

DENMARK : MARCH 28, 1830

Convention for the Settlement of Claims, signed at Copenhagen March 28, 1830. Original in French and English. Submitted to the Senate May 28, 1830. (Message of May 27, 1830.) Resolution of advice and consent May 29, 1830. Ratified by the United States June 2, 1830. Ratified by Denmark April 2, 1830. Ratifications exchanged at Washington June 5, 1830. Proclaimed June 5, 1830.

Convention entre les Etats-Unis d'Amérique et Sa Majesté, le Roi de Dannemarc. Signée à Copenhague, le 28 mars 1830.

Les Etats-Unis d'Amérique et Sa Majesté le Roi de Dannemarc—désirant également mettre fin aux discussions qui se sont élevées, de part et d'autre, à l'égard des réclamations et prétentions formées par les citoyens des Etats-Unis et les sujets du Dannemarc, ayant pour motif la saisie, détention, condamnation ou confiscation de leurs navires, cargaison ou propriétés quelconques, dans les territoires, ou sous l'autorité des Gouvernemens respectifs,—ont nommé à cet effet, et muni de Leurs pleins-pouvoirs:—à savoir le Président des Etats-Unis d'Amérique, par et avec l'avis et le consentement du Sénat, le Sieur Henri Wheaton, Chargé d'Affaires desdits Etats-Unis près la Cour de Sa

Convention between the United States of America and His Majesty the King of Denmark Signed at Copenhagen the 28th of March 1830.

The United States of America and His Majesty the King of Denmark, being equally desirous of terminating the discussions which have taken place between Them in respect to the claims and pretensions formed by the citizens of the United States and the subjects of Denmark, having for their object the seizure, detention, condemnation or confiscation of their vessels, cargoes or property whatsoever, within the territory or under the authority of the respective Governments,—have named, for this purpose, and furnished with Their full powers; that is to say, the President of the United States of America, by and with the advice and consent of the Senate, Henry Wheaton,

Majesté le Roi de Dannemarc, etc.; et Sa Majesté le Roi de Dannemarc, le Sieur Ernest-Henri Comte de Schimmelmann, Chevalier de l'Ordre de l'Eléphant, Grand-Croix de celui du Dannebrog, décoré de la Croix d'argent du même Ordre, Son Ministre intime d'Etat, Chef de Son Département des Affaires étrangères, etc., et le Sieur Paul-Christien de Stemann, Chevalier de l'Ordre de l'Eléphant, Grand-Croix de celui du Dannebrog, décoré de la Croix d'argent du même Ordre, Son Ministre intime d'Etat et de Justice, Président de Sa Chancellerie Danoise, etc.; lesquels Plénipotentiaires, après avoir échangé leurs pleins-pouvoirs, qui furent trouvés en bonne et due forme, ont arrêté et conclu les articles suivans.

ARTICLE I.

Sa Majesté le Roi de Danne-marc renonce aux indemnités qui pourroient être réclamées du Gouvernement des Etats-Unis d'Amérique, pour des sujets Danois, à cause des saisies, détentions, condamnations ou confiscations de leurs navires, cargaisons ou propriétés quelconques, sous l'autorité du-dit Gouvernement; et Sa Majesté S'engage en outre à payer au-dit Gouvernement la somme de Six-Cent-

Chargé d'Affaires of the said United States at the Court of His Majesty the King of Denmark, etc; and His Majesty the King of Denmark, the Sieur Ernest-Henry Count de Schimmelmann, Knight of the Order of the Elephant, Grand Cross of the Order of Dannebrog decorated with the silver Cross of the same Order, His Minister (:intime:) of State, Chief of His Department of foreign Affairs, etc., and the Sieur Paul-Christian de Stemann, Knight of the Order of the Elephant, Grand-Cross of the Order of Dannebrog, decorated with the silver Cross of the same Order, His Minister (:intime:) of State and of Justice, President of His Danish Chancery, etc; and the said Plenipotentiaries, after having exchanged their full powers, found in good and due form, have agreed upon and concluded the following Articles.

ARTICLE I.

His Majesty the King of Denmark renounces the indemnities which might be claimed from the Government of the United States of America, for the subjects of Denmark, on account of the seizure, detention, condemnation or confiscation of their vessels, cargoes or property whatsoever, under the authority of the said Government; and His Majesty engages moreover to pay to the said Government the sum of

Cinquante-Mille Piastres, en faveur des citoyens des Etats-Unis qui ont élevé des réclamations, au sujet de la saisie, détention, condamnation ou confiscation de leurs navires, cargaisons ou propriétés quelconques, par les vaisseaux de guerre et armateurs, ou par les tribunaux du Dannemarc, ou dans les Etats soumis au Sceptre Danois.

