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THE TERMS

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The following lines are copied from the Backwoodsman. They are from the pen of its talented editor.

EVE'S BANISHMENT.

She knelt—the ever glorious sky
Spread its blue wings above—
And angel harps were breathing songs
Of never dying love:
The stainless moon was glancing bright
Upon the glittering robes of Night.

She knelt—the myriad stars looked down,
In their untiring gaze,
Upon the bright and sinless bower,
Her home in happier days:
The sapphire wall of heaven unfurled
Their banners to the Eden-world.

She knelt—the earth lay calm beneath
The Holy Spirit's smile—
And strains of seraph melody
Stole on her ears the while—
And whispering winds, and zephyrs bland,
Her pale and feverish temples fann'd.

She knelt—in its untroubled pride
The waveless stream rolled by,
And glittered in the beamy light
Of the unclouded sky—
And onward passed, in murmuring sweep,
Unto the vast and watery deep.

She wept—a curse was on her heart,
A curse that could not die,
For the deep sin which rested there
Was registered on high:
She wept—her seared heart could not bear
The starless night of its despair.

She wept—to leave the sunny flowers
That gem'd the sylvan scene,
And danced, like fairy revellers,
Upon the glittering green—
Which almost offered rivalry
Unto the bright and glorious sky.

She wept—that all the shining host
That gazed upon her then,
Should never light her steps unto
That sinless bower again:
But hence her heritage should be,
To toss on Life's wild, billowy sea!

HOPE.

By Henry Neale.

O! why should we seek to anticipate sorrow
By throwing the flower of the present away:
And gather the dark rolling clouds of to-morrow,
To darken the generous sun of to-day.

How often we brood over misery madly,
Till we murder the Hope that was sent to inspire;
And pleasure, grown old and decrepit, turns sadly
To shake his grey locks o'er the tomb of his sire.

Cherish Hope, and though life by affliction be shaded,
Still her ray shall shine lovely and gild the scene o'er;
Like the dew-drop that glistens on leaves when they're faded,
As bright and as clear as it glistened before.

We subjoin below a *poetical* effusion of John Holmes, U. S. Senator from Maine. At the time of writing the song this John Holmes was the warm advocate of Mr. Crawford, since then he has joined the coalition, was the devoted friend of the second John and is now the devotee of Henry Clay.

Yes, Crawford, he's the man for me,
Without a puff or vaunting,
It is his pride, that he's been tried,
And found in nothing wanting,
The Second John, or John the Son,
Is spoken of quite highly,
He's learnt the art, and play'd his part,
For *President* most slyly.
In Foreign Courts, and Royal Sports,
He got his education,
And with the knack, he then came back,
To teach the "Yankee Nation."
He wrote a song, ('twas rather long)
Of Jefferson and Sally,
And scourged those brats, the Democrats,
With mighty pith and rally.
There's no dispute, John's mighty cute,
And very wise and knowing,
Will always veer and *strive* to steer,
The way the wind is blowing.
There's Harry Clay, some people say,
Is plaguy smart and lucky,
Who went adrift, to make a shift,
'Way over in Kentucky.
He'll play at *brag*, break every "*snag*"
That's in the Constitution,"
And talk's so fair, 'twould make you stare,
To hear his elocution.
But though he may both *talk* and *play*,
And is so cute and funny,
I'm sooth afraid, he'll learn the trade,
Of playing with our money.

Who after all this, can doubt the *tender* consciences, the *pure* principles, and the *disinterested* motives, by which Mr. Holmes and his party are actuated, and which impart to their conduct such a glorious consistency of character!

[From a London paper.]

THE STORM.—A heavy lowering atmosphere had for forty-eight hours hung over his Majesty's ship Bristol, and, in the opinion of the old sailors, they were going "to have a breeze." The ship had been lying, for two or three days, at anchor among the rocks of Magdalene, in the Straits of *Bonni Faccio*, which seperate Sardinia from Corsica. The navigation is here particularly difficult and dangerous, so much so, that, although the frigate had a pilot on board, fair weather, smooth water and broad day-light, she struck on the rocks going in, and hung for some time. Indeed, it was only by the greatest exertions, by throwing all the sails aback, and getting out all the boats to assist in towing the ship, that she was got clear of the coral reef on which she touched, and that was not accomplished without the loss of a small portion of her false keel. The passage at the broadest part is not wider than the river opposite to the Prince's Dock, and in many parts low, jutting ledges of coral rocks run nearly across, so that a vessel in going through has to alter her course perpetually; in one part, which extends about a quarter of a mile, there are openings between the rocks not wider than a frigate's length. There is, however, great depth of water between the different rocks.

