

NETHERLANDS.

NETHERLANDS, 1782.

TREATY OF AMITY AND COMMERCE WITH THE NETHERLANDS, CONCLUDED AT THE HAGUE OCTOBER 8, 1782; RATIFIED JANUARY 22, 1783.

October 8, 1782.

Treaty of amity and commerce between their High Mightinesses the States General of the United Netherlands, and the United States of America, to wit: New-Hampshire, Massachusetts, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia.

Their High Mightinesses the States General of the United Netherlands and the United States of America, to wit, New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, desiring to ascertain, in a permanent and equitable manner, the rules to be observed relative to the commerce and correspondence which they intend to establish between their respective States, countries, and inhabitants, have judged that the said end cannot be better obtained than by establishing the most perfect equality and reciprocity for the basis of their agreement, and by avoiding all those burdensome preferences which are usually the sources of debate, embarrassment, and discontent; by leaving also each party at liberty to make, respecting commerce and navigation, such ulterior regulations as it shall find most convenient to itself; and by founding the advantages of commerce solely upon reciprocal utility and the just rules of free intercourse; reserving withal to each party the liberty of admitting at its pleasure other nations to a participation of the same advantages.

Contracting parties.

On these principles their said High Mightinesses the States General of the United Netherlands have named for their Plenipotentiaries, from the midst of their assembly, Messieurs their Deputies for the Foreign Affairs; and the said United States of America, on their part, have furnished with full powers Mr. John Adams, late Commissioner of the United States of America at the Court of Versailles, heretofore Delegate in Congress from the State of Massachusetts Bay, and chief justice of the said State, who have agreed and concluded as follows, to witt:

Negotiators.

ARTICLE I.

There shall be a firm, inviolable, and universal peace and sincere friendship between their High Mightinesses the Lords the States General of the United Netherlands and the United States of America, and between the subjects and inhabitants of the said parties, and between the countries, islands, cities, and places situated under the jurisdiction of the said United Netherlands and the said United States of America, their subjects and inhabitants, of every degree, without exception of persons or places.

Peace and friendship.

ARTICLE II.

The subjects of the said States General of the United Netherlands shall pay in the ports, havens, roads, countries, islands, cities, or places of the United States of America, or any of them, no other nor greater duties or imposts, of whatever nature or denomination they may be,

Privileges of subjects of the Netherlands in the United States.

than those which the nations the most favoured are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce which the said nations do or shall enjoy, whether in passing from one port to another in the said States, or in going from any of those ports to any foreign port of the world, or from any foreign port of the world to any of those ports.

ARTICLE III.

Privileges of
citizens of United
States in United
Netherlands.

The subjects and inhabitants of the said United States of America shall pay in the ports, havens, roads, countries, islands, cities, or places of the said United Netherlands, or any of them, no other nor greater duties or imposts, of whatever nature or denomination they may be, than those which the nations the most favoured are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce which the said nations do or shall enjoy, whether in passing from one port to another in the said States, or from any one towards any one of those ports from or to any foreign port of the world. And the United States of America, with their subjects and inhabitants, shall leave to those of their High Mightinesses the peaceable enjoyment of their rights in the countries, islands, and seas, in the East and West Indies, without any hindrance or molestation.

ARTICLE IV.

Liberty of con-
science.

Rights of burial.

There shall be an entire and perfect liberty of conscience allowed to the subjects and inhabitants of each party, and to their families; and no one shall be molested in regard to his worship, provided he submits, as to the public demonstration of it, to the laws of the country: There shall be given, moreover, liberty, when any subjects or inhabitants of either party shall die in the territory of the other, to bury them in the usual burying-places, or in decent and convenient grounds to be appointed for that purpose, as occasion shall require; and the dead bodies of those who are buried shall not in any wise be molested. And the two contracting parties shall provide, each one in his jurisdiction, that their respective subjects and inhabitants may henceforward obtain the requisite certificates in cases of deaths in which they shall be interested.