Six-Hundred and Fifty Thousand Spanish milled Dollars, on account of the citizens of the United States, who have preferred claims relating to the seizure, detention, condemnation or confiscation of their vessels cargoes or property whatsoever, by the public and private armed ships, or by the tribunals of Denmark, or in the States subject to the Danish Sceptre.

ARTICLE II.

L'acquittement de la somme de Six-Cent-Cinquante-Mille Piastres se fera de la manière et aux termes suivants :

Le 31 mars 1831—Deux-Cent-Seize-Mille-Six-Cent-Soixante-Six et deux tiers de Piastres.

Le 30 septembre 1831—Deux-Cent - Seize - Mille - Six - Cent - Soixante-Six, et deux tiers de Piastres.

Le 30 septembre 1832.—Deux-Cent - Seize - Mille - Six - Cent - Soixante-Six, et deux tiers de Piastres.

Au second terme de payement seront ajoutés les intérêts, pour cette somme, et pour celle à payer au dernier terme, de quatre pour cent par an, à compter depuis le terme du premier payement, du 31 mars 1831.

Au troisième terme seront également ajoutés les intérêts, pour cette dernière somme, de

ARTICLE II.

The payment, of the above sum of Six-Hundred and Fifty Thousand Spanish milled Dollars, shall be made in the times and manner following:

On the 31 March 1831—Two-Hundred and Sixteen-Thousand-Six Hundred and Sixty-Six Dollars and two thirds of a Dollar

On the 30 September 1831—Two-Hundred-and Sixteen-Thousand-Six Hundred-and Sixty-Six Dollars and two thirds of a Dollar.

On the 30 September 1832—Two-Hundred-and Sixteen Thousand-Six Hundred and Sixty-Six Dollars and two thirds of a Dollar.

To the second payment shall be added the interest for that and for the last payment, at four per centum per annum, to be computed from the first payment, on the 31 March 1831

To the third payment shall also be added the interest for that payment, at four per centum per

quatre pour cent par an, à compter du second terme du 30 septembre 1831.

Les sommes ci-dessus spécifiées en Piastres seront acquittées par des lettres de change, à quinze jours de vue, payables à Hambourg, pour le paiement desquelles le Gouvernement Danois restera responsable.

En même temps que le paiement du premier terme, du 31 mars 1831, aura lieu, deux obligations, qui correspondront aux deux derniers termes ci-dessus indiqués, pour le capital et les intérêts, seront émises par la Direction de la dette d'Etat et du fond d'amortissement du Danemarck, à l'ordre du Département des Affaires étrangères du Danemarck, et transportées au Gouvernement des Etats-Unis. En vertu de ces obligations Sa Majesté le Roi de Danemarck Se reconnoitra comme débiteur des sommes point encore payées au Gouvernement des Etats-Unis d'Amérique, et elles seront délivrées à celui ou à ceux qui seront dûment autorisés, à cet effet, par le-dit Gouvernement. Quand l'acquiescement de ces obligations s'effectuera, dans les termes qu'elles sont remboursables de la part du Gouvernement Danois, la personne ou les personnes dûment autorisées par le Gouvernement des Etats-Unis pour recevoir le paiement stipulé remettront en même temps ces

annum, to be computed from the second payment on the 30 September 1831.

The above sums, thus specified in Spanish milled Dollars, shall be paid in bills of exchange, at fifteen days sight, at Hamburg; for the payment of which the Danish Government shall be responsible.

At the time when the first payment shall be made on the 31 March 1831, two obligations, corresponding to the two last payments to be effected, for the capital and the interest thereof, shall be issued by the Direction for the public debt and the sinking fund of Denmark, to the order of the Department of foreign Affairs of Denmark, and assigned to the Government of the United States. By the said obligations His Majesty the King of Denmark shall acknowledge Himself debtor for the sums not yet paid, to the Government of the United States of America, and the same shall be delivered to such person or persons, as may be authorized to receive the same by the said Government; and when the said obligations are to be discharged according to the tenor thereof, by the Danish Government, the person or persons authorized by the Government of the United States to receive the stipulated payments, shall deliver up the said obligations, with receipts, for the

obligations munies des quittances du-dit Gouvernement.

amount thereof, from the said Government.