At six o'clock in the morning, the frigate having completed her water for the remainder of her three months' cruize, weighed and stood out from the anchorage. A gentle hint to the Corsican pilot that if he ran the ship on shore, he should ornament the fore yard arm in a pendent position; in other words, should be hanged up without ceremony, had a powerful effect upon his visual faculties. He repaired to the bowsprit, where with his red nightcap in his hand, he fixed his eyes intently on the water ahead of the ship, and seemed to distinguish *instanter*, the slightest ripple which indicated the presence of a rock, of which he did not fail to give instant information to the man at the helm. An occasional furtive glance at the aforesaid fore yard arm, which swung *in terrorem* over his head, plainly indicated that he did not by any means allow the subject to slip his memory.

The ship was now clear of the straits, and the pilot was now discharged, much to his apparent satisfaction, for he kissed a little silver image of the Virgin, as he stepped over the ship's side, with much fervor, and looked still occasionally at the threatened fore yard arm, he gave his *adio*, and ventured to replace his red night-cap with a smile. Having stood out to sea, with a light breeze, the frigate was laid too at noon; the high land of Magdalene bearing N. E. and distant about thirty miles. This was about the track for falling in with vessels bound from Alexandria to Marseilles, any of which, as it was during the war, would have been heartily welcomed by Capt. Bright and his officers, if laden with gum-arabic, saffron and opium, this would have by no means diminished their satisfaction.

About three o'clock in the afternoon, the [illegible] the mast-head hailed Mr. R. the gun[illegible]ho had been sent to take command of [illegible]k while the lieutenant of the watch went [illegible]w to dinner,) and stated that he thought there was a heavy squall to windward. The officer no sooner looked in that direction, than he perceived an extraordinary appearance. The sea, which had a heavy turbulent roll, which generally indicates approaching wind, was now, at a distance of about five miles off, in one continued foam. He lost no time in acquainting the commander, who ordered the hands to be turned up instantly to 'shorten sail.'

It now became the duty of Mr. Black, the youngest midshipman of the watch, to run down and acquaint the officers. He had hardly exclaimed, on entering the gun room, and addressing himself to the first lieutenant, "All hands shorten sail, sir," when a tremendous lurch, as sudden as unexpected, overthrew the mess table, and decomposed the quietude of the marine officer, by sending the entire contents of a tureen of hot pea-soup into his lap. This was an opportunity of embracing a warm bosom friend, which the gentleman had not at all anticipated. The purser was particularly chagrined at losing, not only his untouched plate of soup, but with it all present prospect of a renewal; he could not, however, withstand the opportunity of joking Mr. Pipeclay, the marine, for having got more than his share of the dinner. The sufferer was hastily ridding himself of this outward show of having taken soup, and inwardly lamented his rashness in having quitted his lieutenancy in a doughty regiment of militia, for the less comfortable honor of serving in one of his Majesty's ships of war.

On deck the scene was more serious. The men on watch, who were remaining on the main deck, had not time to ascend the ladders before the squall had struck the ship. Its effects were visible instantly. It may be gathered that she was laid on her beam ends, from the consequences which have been detailed in the gun-room; and at the same moment the fore-yard was carried away in the slings, i. e. broken in the middle, the fore and mizen top-gallant-masts were snapt short off, and almost every sail rent in a thousand shreds. The ship was, in fact, a complete wreck long before Mr. Black could return to the quarter deck. Every man and officer was instantly on the alert to repair the damages; and then might be witnessed a scene to which no words can do justice. The wind was roaring with all the force of a West India hurricane; sails flapping and fluttering in the air; ropes flying loose, broken masts and yards swinging about and portending instant death to any luckless fellow who might come in their way; to add to which several of the guns, not having been secured in the short time the vessel had been out of harbour, broke loose, and were carrying destruction from side to side of the main deck, as they rolled backward and forward with every lurch the ship gave.—The confusion was brought to a climax, by a sudden cry of "fire" in the fore part of the ship.