ARTICLE V.

Protection of ves-
sels.

Their High Mightinesses the States General of the United Netherlands and the United States of America shall endeavor, by all the means in their power, to defend and protect all vessells and other effects, belonging to their subjects and inhabitants, respectively, or to any of them, in their ports, roads, havens, internal seas, passes, rivers, and as far as their jurisdiction extends at sea, and to recover, and cause to be restored to the true proprietors, their agents, or attornies, all such vessells and effects, which shall be taken under their jurisdiction: And their vessells of war and convoys, in cases when they may have a common enemy, shall take under their protection all the vessells belonging to the subjects and inhabitants of either party, which shall not be laden with contraband goods, according to the description which shall be made of them hereafter, for places, with which one of the parties is in peace and the other at war, nor destined for any place blocked, and which shall hold the same course or follow the same rout; and they shall defend such vessells, as long as they shall hold the same course or follow the same rout, against all attacks, force, and violence of the common enemy, in the same manner as they ought to protect and defend the vessells belonging to their own respective subjects.

ARTICLE VI.

The subjects of the contracting parties may, on one side and on the other, in the respective countries and States, dispose of their effects by testament, donation, or otherwise; and their heirs, subjects of one of the parties, and residing in the country of the other, or elsewhere, shall receive such successions, even ab intestato, whether in person or by their attorney or substitute, even although they shall not have obtained letters of naturalization, without having the effect of such commission contested under pretext of any rights or prerogatives of any province, city, or private person: And if the heirs to whom such successions may have fallen shall be minors, the tutors or curators established by the judge domiciliary of the said minors may govern, direct, administer, sell, and alienate the effects fallen to the said minors by inheritance, and, in general, in relation to the said successions and effects, use all the rights and fulfill all the functions which belong, by the disposition of the laws, to guardians, tutors, and curators: Provided, nevertheless, that this disposition cannot take place but in cases where the testator shall not have named guardians, tutors, curators, by testament, codicil, or other legal instrument.

Disposal of and succession to property.

Minor heirs.

ARTICLE VII.

It shall be lawfull and free for the subjects of each party to employ such advocates, attorneys, notaries, solicitors, or factors as they shall judge proper.

Employment of attorneys, &c.

ARTICLE VIII.

Merchants, masters and owners of ships, mariners, men of all kinds, ships and vessells, and all merchandizes and goods in general, and effects of one of the confederates, or of the subjects thereof, shall not be seized or detained in any of the countries, lands, islands, cities, places, ports, shores, or dominions whatsoever of the other confederate, for any military expedition, publick or private use of any one, by arrests, violence, or any colour thereof; much less shall it be permitted to the subjects of either party to take or extort by force anything from the subjects of the other party, without the consent of the owner; which, however, is not to be understood of seizures, detentions, and arrests which shall be made by the command and authority of justice, and by the ordinary methods, on account of debts or crimes, in respect whereof the proceedings must be by way of law, according to the forms of justice.

Vessels, &c., not to be detained.

ARTICLE IX.

It is further agreed and concluded that it shall be wholly free for all merchants, commanders of ships, and other subjects and inhabitants of the contracting parties, in every place subjected to the jurisdiction of the two Powers respectively, to manage themselves their own business; and moreover, as to the use of interpreters or brokers, as also in relation to the loading or unloading of their vessells, and everything which has relation thereto, they shall be, on one side and on the other, considered and treated upon the footing of natural subjects, or, at least, upon an equality with the most favored nation.

Management of business.

ARTICLE X.

The merchant-ships of either of the parties, coming from the port of an enemy, or from their own, or a neutral port, may navigate freely towards any port of an enemy of the other ally: They shall be, nevertheless, held, whenever it shall be required, to exhibit, as well upon the high seas as in the ports, their sea-letters and other documents described in the twenty-fifth article, stating expressly that their effects are not of the number of those which are prohibited as contraband; and not hav-

Merchant-ships to exhibit sea-letters, &c.