ARTICLE III

Pour déterminer le montant précis et la validité des réclamations des citoyens des Etats-Unis mentionnées dans l'Article I, une Commission, composée de trois citoyens des Etats-Unis, sera nommée par le Président, par et avec l'avis et le consentement du Sénat; ces commissaires s'assembleront à Washington, et, avant que deux ans, à compter du jour de leur première séance, se seront écoulés, ils doivent avoir reçu toutes ces réclamations, et avoir examiné et décidé leur montant et leur validité, d'après les circonstances spéciales de chaque cas, la justice, l'équité et le droit des gens.

Les commissaires prêteront serment, ou donneront des affirmations, à insérer dans le journal de leurs procédés, qu'ils rempliront fidèlement et assidûment leurs devoirs.

En cas de décès, de maladie ou d'absence indispensable d'un des commissaires, sa place sera remplie par la nomination d'un autre commissaire, de la manière susmentionnée, ou, durant les vacances du Sénat, par le Président des Etats-Unis.

Les commissaires seront autorisés à se faire rendre compte et à examiner chaque question relative à ces réclamations, et à se

ARTICLE III.

To ascertain the full amount and validity of the claims mentioned in Article I. a Board of commissioners, consisting of three citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate, who shall meet at Washington, and within the space of two years, from the time of their first meeting, shall receive examine and decide upon the amount and validity of all such claims, according to the merits of the several cases and to justice, equity and the law of nations.

The commissioners shall take an oath or affirmation, to be entered in the journal of their proceedings, for the faithful and diligent discharge of their duties.

In case of the death, sickness or necessary absence of any commissioner, his place may be supplied by the appointment of another commissioner, in the manner before mentioned, or, during the recess of the Senate, by the President of the United States.

The commissioners shall be authorized to hear and examine, on oath, or affirmation, every question relating to such claims,

faire donner, sous serment, ou affirmation, tous les témoignages convenables et authentiques qui les concernent.

Afin de faciliter les travaux de cette Commission, Sa Majesté le Roi de Dannemarc S'engage, lorsque la réquisition en sera faite, outre les documens déjà remis, à faire délivrer, à celui ou à ceux qui seront dûment autorisés, à cet effet, par le Gouvernement des Etats-Unis, tous les actes, documens, papiers de bord, et pièces de procès qui pourroient encore se trouver dans les Archives de la Haute Cour d'Amirauté, ou des Tribunaux de prises du Danne-marc, relativement à la saisie, détention, condamnation ou confiscation des navires, cargaisons ou propriétés quelconques des citoyens des Etats-Unis d'Amérique, par devant ces tribunaux.

La dite Commission adjugera et fera distribuer entre les différentes parties, dont elle admettra les réclamations, les sommes mentionnées dans l'Article I et II, dans la proportion, et pro rata, à leurs réclamations respectives qui auront été ainsi admises.

ARTICLE IV.

Moyennant les rénonciations et payemens mentionnés dans l'Article I et II, de la part de Sa Majesté le Roi de Dannemarc, le Gouvernement des Etats-Unis dé-

and to receive all suitable, authentic testimony concerning the same.

In order to facilitate the proceedings of this Board, His Majesty the King of Denmark engages, when thereunto required, to cause to be delivered to any person or persons, who shall be duly authorized, for that purpose, by the Government of the United States, in addition to the papers already delivered, all the acts, documents, ship's papers and prize proceedings, which may still remain in the Archives of the High-Court of Admiralty or the Prize Tribunals of Denmark, relating to the seizure, detention, condemnation or confiscation of the vessels cargoes or property whatsoever belonging to the citizens of the United States of America before the said tribunals.

The commissioners shall award and cause to be distributed, among the several parties, whose claims shall be allowed by the Board, the sum mentioned in Article I and II, in a rateable proportion to the amount of the respective claims thus allowed.

ARTICLE IV.

In consideration of the renunciation and payments mentioned in Article I and II, on the part of His Majesty the King of Denmark, the Government of the United

clare qu'il se regarde comme entièrement satisfait, non-seulement pour ce qui le concerne, mais aussi pour ce qui concerne les citoyens des-dits Etats, à raison des réclamations mises en avant jusqu'ici, ou qui pourroient être élevées à l'avenir, ayant pour objet la saisie, détention, condamnation ou confiscation de leurs navires, cargaisons ou propriétés quelconques qui, dans la dernière guerre maritime du Dannemarc, ont eu lieu, sous le pavillon de Dannemarc, ou dans les Etats soumis au Sceptre Danois; et les-dites réclamations seront par conséquent régardées comme définitivement et irrévocablement terminées.