Captain Bright had just remarked to the first lieutenant, that he did not know his opinion, but his own was that th[illegible] had a very pretty ship of it: when, hearing this cry, he snatched a speaking trumpet from a midshipman, and gave the order to "pipe belay."—The meaning of this was to countermand the last order, and let every man leave off whatever he was about. In less than one minute all was quiet. The seamen were seen leisurely descending the rigging as if nothing had occurred, the marines huddling together under shelter of the main mast, to protect themselves from the sea, which was breaking heavily over the ship, and the officers taking their respective stations on the quarter-deck.

"Beat to quarters," was the next command, and the drummer immediately struck up the well known tune of "Hearts of Oak," and the people hastened to their respective parts of the ship when in action. "Let the fire-men go forward and put out the fire," coolly directed the captain. "Then, addressing himself to the first lieutenant, he added, "have the goodness, Mr. Fearnought, to go below and superintend the extinguishing the fire, and send word up to me, by Mr. Black, what is its extent." "Aye, aye, Sir," replied the lieutenant, hastening down one of the main deck ladders.

The fire-men being one man from each gun, had already collected at the fore hatchway, from whence the smoke ascended; and order and silence being restored, the captain gave the necessary instruction for securing the main deck guns, which had broken loose and at the same time ordered one watch up to send down the broken fore-yard.

In a few minutes the lieutenant returned on deck to report that the fire was trifling, having been occasioned by one of the loose guns destroying part of the galley range, where the captain's dinner, was being cooked, and that it was already extinguished, "Not the dinner, I hope," observed Capt. Bright, with a smile and the lieutenant went forward to attend the operation of sending down the shattered fore-yard, and rigging a spare top-sail-yard in its place.

The master was now consulted as to the probable distance the ship was from the land. "Not beyond seven leagues," was the reply. "In that case, Mr. Steerwell it might be necessary to get upon the other tack and lay the ship's head off the land as soon as possible.

"It is what I have been wishing for some time sir," answered the master, "but I fear we shall not be able to wear her very readily."

"We will try, however. All hands wear ship." This order, indeed, was not to be affected as the master supposed, and it was not till past six o'clock, when they had completed the toilsome operation of setting a jury fore-sail, that the ship was at length brought round upon the other tack.

The captain began to feel very anxious, when on making the necessary calculation, and consulting the chart, it was feared the ship might become embayed, and be unable to get clear of the Island of Corsica. It was now dark, the wind seemed to increase at every moment, and the sea was frightfully heavy, breaking completely over all the fore part of the ship. A thick drizzling rain came on, and the weather was such that no person on board could see five times the ship's length. The crew were not able to relax their exertions, to set right the sails and rigging, until near eight o'clock, long before which hour the captain had with the utmost pain observed that the wind was gradually veering from the S. W. to the westward, and was now rapidly forcing the ship towards the fatal rocks of the Straits of Bona Faccio, which have been already described.

At half past eight the wind again headed the ship, and the captain summoned the first lieutenant and master to his cabin, where the scene so beautifully described by Falconer, again occurred in all its horrid reality.

"Important was the question in debate,
And o'er their counsel hung impending fate."

The case was become too obvious for doubt; the ship was on a lee shore, and no opening for hope appeared,

"No skill nor long experience could forecast,
Th' unseen approach of this destructive blast,
These seas where storms, at various seasons blow,
No reigning wind nor certain omens know."

There was little doubt that the vessel was already within less than two leagues of the straits, and the wind seemed to be in the very worst point it could blow.—The awful secret was soon known. The purser and marine officer resigned their half finished game at back-gammon, the midshipmen, who had many of them gone to their beds, dressed themselves, and all hastened upon deck, where every inquiry only added to the anxiety which already sat on every face. The captain paced the deck with a hurried step, and both he and the master paid frequent visits to the cabin, where by eleven o'clock it was concluded, that the vessel could not be more than a mile from the rocks.