[See Article XXV.]

ing any contraband goods for an enemy's port, they may freely, and without hindrance, pursue their voyage towards the port of an enemy. Nevertheless, it shall not be required to examine the papers of vessels convoyed by vessels of war, but credence shall be given to the word of the officer who shall conduct the convoy.

ARTICLE XI.

Proceedings
when contraband
found on board.

If, by exhibiting the sea-letters and other documents described more particularly in the twenty-fifth article of this treaty, the other party shall discover there are any of those sorts of goods which are declared prohibited and contraband, and that they are consigned for a port under the obedience of his enemy, it shall not be lawful to break up the hatches of such ship, nor to open any chest, coffer, packs, casks, or other vessels found therein, or to remove the smallest parcell of her goods, whether the said vessel belongs to the subjects of their High Mightinesses the States General of the United Netherlands or to the subjects or inhabitants of the said United States of America, unless the lading be brought on shore, in presence of the officers of the court of admiralty, and an inventory thereof made; but there shall be no allowance to sell, exchange, or alienate the same until after that due and lawful process shall have been had against such prohibited goods of contraband, and the court of admiralty, by a sentence pronounced, shall have confiscated the same, saving always as well the ship itself as any other goods found therein, which are to be esteemed free, and may not be detained on pretence of their being infected by the prohibited goods, much less shall they be confiscated as lawful prize: But, on the contrary, when, by the visitation at land, it shall be found that there are no contraband goods in the vessel, and it shall not appear by the papers that he who has taken and carried in the vessel has been able to discover any there, he ought to be condemned in all the charges, damages, and interests of them, which he shall have caused, both to the owners of vessels and to the owners and freighters of cargoes with which they shall be loaded, by his temerity in taking and carrying them in; declaring most expressly the free vessels shall assure the liberty of the effects with which they shall be loaded, and that this liberty shall extend itself equally to the persons who shall be found in a free vessel, who may not be taken out of her, unless they are military men actually in the service of an enemy.

Free ships make
free goods.

ARTICLE XII.

Neutral property
on enemy's vessel.

On the contrary, it is agreed that whatever shall be found to be laden by the subjects and inhabitants of either party, on any ship belonging to the enemies of the other, or to their subjects, although it be not comprehended under the sort of prohibited goods, the whole may be confiscated in the same manner as if it belonged to the enemy; except, nevertheless, such effects and merchandizes as were put on board such vessel before the declaration of war, or in the space of six months after it, which effects shall not be, in any manner, subject to confiscation, but shall be faithfully and without delay restored in nature to the owners who shall claim them, or cause them to be claimed, before the confiscation and sale, as also their proceeds, if the claim could not be made but in the space of eight months after the sale, which ought to be publick: Provided, nevertheless, that if the said merchandizes are contraband, it shall by no means be lawfull to transport them afterwards to any port belonging to enemies.

ARTICLE XIII.

Vessels of war
and privateers.

And that more effectual care may be taken for the security of subjects and people of either party, that they do not suffer molestation from the vessels of war or privateers of the other party, it shall be forbidden to

all commanders of vessells of war and other armed vessells of the said States General of the United Netherlands and the said United States of America, as well as to all their officers, subjects, and people, to give any offence or do any damage to those of the other party: And if they act to the contrary, they shall be, upon the first complaint which shall be made of it, being found guilty after a just examination, punished by their proper judges, and moreover obliged to make satisfaction for all damages and interests thereof, by reparation, under pain and obligation of their persons and goods.

ARTICLE XIV.

For further determining of what has been said, all captains of privateers or fitters-out of vessells armed for war, under commission and on account of private persons, shall be held, before their departure, to give sufficient caution, before competent judges, either to be entirely responsible for the malversations which they may commit in their cruizes or voyages, as well as for the contraventions of their captains and officers against the present treaty, and against the ordinances and edicts which shall be published in consequence of and conformity to it, under pain of forfeiture and nullity of the said commissions. Captains of privateers.

ARTICLE XV.

