

# *Definitive Treaty.*

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THE  
ARTICLES  
OF THE  
DEFINITIVE TREATY  
OF  
PEACE:

BETWEEN

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, (ON THE ONE PART);

AND

THE FRENCH REPUBLIC, HIS MAJESTY THE KING OF SPAIN AND THE INDIES, AND THE BATAVIAN REPUBLIC, (ON THE OTHER PART.)

SIGNED

AT AMIENS, MARCH 27, 1802.

BY

CORNWALLIS,  
AZARA,

BUONAPARTE,  
SCHIMMELPENNINCK.

A CORRECT COPY, J. BUONAPARTE.

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**H**IS Majesty the King of the United Kingdom of Great Britain and Ireland, and the First Consul of the French Republic, in the name of the French People, being equally animated with a desire to put an end to the calamities of war, have laid the foundation of peace, by the Preliminary Articles, which were signed in London, the 1st of October, 1801, (9th Vendemiaire, an. 10.)

And as, by the 15th Article of the Preliminaries, it has been agreed on, "That Plenipotentiaries should be named on the part of each government, who should repair to Amiens, and there proceed to arrange a Definitive Treaty, in concert with the Allies of the Contracting Powers."

His Majesty the King of the United Kingdom of Great Britain and Ireland, has named the Marquis Cornwallis, Knight of the Most Noble Order of the Garter, one of his Majesty's Privy-Council, General in his Majesty's Army, &c. &c.

The First Consul of the French Republic in the name of the French People, has named as Plenipotentiary the Citizen Joseph Buonaparte, Counsellor of State.

His Majesty the King of Spain and the Indies, and the government of the Batavian Republic, have appointed the following Plenipotentiaries, to wit, his Catholic Majesty has named Don Joseph Nicolas d'Azara, his Counsellor of State, Grand Cross of the Order of Charles III. Ambassador Extraordinary of his Majesty to the French Republic, &c. &c.

And the government of the Batavian Republic has named Roger Jean Schimmelpenninck its Ambassador Extraordinary to the French Republic, &c.

Which said Plenipotentiaries having duly communicated to each other their respective powers, which are transcribed at the conclusion of the present Treaty, have agreed upon the following Articles:

ARTICLE

## ARTICLE I.

There shall be peace, friendship, and good understanding, between his Majesty the King of the United Kingdom of Great Britain and Ireland, his heirs and successors, on the one part, and the French Republic, his Majesty the King of Spain, his heirs and successors, and the Batavian Republic, on the other part.

The contracting parties shall use their utmost efforts to preserve a perfect harmony between their respective countries, without permitting any act of hostility whatever by sea or by land, for any cause, or under any pretext.

They shall carefully avoid every thing which might for the future disturb the happy union now re-established between them, and shall not give any succour or protection, directly or indirectly, to those who would wish to injure any one of them.

## ARTICLE II.

All the prisoners made on one side and the other, as well by land as by sea, and the hostages carried off or delivered up during the war and up to the present day, shall be restored without ransom, in six weeks at the latest, to be



be reckoned from the day when the ratifications of the present Treaty are exchanged, and on paying the debts which they shall have contracted during their captivity. Each of the contracting parties shall respectively discharge the advances which shall have been made by any of the contracting parties for the support and maintenance of prisoners in the countries where they have been detained. There shall be appointed by mutual consent for this purpose a commission, specially empowered to ascertain and determine the compensations which may be due to any one of the contracting parties. The time and the place shall likewise be fixed by mutual consent for the meeting of the commissioners who shall be entrusted with the execution of this article, and who shall take into account, not only the expences incurred on account of the prisoners of the respective nations, but likewise on account of the foreign troops, who, before being taken, were in the pay, and at the disposal of one of the contracting parties.

### ARTICLE III.

His Britannic Majesty restores to the French Republic and its allies, viz. his Catholic Majesty

jefty and the Batavian Republic, all the possessions and colonies which respectively belonged to them, and which have been either occupied or conquered by the British forces during the course of the present war, with the exception of the Island of Trinidad and of the Dutch possessions in the Island of Ceylon.

#### ARTICLE IV.

His Catholic Majesty cedes and guarantees in full property and sovereignty the Island of Trinidad to his Britannic Majesty.

#### ARTICLE V.

The Batavian Republic cedes and guarantees in full property and sovereignty to his Britannic Majesty all the possessions and establishments in the Island of Ceylon, which previous to the war belonged to the Republic of the United Provinces, or to the Dutch East India Company.

#### ARTICLE VI.

The Port of the Cape of Good Hope remains to the Batavian Republic in full sovereignty, in the same manner as it did previous to the war.

The ships of every kind belonging to the other contracting parties shall be allowed to enter

enter the said port, and there to purchase what provisions they may stand in need of as heretofore, without being liable to pay any other imposts than such as the Batavian Republic compels the ships of its own nation to pay.