All hands had been already called, and such preparations as could be made under the hopeless circumstances were completed. At this time the captain ordered them to call all hands to "splice the main brace." This operation which is that of giving every man a glass of spirits, was soon accomplished; and finding no hopes whatever of the wind either veering to a more favorable point, or becoming more moderate, Captain Bright announced his intention of putting the ship before the wind, and taking the only possible remaining chance of running through that same passage which the ship had passed with such difficulty a short time before. This was indeed to take chance by the hand. Every probability of a safe transit seemed entirely lost, and the captain acknowledged [illegible] had nothing to rely upon but Providence.

Just at 20 minutes after 11 breakers we[illegible] discovered on the lee bow. There was [illegible] occasion to command silence. Every tongu[illegible] was hushed at this announcement. All han[illegible] crept silently to the lee side of the ship; a[illegible] then friends pulled each other by the sleeve, and pointed in silence in the direction where every now and then could be seen, across th[illegible] murky darkness of the horizon, a glimmer [illegible]les light, rising as it were from the water, a[illegible]eer vanishing from sigth like the form of a spectr[illegible] With such intense interest were these heralds of approaching destruction watched, that nothing could be heard, but the roar of the storm and the dash of the waves, as they momentarily poured themselves upon the ship's bow.

"Youngsters," said Capt. Bright, to Black and some other little midshipmen, "go below and say your prayers, and then go to bed. I shall see you in the morning—I hope," he added with some emotion.

"Mr. Fearnought, let all the carpenters be ready aft with their hatchets: we may have occasion to cut away the mizen mast."

"They are all ready, sir."

"Very good: now cut the anchors from the bows."

This was done, and the ship was somewhat relieved. More breakers were discovered ahead, and no time was to be lost. The word was given—"Wear ship—put the helm up." The ship was got before the wind with little difficulty.

"And now, lashed on by destiny severe,
With horror fraught the dreadful scene drew near:
The ship hangs hovering on the verge of death,
Hell yawns, rocks rise, and breakers roar beneath!"

The scene was now indeed terrific. The vessel flew before the wind, with lightning pace; she was already amidst the breakers, the noise of which might be distinguished amidst the storm, like the chattering of hyenas, when the lion roars. The captain and the master were both in the fore part of the ship; but the former would entrust the direction of the course to none but himself. The surges rose on each side of the unfortunate bark to a height far above her mast head as it appeared, and, falling, rolled towards her as if about to seize their prey. And then again,

"High o'er the ship they throw a horrid shade,
And o'er her burst in terrible cascade."

Every soul on board anticipated instant destruction. The captain watched with eagle-eye, and with anxious heart, every deadly spot of foam which indicated the presence of a rock, and gave the command, "starboard," or "port the helm," with as much coolness of judgment, as if the danger had not been existing. The ship still went on, and still she avoided the breakers: though every time she rose she was expepted to

"Tear her strong bottom on the marble rock."

A quarter of an hour had elapsed from the time the helm was put up and the frigate had run nearly three miles through the most intricate passage, surrounded with rocks, on which the sea broke within fifty yards of her. The passage now opened, and in five minutes more the ship was declared safe through the straits of *Boni Faccio;* and, being under the shelter of the high land of Corsica, which was now seen through the gloom she, felt no more of *the storm.*

It is stated that a branch of the U. S. bank is to be established at Utica, N. Y. The directors have already been appointed.

BY AUTHORITY.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, a Treaty or General Convention of Peace, Friendship, Commerce and Navigation, between the United States of America, and His Majesty the Emperor of Brazil, was concluded and signed at Rio de Janeiro, on the twelfth day of December, 1828, which treaty or General Convention is, word for word as follows:

In the name of the Most Holy and Indivisible Trinity.

The United States of America and His Majesty the Emperor of Brazil, desiring to establish a firm and permanent peace and friendship between both Nations, have resolved to fix, in a manner clear, distinct and positive, the rules which shall in future be religiously observed between the one and the other, by means of a Treaty, or General Convention of Peace, Friendship, Commerce and Navigation.