All vessells and merchandizes of whatsoever nature, which shall be rescued out of the hands of any pirates or robbers, navigating the high seas without requisite commissions, shall be brought into some port of one of the two States, and deposited in the hands of the officers of that port, in order to be restored entire to the true proprietor as soon as due and sufficient proofs shall be made concerning the property thereof. Captures by privateers.

ARTICLE XVI.

If any ships or vessells, belonging to either of the parties, their subjects, or people, shall, within the coasts or dominions of the other, stick upon the sands, or be wrecked, or suffer any other sea-damage, all friendly assistance and relief shall be given to the persons shipwrecked, or such as shall be in danger thereof; and the vessells, effects, and merchandizes, or the part of them which shall have been saved, or the proceeds of them, if, being perishable, they shall have been sold, being claimed within a year and a day by the masters or owners, or their agents or attornies, shall be restored, paying only the reasonable charges, and that which must be paid, in the same case, for the salvage, by the proper subjects of the country: There shall also be delivered them safe conducts or passports, for their free and safe passage from thence, and to returne, each one, to his own country. Wrecked or damaged vessels.

ARTICLE XVII.

In case the subjects or people of either party, with their shipping, whether public and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity for seeking of shelter and harbour, to retract and enter into any of the rivers, creeks, bays, ports, roads, or shores belonging to the other party, they shall be received with all humanity and kindness and enjoy all friendly protection and help, and they shall be permitted to refresh and provide themselves, at reasonable rates, with victualls, and all things needfull for the sustenance of their persons or reparation of their ships; and they shall no ways be detained or hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance. Vessels in distress.

ARTICLE XVIII.

Rights of residents in case of war.

For the better promoting of commerce on both sides, it is agreed that, if a war should break out between their High Mightinesses the States General of the United Netherlands and the United States of America, there shall always be granted to the subjects on each side the term of nine months after the date of the rupture, or the proclamation of war, to the end that they may retire, with their effects, and transport them where they please, which it shall be lawfull for them to do, as well as to sell or transport their effects and goods, in all freedom and without any hindrance, and without being able to proceed, during the said term of nine months, to any arrest of their effects, much less of their persons; on the contrary, there shall be given them, for their vessels and their effects, which they would carry away, passports and safe conducts for the nearest ports of their respective countries, and for the time necessary for the voyage. And no prize made at sea shall be adjudged lawfull, at least if the declaration of war was not or could not be known, in the last port which the vessell taken has quitted; but for whatever may have been taken from the subjects and inhabitants of either party, and for the offences which may have been given them, in the interval of the said terms, a compleat satisfaction shall be given them.

ARTICLE XIX.

Letters of marque.

No subject of their High Mightinesses the States General of the United Netherlands shall apply for or take any commission or letters of marque, for arming any ship or ships to act as privateers against the said United States of America, or any of them, or the subjects and inhabitants of the said United States or any of them, or against the property of the inhabitants of any of them, from any Prince or State with which the said United States of America may happen to be at war: Nor shall any subject or inhabitant of the said United States of America, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the High and Mighty Lords the States General of the United Netherlands, or against the subjects of their High Mightinesses, or any of them, or against the property of any one of them, from any Prince or State with which their High Mightinesses may be at war: And if any person of either nation shall take such commission or letters of marque, he shall be punished as a pirate.

ARTICLE XX.

Vessels coming on coast or entering ports.

If the vessells of the subjects or inhabitants of one of the parties come upon any coast belonging to either of the said allies, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, or take in any cargo, they shall not be obliged to pay, neither for the vessells nor the cargoes, any duties of entry in or out, nor to render any account of their cargoes, at least if there is not just cause to presume that they carry to an enemy merchandizes of contraband.

ARTICLE XXI.

Consular officers.

The two contracting parties grant to each other, mutually, the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents, and Commissaries of their own appointing, whose functions shall be regulated by particular agreement, whenever either party chuses to make such appointments.

ARTICLE XXII.

