

## CAPE SPARTEL LIGHTHOUSE

*Convention signed at Tangier May 31, 1865*

*Senate advice and consent to ratification July 5, 1866*

*Ratified by the President of the United States July 14, 1866*

*Ratifications exchanged at Tangier February 14, 1867*

*Entered into force February 14, 1867*

*Proclaimed by the President of the United States March 12, 1867*

*Terminated by protocol of March 31, 1958<sup>1</sup>*

14 Stat. 679; 18 Stat. (2) 525; Treaty Series 245

### [TRANSLATION]

CONVENTION BETWEEN THE UNITED STATES, AUSTRIA, BELGIUM, SPAIN, FRANCE, GREAT BRITAIN, ITALY, THE NETHERLANDS, PORTUGAL, AND SWEDEN ON THE ONE PART, AND THE SULTAN OF MOROCCO ON THE OTHER PART, CONCERNING THE ADMINISTRATION AND UPHOLDING OF THE LIGHT-HOUSE AT CAPE SPARTEL.

In the name of the only God! There is no strength nor power but of God.

His Excellency, the President of the United States of America, and His Majesty the Emperor of Austria, King of Hungary and Bohemia, His Majesty the King of the Belgians, Her Majesty the Queen of Spain, His Majesty the Emperor of the French, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the King of Italy, His Majesty the King of the Netherlands, His Majesty the King of Portugal and the Algarves, His Majesty the King of Sweden and Norway, and His Majesty the Sultan of Morocco and of Fez, moved by a like desire to assure the safety of navigation along the coasts of Morocco, and desirous to provide, of common accord, the measures most proper to attain this end, have resolved to conclude a special convention, and have for this purpose appointed their Plenipotentiaries, to wit:

His Excellency the President of the Republic of the United States: Jesse Harland McMath, esquire, his Consul-General near His Majesty the Sultan of Morocco;

His Majesty the Emperor of Austria, King of Hungary and of Bohemia:

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<sup>1</sup>9 UST 527; TIAS 4029.

Sir John Hay Drummond Hay, commander of the very honorable Order of the Bath, his General Agent ad interim near his Majesty the Sultan of Morocco;

His Majesty the King of the Belgians: Ernest Daluin, knight of his Order of Leopold, commander of number of the Order of Isabella the Catholic, of Spain, commander of the Order of Nichan Eftikhar of Tunis, his Consul-General for the west coast of Africa;

Her Majesty the Queen of Spain: Don Francisco Merry y Colom, Grand Cross of the Order of Isabella the Catholic, knight of the Order of St. John of Jerusalem, decorated with the Imperial Ottoman Order of Medjidie of the 3d class, officer of the Order of the Legion of Honor, etc., her Minister Resident near his Majesty the Sultan of Morocco;

His Majesty the Emperor of the French: Auguste Louis Victor, Baron Aymé d'Aquin, officer of the Legion of Honor, commander of the Order of Francis the First of the Two Sicilies, commander of the Order of St. Maurice and Lazarus of Italy, commander of the Order of Christ of Portugal, commander of the Order of the Lion of Brunswick, knight of the Order of Constantine of the Two Sicilies, knight of the Order of Guelphs of Hanover, his Plenipotentiary near His Majesty the Sultan of Morocco;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland: Sir John Hay Drummond Hay, commander of the very honorable Order of the Bath, her Minister Resident near His Majesty the Sultan of Morocco;

His Majesty the King of Italy: Alexander Verdinois, knight of the Order of St. Maurice and Lazarus, Agent and Consul-General of Italy near His Majesty the Sultan of Morocco;

His Majesty the King of the Netherlands: Sir John Hay Drummond Hay, commander of the very honorable Order of the Bath, Acting Consul-General of the Netherlands in Morocco;

His Majesty the King of Portugal and the Algarves: José Daniel Colaço, commander of his Order of Christ, knight of the Order of the Rose of Brazil, his Consul-General near His Majesty the Sultan of Morocco;