#### ARTICLE VII.

The territories and possessions of Her Most Faithful Majesty are maintained in their integrity, such as they were antecedent to the war. However, the boundaries of French and Portugueze Guiana, are fixed by the River Arawari, which empties itself into the Ocean above Cape North, near the islands Nuovo and Penetentia, about a degree and a third of North latitude. These boundaries shall run along the River Arawari, from its mouth the most distant from Cape North to its source, and afterwards on a right line, drawn from that source, to the Rio-Banto towards the West.

In consequence, the northern bank of the River Arawari, from its distant mouth to its source, and the territories that lie to the north of the line of the boundaries laid down as above, shall belong in full sovereignty to the French Republic.

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The southern bank of the said river, from the same mouth, and all the territories to the south of the said line, shall belong to Her Most Faithful Majesty.

The navigation of the River Arawari, along the whole of its course, shall be common to both nations.

The arrangements which have been agreed upon between the Courts of Madrid and Lisbon, respecting the settlement of their boundaries in Europe, shall nevertheless be adhered to, conformably to the stipulations of the Treaty of Badajoz.

#### ARTICLE VIII.

The territories, possessions, and rights, of the Sublime Porte, are maintained in their integrity, as they were before the war.

#### ARTICLE IX.

The Republic of the Seven Islands is recognised.

#### ARTICLE X.

The islands of Malta, Goza, and Camino, shall be restored to the Order of St John of Jerusalem, to be held on the same conditions on which they possessed them before the war, and under the following stipulations:—

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1. The



1. The Knights of the Order, whose languages shall continue to subsist, after the exchange of the Ratification of the present Treaty, are invited to return to Malta, as soon as the exchange shall have taken place. They will there form a general chapter, and proceed to the election of a Grand Master, chosen from among the natives of the nation which preserve their language, unless that election has been already made since the exchange of the Preliminaries.

It is understood that an election made subsequent to that epoch shall alone be considered valid, to the exclusion of any other that may have taken place at any period prior to that epoch.

2. The Governments of the French Republic and of Great Britain, desiring to place the Order and Island of Malta in a state of entire independence with respect to them, agree that there shall not be in future either a French or English language; and that no individual belonging to either the one or other of these powers shall be admitted into the order.\*

3. There

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\* Great Britain has wisely insisted that no native of France shall hold an employment, either Civil or Military, in the Island of  
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3. There shall be established a Maltese language, which shall be supported by the territorial revenues and commercial duties of the Island. This language shall have its peculiar dignities, an establishment, and an hotel. Proofs of Nobility shall not be necessary for the admission of Knights of this language; and they shall be moreover admissible to all offices, and shall enjoy all privileges in the same manner as the Knights of the other languages. At least half of the municipal, administrative, civil, judicial, and other employments depending on the Government, shall be filled by inha-

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of Malta. This proviso in the Article completely annihilates the preponderance which the French Knights have always maintained in the Order. By the original Constitution of the Order of St. John of Jerusalem, it consisted of eight nations, or "langues," (tongues) as they were technically styled, viz. Provençal, Auvergne, France, Arragon, Castile, Italian, German, and English. The latter nation was severed from the Order during the reign of Henry the Eighth, when the Reformation and consequent schism with the Church of Rome took place. Of the seven remaining "langues," or nations, the three first were latterly wholly French, and as such constituting but one interest; the countries of Auvergne and Provence having merged either by conquest or union into that of France. With such a weight in the deliberations of the Order, it was to be expected, that the interests and wishes of France should meet with a preference on all occasions. To destroy this influence was the obvious policy of our country, and it has been fully effected by the alteration which it has been agreed to introduce into the Constitution of the Order.

bitants of the Islands of Malta, Goza, and Camino.

4. The forces of his Britannic Majesty shall evacuate the Island, and its dependencies, within three months from the exchange of the ratifications, or sooner if possible. At that epoch it shall be given up to the Order in its present state, provided the Grand Master, or Commissaries fully authorised according to the statutes of the Order, shall be in the Island to take possession, and that the force which is to be provided by his Sicilian Majesty, as is hereafter stipulated, shall have arrived there.

5. One half of the garrison, at least, shall be always composed of native Maltese; for the remainder the Order may levy recruits in those countries only which continue to possess the languages (*posseder les langues*). The Maltese troops shall have Maltese Officers. The Commander-in-Chief of the garrison, as well as the nomination of the Officers, shall pertain to the Grand Master, and this right he cannot resign even temporarily, except in favour of a Knight, and in concurrence with the advice of the Council of the Order.

6. The independence of the Isles of Malta, of Goza, and Camino, as well as the present arrangement, shall be placed under the protection

tection and guarantee of France, Great Britain, Austria, Spain, Russia, and Prussia.