ARTICLE V.

L'intention des deux Hautes Parties Contractantes étant uniquement de terminer définitivement et irrévocablement toutes les réclamations qui jusqu'ici ont eu lieu, Elles déclarent expressement, que la présente Convention n'est applicable qu'aux cas désignés, et que n'ayant d'autre but, elle ne saura jamais, de part ou d'autre, dans l'avenir être invoquée comme un précédent, ou comme règle pour le futur.

ARTICLE VI.

La présente Convention sera dûment ratifiée par les Hautes Parties Contractantes, et les Rati-
fications seront échangées à Wash-

States declares Itself entirely satisfied, not only in what concerns the said Government, but also in what concerns the citizens of the said United States, on account of the claims hitherto preferred or which may hereafter be preferred relating to the seizure, detention, condemnation or confiscation of their vessels, cargoes or property whatsoever, which in the last maritime war of Denmark have taken place under the flag of Denmark, or in the States subject to the Danish Scepter; and the said claims shall consequently be regarded as definitively and irrevocably terminated.

ARTICLE V.

The intention of the two High Contracting Parties being solely to terminate definitively and irrevocably all the claims, which have hitherto been preferred, They expressly declare, that the present Convention is only applicable to the cases therein mentioned, and having no other object, can never hereafter be invoked, by one party or the other, as a precedent or rule for the future.

ARTICLE VI.

The present Convention shall be duly ratified by the High Contracting Parties, and the Rati-
fications shall be exchanged at

ington, d'ans l'espace de dix mois, ou plutôt si faire se peut.

En foi de quoi, et en vertu de nos pleins-pouvoirs respectifs, nous avons signé la présente Convention, et y fait apposer les Sceaux de nos Armes.

Fait à Copenhague, ce 28^{me} jour de mars 1830.

HENRY WHEATON [Seal]

Washington, in the space of ten months, or sooner if possible.

In faith thereof, and in virtue of our respective full powers, we have signed the present Convention, and have thereunto set the Seals of our Arms.

Done at Copenhagen, this 28th day of March 1830.

E. H. SCHIMMELMANN [Seal]
STEMANN [Seal]

NOTES

This convention was "executed in triplicate" (D. S., 1B Despatches, Denmark, No. 15, April 3, 1830, from Henry Wheaton, then Chargé d'Affaires at Copenhagen). There are two signed originals in the treaty file; in each of them the French text is in the left column and the English in the right. The one of those two originals with which the text here printed has been collated is that which forms part of the duplicate United States instrument of ratification of June 2, 1830, to which is attached the attested Senate resolution of May 29 (Executive Journal, IV, 115-16). In each of those originals the order of the names of the parties and of the signatures is the same, the United States and its Plenipotentiary coming first throughout.

The instrument of ratification on the part of Denmark is written in Danish and includes the treaty text in both languages, the French in the left column. In the text there recited the King of Denmark and the Danish Plenipotentiaries have precedence. The certificate of the exchange of ratifications at Washington on June 5, 1830, and the original proclamation of the same date are in customary form. The latter includes both texts of the convention, the French in the left column, and copies thereof, in similar form, were transmitted to both Houses of Congress with the presidential message of December 10, 1830 (Richardson, II, 530; House Document No. 3, 21st Congress, 2d session, serial 206).

The full power to Henry Wheaton, Chargé d'Affaires at Copenhagen, for the negotiation and signature of this convention, was dated June 8, 1827, and is in customary form (D. S., 2 Credences, 67). Under date of January 12, 1829, Wheaton was officially informed of the appointment of the Danish Plenipotentiaries (D. S., 1B Despatches, Denmark, No. 6, January 31, 1829, enclosure). Nothing further appears regarding the full powers except the statement in the protocol of the conference of August 27, 1829 (*ibid.*, No. 9, October 17, 1829, translation of enclosure): "The Commissioners met, pursuant to agreement, and exchanged their full powers."

The presidential message of May 27, 1830, transmitting this convention to the Senate (Executive Journal, IV, 112), reads as follows:

It is gratifying to me to be able to communicate to the Senate, before the termination of its present session, for its advice and consent as to the ratification of it, a convention just received at the Department of State, between the United States and His Majesty the King of Denmark, which was negotiated on the part of the former by Mr. Henry Wheaton, their chargé d'affaires at the Court of Denmark, and on that of the latter by the Sieurs Henry Count de Schemmelman, his minister of foreign affairs, and Paul Christian de Stemann, president of his chancery, and concluded and signed by these plenipotentiaries at Copenhagen on the 28th of March of the present year.