His Majesty the King of Sweden and of Norway: Selim d'Ehrenhoff, knight of the Order of Wasa, his Consul-General near His Majesty the Sultan of Morocco;

And His Majesty the Sultan of Morocco and of Fez, the Literary Sid Mohammed Bargash, his Minister for Foreign Affairs—

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

#### ARTICLE 1

His Majesty Sherifienne, having, in an interest of humanity, ordered the construction, at the expense of the Government of Morocco, of a light-

house at Cape Spartel, consents to devolve, throughout the duration of the present convention, the superior direction and administration of this establishment on the representatives of the contracting Powers. It is well understood that this delegation does not import any encroachment on the rights, proprietary and of sovereignty, of the Sultan, whose flag alone shall be hoisted on the tower of the Pharos.

#### ARTICLE 2

The Government of Morocco not at this time having any marine, either of war or commerce, the expenses necessary for upholding and managing the light-house shall be borne by the contracting Powers by means of an annual contribution, the quota of which shall be alike for all of them. If, hereafter, the Sultan should have a naval or commercial marine, he binds himself to take share in the expenses in like proportion with the other subscribing Powers. The expenses of repairs, and in need of reconstruction, shall also be at his cost.

#### ARTICLE 3

The Sultan will furnish for security of the light-house a guard, composed of a Kaid and four soldiers. He engages, besides, to provide for, by all the means in his power, in case of war, whether internal or external, the preservation of this establishment, as well as for the safety of the keepers and persons employed. On the other part, the contracting Powers bind themselves, each so far as concerned, to respect the neutrality of the light-house, and to continue the payment of the contribution intended to uphold it, even in case (which God forbid) hostilities should break out either between them or between one of them and the Empire of Morocco.

#### ARTICLE 4

The representatives of the contracting Powers, charged in virtue of Article 1 of the present convention, with the superior direction and management of the light-house, shall establish the necessary regulations for the service and superintendence of this establishment, and no modification shall be afterward applied to these articles, except by common agreement between the contracting Powers.

#### ARTICLE 5

The present convention shall continue in force for ten years. In case, within six months of the expiration of this term, none of the high contracting parties should, by official declaration, have made known its purpose to bring to a close, so far as may concern it, the effects of this convention, it shall continue in force for one year more, and so from year to year, until due notice.

#### ARTICLE 6

The execution of the reciprocal engagements contained in the present convention is subordinated, so far as needful, to the accomplishment of the

forms and regulations established by the constitutional laws of those of the high contracting Powers who are held to ask for their application thereto, which they bind themselves to do with the least possible delay.

## ARTICLE 7

The present convention shall be ratified, and the ratifications be exchanged at Tangier as soon as can be done.

In faith whereof the respective Plenipotentiaries have signed and affixed thereto the seals of their arms.

Done in duplicate original, in French and in Arabic, at Tangier, protected of God, the fifth day of the moon of Moharrem, year of the Hegira 1282, which corresponds with the 31st of the month of May of the year one thousand eight hundred and sixty-five.

[For the United States:] JESSE H. McMATH	[SEAL]	[For Italy:] ALEX'RE VERDINOIS	[SEAL]
[For Austria-Hungary:] J. H. DRUMMOND HAY	[SEAL]	[For the Netherlands:] J. H. DRUMMOND HAY	[SEAL]
[For Belgium:] ERNEST DALUIN	[SEAL]	[For Portugal:] JOSÉ DANIEL COLAÇO	[SEAL]
[For Spain:] FRANCISCO MERRY Y COLOM	[SEAL]	[For Sweden and Norway:] S. D'EHRENHOFF	[SEAL]
[For France:] AYMÉ D'AQUIN	[SEAL]	[For Morocco:] SID MOHAMMED BARGASH	[SEAL]
[For the United Kingdom:] J. H. DRUMMOND HAY	[SEAL]	[signature in Arabic]	