 process shall have been had against the prohibited merchandises and sentence shall have passed declaring them liable to confiscation, saving, nevertheless, as well the ships themselves as the other merchandises 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 contraband merchandise be only a part of the cargo, and the master of the vessel agrees, consents, and offers to deliver them to the vessel that has discovered them, in that case the latter, after receiving the merchandises 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 merchandises declared to be free, the owner, or he who has made the prize, shall be bound to pay all costs and damages to the master of the vessel unjustly detained.

ARTICLE 14

It is likewise agreed that whatever shall be found to be laden by the subjects of either of the two contracting parties on a ship belonging to the enemies of the other party, the whole effects, although not of the number of those declared contraband, shall be confiscated as if they belonged to the enemy, excepting, nevertheless, such goods and merchandises as were put on board before the declaration of war, and even six months after the declaration, after which term none shall be presumed to be ignorant of it; which merchandises shall not in any manner be subject to confiscation, but shall be faithfully and specifically delivered to the owners, who shall claim or cause them to be claimed before confiscation and sale, as also their proceeds, if the claim be made within eight months and could not be made sooner after the sale, which is to be public; provided, nevertheless, that if the said merchandises be

contraband, it shall not be in any wise lawful to carry them afterward to a port belonging to the enemy.

ARTICLE 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 and commanders of ships of His Swedish 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, and 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 and the interest thereof, and to make them good under pain and obligation of their persons and goods.

ARTICLE 16

For this cause, every individual who is desirous of fitting out a privateer shall, before he receives letters patent or special commission, be obliged to give bond with sufficient sureties, before a competent judge, for a sufficient sum to answer all damages and wrongs 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 this same treaty, and also under the penalty of having the said letters patent and special commission revoked and made void.

ARTICLE 17

One of the contracting parties being at war and the other remaining neuter, 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, also ships and merchandises 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 and 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 and owners of ships, seamen, people of all sorts, ships and vessels, and in general all merchandises and 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 whatever, 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; much less shall it be lawful for the subjects of one of the parties to seize or take anything 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 and 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.

ARTICLE 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, retaken by the privateers of the other, have not been in the power of the enemy more than twenty-four 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 twenty-four hours in the power of the enemy, it shall belong wholly to him who has retaken it.

2. In case, during the interval of twenty-four 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 twenty-four hours, which sums shall be distributed as a gratification among the crew of the men-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.

4. The men-of-war and privateers of the two nations shall reciprocally be admitted with their prizes into each other's 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 and regulations established in Sweden, as also that of the prizes made by American vessels shall have been determined according to the laws and 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 and privateers respectively shall be bound to observe with regard to vessels which they shall take and carry into the ports of the two powers.

ARTICLE 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 the prizes which they shall have made from their enemies into the ports which are open in time of war to other friendly nations; and the said prizes, upon entering the said ports, shall not be subject to arrest or sei-

zure, nor shall the officers of the places take cognizance of the validity of the said prizes, which may depart and be conducted freely and with all liberty to the places pointed out in their commissions, which the captains of the said vessels shall be obliged to show.

ARTICLE 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 merchandises wrecked, or their proceeds, if the effects have been sold, being claimed in a year and 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.

ARTICLE 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 and politeness, and they shall enjoy all friendship, protection, and assistance, and they shall be at liberty to supply themselves with refreshments, provisions, and everything necessary for their sustenance, for the repair of their vessels, and for continuing their voyage; provided always, 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.

ARTICLE 22

In order to favor 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 seize their effects, and 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 anything is taken from them, or if any injury is done to them by one of the parties, their people and 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 against their persons and effects.

ARTICLE 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.

ARTICLE 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.

ARTICLE 25

When a vessel belonging to the subjects and 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 to the merchant ship and cause 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.

ARTICLE 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.

ARTICLE 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.

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In faith whereof the respective Plenipotentiaries have signed the above articles and have thereunto affixed their seals.

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

GUSTAV PHILIP COMTE DE CREUTZ [SEAL]
B. FRANKLIN [SEAL]

SEPARATE ARTICLE

The King of Sweden and the United States of North America 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.

GUSTAV PHILIP COMTE DE CREUTZ [SEAL]
B. FRANKLIN [SEAL]

SEPARATE ARTICLES

ARTICLE 1

His Swedish Majesty shall use all the means in his power to protect and 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 endeavor to recover and restore to the right owners all such vessels and effects which shall be taken from them within his jurisdiction.

ARTICLE 2

In like manner, the United States of North America shall protect and 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.

ARTICLE 3

If, in any future war at sea, the contracting powers resolve to remain

neuter and, as such, to observe the strictest neutrality, then it is agreed that if the merchant ships of either party should happen to be in a part of the sea where the ships of war of the same nation are not stationed, or if they are met on the high sea without being able to have recourse to their own 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 principles of the neutrality.

ARTICLE 4

It is agreed and concluded that all merchants, captains of merchant 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 employ laborers 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 merchandises to other vessels, nor to receive them on board their own, nor to wait for their lading 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.

ARTICLE 5

It is agreed that when merchandises 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 must be before lading, and the prohibited merchandises 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 merchandises, shall be seized or molested on account of contraband goods which they shall have wanted to take on board, nor shall any kind of embargo be laid on their ships, subjects, or citizens of the state

whose merchandises are declared contraband, or the exportation of which is forbidden; those only who shall have sold or intended to sell or alienate such merchandise 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.

GUSTAV PHILIP COMTE DE CREUTZ [SEAL]
B. FRANKLIN [SEAL]