The convention provides by compromise for the adjustment and payment of indemnities to no inconsiderable amount, long sought from the Government of Denmark by that of the United States in behalf of their citizens who had preferred claims for the same, relating to the seizure, detention, and condemnation or confiscation of their vessels, cargoes, or property by the public armed ships, or by the tribunals of Denmark, or in the states subject to the Danish scepter; and there is every reason to believe, as the Senate will infer from the correspondence which accompanies this communication, that the proposed arrangement will prove entirely satisfactory to them.

The accompanying correspondence appears not to have been printed at the time; according to the Executive Journal of the Senate, no order for printing was made; and the Senate resolution of advice and consent was adopted on the day following the receipt of the convention. Much of the relevant correspondence, however, will be found in House Document No. 249, 22d Congress, 1st session, serial 221.

In his message to Congress of December 6, 1830, President Jackson wrote as follows (Richardson, II, 500, 505):

You are apprised, although the fact has not yet been officially announced to the House of Representatives, that a treaty was in the month of March last concluded between the United States and Denmark, by which \$650,000 are secured to our citizens as an indemnity for spoliations upon their commerce in the years 1808, 1809, 1810, and 1811. This treaty was sanctioned by the Senate at the close of its last session, and it now becomes the duty of Congress to pass the necessary laws for the organization of the board of commissioners to distribute the indemnity among the claimants. It is an agreeable circumstance in this adjustment that the terms are in conformity with the previously ascertained views of the claimants themselves, thus removing all pretense for a future agitation of the subject in any form.

THE SOURCE TEXT

There are a number of differences, mostly in punctuation (none in wording), between the two signed originals which are in the treaty file. Those in capitalization, spelling, the use of a symbol for the word "and," and matters of what may be called punctuation style, such as the use of a colon for a semicolon, are hardly worthy of mention. The remaining differences are nearly all cases of commas inserted in one original and omitted in the other, some in the French text and some in the English. None of them seems to be in any way material.

THE CLAIMS SETTLEMENT

For an account of the origin of the claims settled by this convention, the negotiations preceding it, and the proceedings of the Commissioners under Article 3, appointed pursuant to the act of February 25, 1831 (4 Statutes at Large, 446-47), see Moore, *International Arbitrations*, V, 4549-73.

The total amount realized from the payments duly made by Denmark under the convention was \$670,654.70, including interest, and the total amount of claims allowed by the Commissioners was \$2,154,425 (*ibid.*, 4571). The proceedings of the Commissioners lasted from their first meeting on April 4, 1831, until their adjournment *sine die* on March 28, 1833.

The view of the United States Plenipotentiary, Henry Wheaton, of the settlement, was expressed in his despatch of March 29, 1830 (D. S., 1B Despatches, Denmark, No. 14), as follows:

The Convention will speak for itself, & seems to require little explanation. The amount agreed to be paid by the Danish Government, in addition to the renunciation of all the Claims of Danish subjects, is considerably more than the *minimum* which I was authorized by the general Agent of the Claimants to accept rather than break off the negotiation. [See D. S., 13 Instructions, U. S. Ministers, 81-82, January 13, 1830.]

The sum to be paid under the Convention, together with that received in 1827-8 on account of the seizures at Kiel [about \$76,000; D. S., 1B Despatches, Denmark, No. 2, December 22, 1827, and No. 3, March 4, 1828], and the Danish claims now renounced, make altogether an amount exceeding three quarters of a million. In order to present a full view of the whole subject it may be found expedient to send to the Senate my correspondence relating to the cases of the Ariel, Fair-Trader, & Minerva Smyth [i.e., relating to the cargoes of the three vessels detained at Kiel in 1810].

I have not before me sufficient materials from which to form a judgment as to the real amount of the losses unjustly sustained by our citizens from Danish captures. You will find that Mr Erving [George W. Erving, Special Minister to Denmark, 1811-12] in his Correspondence estimates the actual loss at about \$1,750,000, reckoning "about thirty five condemnations quite unjust," to use his own expressions. But supposing the real injury to have been considerably greater, the sum now recovered, considering the diminished resources of this exhausted Country, will, I trust, be considered as a tolerable salvage from this calamitous concern.