CLAIMS

Convention signed at Paris April 30, 1803
Ratified by France May 22, 1803
Senate advice and consent to ratification October 20, 1803
Ratified by the President of the United States October 21, 1803
Ratifications exchanged at Washington October 21, 1803
Entered into force October 21, 1803
Proclaimed by the President of the United States October 21, 1803
Terminated upon fulfillment of its terms [1]

8 Stat. 208; Treaty Series 86–B [2]

Convention between the United States of America and the French Republic

The President of the United States of America and the First Consul of the French Republic in the name of the French People having by a Treaty [3] of this date terminated all difficulties relative to Louisiana, and established on a Solid foundation the friendship which unites the two nations and being desirous in complyance with the second and fifth Articles of the Convention of the 8th Vendémiaire ninth year of the French Republic (30th September 1800)[4] to Secure the payment of the Sums due by France to the citizens of the United States have respectively nominated as Plenipotentiaries that is to Say The President of the United States of America by and with the advice and consent of their Senate Robert R. Livingston Minister Plenipotentiary and James Monroe Minister Plenipotentiary and Envoy Extraordinary of the Said States near the Government of the French Republic: and the First Consul in the name of the French People the Citizen Francis Barbé Marbois Minister of the public treasury; who after having exchanged their full powers have agreed to the following articles.

Art: 1

The debts due by France to citizens of the United States contracted before the 8th of Vendémiaire ninth year of the French Republic (30th

[1] The Commission held its first meeting July 5, 1803, and adjourned Dec. 1, 1804. For details regarding distribution of the French indemnity under this convention, see Moore, *International Arbitrations,* vol. V, pp. 4434–4446.
[2] For a detailed study of this convention, see 2 Miller 516.
[3] TS 86, *ante,* p. 812.
[4] TS 85, *ante,* p. 801.

September 1800) Shall be paid according to the following regulations with interest at Six per Cent; to commence from the period when the accounts and vouchers were presented to the French Government.

ART: 2

The debts provided for by the preceding Article are those whose result is comprised in the conjectural note[5] annexed to the present Convention and which with the interest cannot exceed the Sum of twenty millions of Francs. The claims comprised in the Said note which fall within the exceptions of the following articles Shall not be admitted to the benefit of this provision.

ART: 3

The principal and interests of the Said debts Shall be discharged by the United States, by orders drawn by their Minister Plenipotentiary on their treasury, these orders Shall be payable Sixty days after the exchange of ratifications of the Treaty and the Conventions Signed this day, and after possession Shall be given of Louisiana by the Commissaries of France to those of the United States.

ART: 4

It is expressly agreed that the preceding articles Shall comprehend no debts but Such as are due to citizens of the United States who have been and are yet creditors of France for Supplies for embargoes and prizes made at Sea in which the appeal has been properly lodged within the time mentioned in the Said Convention 8th Vendémiaire ninth year, (30th Septr 1800).

ART: 5

The preceding Articles Shall apply only, First: to captures of which the the council of prizes Shall have ordered restitution it being well understood that the claimant cannot have recourse to the United States otherwise than he might have had to the Government of the French Republic and only in case of insufficiency of the captors—2d the debts mentioned in the Said fifth Article of the Convention contracted before the 8th Vendémiaire an 9/30th September 1800 the payment of which has been heretofore claimed of the actual Government of France and for which the creditors have a right to the protection of the United States—the Said 5th Article does not comprehend prizes whose condemnation has been or Shall be confirmed: it is the express intention of the contracting parties not to extend the benefit of the present Convention to reclamations of American citizens who Shall have established houses of Commerce in France, England or other countries than the United States in partnership with for-

[5] For a discussion of the "conjectural note," see 2 Miller 524. For a detailed list of the American claims (in French), see 18 Stat., pt. 2, 239–242.

eigners, and who by that reason and the nature of their commerce ought to be regarded as domiciliated in the places where Such houses exist.— All agreements and bargains concerning merchandize which Shall not be the property of American citizens are equally excepted from the benefit of the Said Convention Saving however to Such persons their claims in like manner as if this Treaty had not been made.

ART: 6

And that the different questions which may arise under the preceding article may be fairly investigated the Ministers Plenipotentiary of the United States Shall name three persons who Shall act from the present and provisionally and who shall have full power to examine without removing the documents, all the accounts of the different claims already liquidated by the Bureaus established for this purpose by the French Republic and to ascertain whether they belong to the classes designated by the present Convention and the principles established in it or if they are not in one of its exceptions and on their Certificate declaring that the debt is due to an American Citizen or his representative and that it existed before the 8th Vendémiaire 9th year/30 September 1800 the debtor shall be entitled to an order on the Treasury of the United States in the manner prescribed by the 3d Article.

ART: 7

The Same agents Shall likewise have power without removing the documents to examine the claims which are prepared for verification, and to certify those which ought to be admitted by uniting the necessary qualifications, and not being comprised in the exceptions contained in the present Convention.

ART: 8

The Same agents Shall likewise examine the claims which are not prepared for liquidation and certify in writing those which in their Judgement ought to be admitted to liquidation.

ART: 9

In proportion as the debts mentioned in these articles Shall be admitted they Shall be discharged with interest at Six per Cent: by the Treasury of the United States.

ART: 10

And that no debt which shall not have the qualifications above mentioned and that no unjust or exorbitant demand may be admitted, the Commercial agent of the United States at Paris or Such other agent as the Minister Plenipotentiary of the United States Shall think proper to nominate shall assist at the operations of the Bureaus and cooperate in the examinations of the claims;

and if this agent Shall be of opinion that any debt is not completely proved or if he shall judge that it is not comprised in the principles of the fifth article above mentioned, and if notwithstanding his opinon the Bureaus established by the French Government should think that it ought to be liquidated he shall transmit his observations to the board established by the United States who without removing documents shall make a complete examination of the debt and vouchers which Support it, and report the result to the Minister of the United States.—The Minister of the United States Shall transmit his observations in all Such cases to the Minister of the treasury of the French Republic on whose report the French Government Shall decide definitively in every case.

The rejection of any claim Shall have no other effect than to exempt the United States from the payment of it the French Government reserving to itself, the right to decide definitively on Such claim So far as it concerns itself.

ART: 11

Every necessary decision Shall be made in the course of a year to commence from the exchange of ratifications and no reclamation Shall be admitted afterwards.

ART: 12

In case of claims for debts contracted by the Government of France with citizens of the United States Since the 8th Vendemiaire 9th year/30 September 1800 not being comprised in this Convention may be pursued and the payment demanded in the Same manner as if it had not been made.

ART: 13

The present convention Shall be ratified in good and due form and the ratifications Shall be exchanged in Six months from the date of the Signature of the Ministers Plenipotentiary or Sooner if possible.

In faith of which the respective Ministers Plenipotentiary have Signed the above Articles both in the French and English languages declaring nevertheless that the present treaty has been originally agreed on and written in the French language to which they have hereunto affixed their Seals.

Done at Paris the tenth of Floreal eleventh year of the French Republic.— 30th April 1803.

ROBt R LIVINGSTON	[SEAL]
JAs MONROE	[SEAL]
BARBÉ MARBOIS	[SEAL]