For this most desirable object, the President of the United States has conferred full powers on William Tudor their Charge d'Affaires at the Court of Brazil; and His Majesty the Emperor of Brazil on the Most Illustrious and Most Excellent Marquez of Aracaty, a member of his Council, Gentleman of the Imperial Bed Chamber, Councillor of the Treasury, Grand Cross of the Order of Aviz, Senator of the Empire, Minister and Secretary of State for Foreign Affairs, and Miguel de Souza Mello e Alvim, a member of his Council, Commander of the Order of Aviz, Knight of the Imperial Order of the Cross, Chief of Division in the Imperial and National Navy, Minister and Secretary of State for the Marine, who after having exchanged their said full powers, in due and proper form, have agreed to the following articles:

Article I.

There shall be a perfect, firm and inviolable peace and friendship between the United States of America and their citizens, and His Imperial Majesty, his successors and subjects throughout their possessions and territories respectively, without distinction of persons or places.

Article II.

The United States of America, and His Majesty the Emperor of Brazil, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or allowing the same compensation, if the concession was conditional. It is understood however, that the relations and conventions which now exist or may hereafter exist between Brazil and Portugal, shall form an exception to this article.

Article III.

The two high contracting parties being likewise desirous of placing the commerce and navigation of their respective countries, on the liberal basis of perfect equality and reciprocity, mutually agree, that the citizens and subjects of each may frequent all the coasts and countries of the other, and reside and trade there in all kinds of produce, manufactures and merchandize: and they shall enjoy all the rights, privileges and exemptions, in navigation and commerce, which native citizens or subjects do, or shall enjoy submitting themselves, to the laws, decrees, and usages, there established, to which native citizens or subjects are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties respectively, according to their own separate laws.

Article IV.

They likewise agree that whatever kind of produce, manufactures, or merchandize, of any foreign country, can be from time to time, lawfully imported into the United States, in their own vessels, may be also imported in vessels of Brazil: and that no higher or other duties upon the tonnage of the vessel and her cargo, shall be levied and collected, whether the importation be made in the vessels of the one country or the other. And in like manner, that whatever kind of produce, manufactures, or merchandize of any foreign country, can be, from time to time, lawfully imported into the Empire of Brazil in its own vessels, may be also imported in vessels of the United States: and that no higher or other duties upon the tonnage of the vessel and her cargo, shall be levied or collected, whether the importation be made in vessels of the one country, or of the other. And they agree that whatever may be lawfully exported, or re exported from the one country in its own vessels, to any foreign country, may in like manner, be exported or re-exported in the vessels of the other country.

And the same bounties, duties and drawbacks, shall be allowed and collected, whether such exportation, or re-exportation, be made in vessels of the United States or of the Empire of Brazil. The government of the United States however considering the present state of the navigation of Brazil, agrees that a vessel shall be considered as Brazilian, when the proprietor and captain are subjects of Brazil and the papers are in legal form.

Article V.

No higher or other duties shall be imposed so on the importation into the United States, of any articles the produce or manufactures of the Empire of Brazil, and no higher or other duties shall be imposed on the importation into the Empire of Brazil, of any articles the produce or manufactures of the United States, that are or shall be payable on the like articles, being the produce or manufactures of any other foreign country: nor shall any higher or other duties, or charges be imposed in either of the two countries, on the exportation of any articles to the United States or to the Empire of Brazil respectively, than such as are payable on the exportation of the like article to any other foreign country: nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States, or of the Empire of Brazil, to or from the territories of the United States, or to or from the territories of the Empire of Brazil, which shall not equally extend to all other nations.

Article VI.

It is likewise agreed, that it shall be wholly free for all merchants, commanders of ships, and other citizens or subjects of both countries, to manage themselves their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods, and merchandize by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens or subjects of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favored nation.

Article VII.

The citizens and subjects of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes or merchandize or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested, sufficient indemnification.

Article VIII.

Whenever the citizens or subjects of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports or dominions of the other, with their vessels whether of merchant or of war, public or private, through stress of weather, pursuit of pirates, or enemies, they shall be received and treated with humanity, giving to them all favor and protection, for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

Article IX.

All the ships, merchandise and effects belonging to the citizens or subjects, of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction, or on the high seas, and may be carried, or found in the rivers, roads, ports, bays, or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals: it being well understood, that the claim should be made within the term of one year by the parties themselves, their attorneys, or agents of their respective Governments.

Article X.