7. The neutrality of the Order and of the Island of Malta, with its dependencies, is proclaimed.

8. The ports of Malta shall be open to the commerce and the navigation of all nations, who shall there pay equal and moderate duties: these duties shall be applied to the cultivation of the Maltese language, as specified in Paragraph III. to that of the Civil and Military Establishments of the Island, as well as to that of a general Lazaretto, open to all colours.

9. The States of Barbary are excepted from the conditions of the preceding paragraphs, until, by means of an arrangement to be procured by the Contracting Parties, the system of hostilities which subsists between the States of Barbary, and the Order of St. John, or the powers possessing the languages, or concurring in the composition of the Order, shall have ceased.

10. The Order shall be governed, both with respect to Spirituals and Temporals, by the same statutes which were in force, when the Knights left the Isle, as far as the present Treaty shall not derogate from them.

11. The



11. The regulations contained in Paragraphs III. V. VII. VIII. and X. shall be converted into laws and perpetual statutes of the Order, in the customary manner; and the Grand Master, or (if he shall not be in the Island at the time of its restoration to the Order) his Representative, as well as his successors, shall be bound to take an oath for their punctual observance.

12. His Sicilian Majesty shall be invited to furnish two thousand men, natives of his states, to serve in garrison of the different fortresses of the said islands. That force shall remain one year, to bear date from their restitution to the Knights; and if, at the expiration of this term, the Order should not have raised a force sufficient, in the judgement of the guaranteeing powers, to garrison the Island and its dependencies, such as is specified in the 5th paragraph, the Neapolitan troops shall continue there until they shall be replaced by a force deemed sufficient by the said powers.

13. The different Powers, designated by the 6th paragraph, to wit, France, Great Britain, Austria, Spain, Russia, and Prussia, shall be invited to accede to the present stipulations.

## ARTICLE XI.

The French troops shall evacuate the kingdom of Naples and the Roman States; the English forces shall also evacuate Porto Ferrajo, and generally all the ports and islands that they occupy in the Mediterranean or the Adriatic.

## ARTICLE XII.

The evacuations, cessions, and restitutions, stipulated by the present Treaty, shall be executed in Europe within a month; on the continent and seas of America and Africa in three months; on the continent and seas of Asia within six months; which shall follow the ratification of the present Definitive Treaty, except in case of a special reservation.

## ARTICLE XIII.

In all cases of restitution agreed upon by the present Treaty, the fortifications shall be restored in the condition they were in at the time of signing the Preliminaries; and all the works, which shall have been constructed since their occupation, shall remain untouched.

It is agreed besides, that, in all the stipulated cases of cessions, there shall be allowed to the inhabitants, of whatever rank or nation they may be, a term of three years, reckoning from the notification of the present Treaty, to dispose of all their properties, whether acquired or possessed by them before, or during the continuance of, the present war; during which term of three years they shall have free and entire liberty to exercise their religion, and to enjoy their fortunes. The same privilege is granted, in the countries that are hereby restored, to all persons, whether inhabitants or not, who shall have formed any establishments there, during the times that these countries were in the possession of Great Britain.

As to the inhabitants of the countries restored or ceded, it is hereby agreed, that no person shall, under any pretence, be prosecuted, disturbed or molested, either in person or property, on account of his political conduct or opinion, or for his attachment to any of the Contracting Parties, on any account whatever, except for debts contracted with individuals, or for acts subsequent to the present Treaty.

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## ARTICLE XIV.

All the sequestrations laid on either side on funds, revenues, and credits, of what nature soever they may be, belonging to any of the Contracting Powers, or to their citizens or subjects, shall be taken off immediately after the signature of this Definitive Treaty.

The decision of all claims among the individuals of the respective nations, for debts, property, effects, or rights, of any nature whatsoever, which should, according to received usages, and the law of nations, be preferred at the epoch of the peace, shall be referred to the competent tribunals: In all those cases speedy and complete justice shall be done in the countries wherein those claims shall be respectively preferred.

## ARTICLE XV.

The fisheries on the coasts of Newfoundland, and of the adjacent islands, and in the Gulph of St Lawrence, are placed on the same footing as they were before the war.

The French fishermen of Newfoundland, and the inhabitants of the islands of St Pierre



and Miquelon, shall have liberty to cut such wood as may be necessary for them in the Bays of Fortune and Despair, during the first year, reckoning from the ratification of the present treaty.

ARTICLE XVI.

To prevent all grounds of complaint and disputes, which might arise on account of captures which may have been made at sea subsequent to the signing of the Preliminaries, it is reciprocally agreed, that the ships and property, which may have been taken in the Channel, and in the North Seas, after a space of twelve days, reckoning from the exchange of the ratifications of the Preliminary Articles, shall be restored on the one side and the other; that the term shall be one month, for the space from the Channel and the North Seas, as far as the Canary Islands inclusively, as well in the Ocean as in the Mediterranean; two months from the Canary Islands to the Equator; and, finally, five months in all the other parts of the world, without any farther exception, or distinction of time or place.

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