When any vessel belonging to the citizens or subjects of either of the contracting parties, shall be wrecked, foundered, or shall suffer any damage, on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation, where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandize and effects, without exacting for it any duty, impost or contribution whatever until they may be exported, unless they be destined for consumption.

Article XI.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament or otherwise, and their representatives, being citizens or subjects of the other party shall succeed to the said personal goods, whether by testament, or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are, shall be subject to pay in like cases: and if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years, to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the laws of the country.

Article XII.

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens and subjects of each other, of all occupations who may be in their territories, subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial intercourse, on the same terms which are usual and customary, with the natives or citizens and subjects of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents and factors, as they may judge proper in all their trials at law.

Article XIII.

It is likewise agreed, that the most perfect and entire security of conscience shall be enjoyed by the citizens or subjects of both the contracting parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover the bodies of the citizens and subjects of one of the contracting parties who may die in the territories of the other shall be buried in the usual burying grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

Article XIV.

It shall be lawful for the citizens and subjects of the United States of America, and of the Empire of Brazil, to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandize laden thereon, from any port to the places of those who now are, or who hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens and subjects aforesaid, to sail with the ships and merchandizes before mentioned, and to trade with the same liberty and security, from the places, ports, and havens of those who are enemies of either party, without any opposition, or disturbance whatever, not only directly from the places of the enemy before mentioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power, or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that every thing shall be deemed to be free and exempt, which shall be found on board the ships belonging to the citizens or subjects of either of the contracting parties, although the whole lading, or any part thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed in like manner that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemies: Provided however, and it is hereby agreed that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those Powers only, who recognize this principle, but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

Article XV.

It is likewise agreed, that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood, that the neutral property found on board such enemy's vessels, shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that four months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral, does not protect the enemy's property, in that case the goods and merchandize of the neutral, embarked in such enemy's ship, shall be free.

Article XVI.

This liberty of commerce and navigation shall extend to all kinds of merchandizes, excepting those only which are distinguished by the name of contraband; and under this name of contraband, or prohibited goods, shall be comprehended—

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberts, and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms:

2dly. Bucklers, helmets, breast-plates, coats of mail, infantry belts; and clothes made up in the form, for military use.

3dly. Cavalry belts and horses with their furniture.

4thly. And generally all kinds of arms and instruments of iron, steel, brass and copper, or of any other materials manufactured, prepared and formed expressly to make war by sea or land.

Article XVII.

All other merchandize and things not comprehended in the articles of contraband, expressly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded: and to avoid all doubt in this particular, it is declared, that those places only are besieged or blockaded, which are actually attacked by a force capable of preventing the entry of a neutral.

Article XVIII.

The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas, on account of having on board articles of contraband, whenever the master, captain or supercargo of said vessels, will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great, and of so large a bulk, that they cannot be received on board the capturing ship without great inconvenience: but in this and all the other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

Article XIX.

And whereas it frequently happens that vessels sail for a port or a place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced, may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from any officer commanding a vessel of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place, she shall think proper: Nor shall any vessel of either that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor if found therein, after the reduction and surrender, shall such vessel or her cargo, be liable to confiscation, but they shall be restored to the owners thereof.—And if any vessel having thus entered the port before the blockage took place, shall take on board a cargo after the blockade be established, she shall be subject to being warned by the blockading forces to return to the port blockaded, and discharge the said cargo, and if after receiving the said warning the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as a vessel attempting to enter a blockaded port after being warned off by the blockading forces.

Article XX.

In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain at the greatest distance compatible with making the visit under the circumstances of the sea and wind and the degree of suspicion attending the vessel to be visited, and shall send its smallest boat, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of the said armed ships, shall be responsible with their persons and property; for which purpose the commanders of the said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit; and it is expressly agreed, that the neutral party shall in no case be required to go on board the examining vessel, for the purpose of exhibiting her papers, or for any other purpose whatever.

Article XXI.

To avoid all kind of vexation and abuse in the examination of the papers relating to the owner-ship of the vessels belonging to the citizens and subjects of the two contracting parties, they have agreed, and do agree, that in case one of them shall be engaged in war, the ships and vessels belonging to the citizens or subjects of the other, must be furnished with sea-letters or passports, expressing the name,

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