Treaty not to derogate from treaty with France.

This treaty shall not be understood in any manner to derogate from the ninth, tenth, nineteenth, and twenty-fourth articles of the treaty with France, as they were numbered in the same treaty, concluded the

sixth of February, 1778, and which make the articles ninth, tenth, seventeenth, and twenty-second of the treaty of commerce now subsisting between the United States of America and the Crown of France: Nor shall it hinder His Catholic Majesty from acceding to that treaty, and enjoying the advantages of the said four articles.

[See treaty of 1778 with France, pp. 203-213.]

ARTICLE XXIII.

If at any time the United States of America shall judge necessary to commence negotiations with the King or Emperor of Marocco and Fez, and with the Regencies of Algiers, Tunis, or Tripoli, or with any of them, to obtain passports for the security of their navigation in the Mediterranean Sea, their High Mightinesses promise that upon the requisition which the United States of America shall make of it, they will second such negotiations in the most favourable manner, by means of their Consuls, residing near the said King, Emperor, and Regencies.

Treaties with the Barbary powers.

CONTRABAND.

ARTICLE XXIV.

The liberty of navigation and commerce shall extend to all sorts of merchandizes, excepting only those which are distinguished under the name of contraband, or merchandizes prohibited: And under this denomination of contraband and merchandizes prohibited, shall be comprehended only warlike stores and arms, as mortars, artillery, with their artifices and appurtenances, fusils, pistols, bombs, grenades, gunpowder, saltpetre, sulphur, match, bullets and balls, pikes, sabres, lances, halberts, casques, cuirasses, and other sorts of arms, as also soldiers, horses, saddles, and furniture for horses; all other effects and merchandizes, not before specified expressly, and even all sorts of naval matters, however proper they may be for the construction and equipment of vessells of war, or for the manufacture of one or another sort of machines of war, by land or sea, shall not be judged contraband, neither by the letter, nor according to any pretended interpretation whatever, ought they, or can they be comprehended under the notion of effects prohibited or contraband: so that all effects and merchandizes, which are not expressly before named, may, without any exception, and in perfect liberty, be transported by the subjects and inhabitants of both allies, from and to places belonging to the enemy; excepting only the places which at the same time shall be besieged, blocked, or invested; and those places only shall be held for such which are surrounded nearly by some of the belligerent Powers.

Contraband articles.

ARTICLE XXV.

To the end that all dissention and quarrel may be avoided and prevented, it has been agreed, that in case that one of the two parties happens to be at war, the vessells belonging to the subjects or inhabitants of the other ally shall be provided with sea-letters or passports, expressing the name, the property, and the burthen of the vessel, as also the name and the place of abode of the master, or commander of the said vessel, to the end that thereby it may appear that the vessel really and truly belongs to subjects or inhabitants of one of the parties; which passports shall be drawn and distributed, according to the form annexed to this treaty; each time that the vessel shall return, she should have such her passport renewed, or at least they ought not to be of more antient date than two years, before the vessel has been returned to her own country.

Sea-letters or passports.

It has been also agreed, that such vessells, being loaded, ought to be provided not only with the said passports or sea-letters, but also with a general passport, or with particular passports or manifests, or other publick documents, which are ordinarily given to vessells outward

Manifests.

bound in the ports from whence the vessels have set sail in the last place, containing a specification of the cargo, of the place from whence the vessel departed, and of that of her destination, or, instead of all these, with certificates from the magistrates or governors of cities, places, and colonies from whence the vessel came, given in the usual form, to the end that it may be known whether there are any effects prohibited or contraband, on board the vessels, and whether they are destined to be carried to an enemy's country or not; and in case any one judges proper to express in the said documents the persons to whom the effects on board belong, he may do it freely, without, however, being bound to do it; and the omission of such expression cannot and ought not to cause a confiscation.

ARTICLE XXVI.

Regulation of visits at sea. If the vessels of the said subjects or inhabitants of either of the parties, sailing along the coasts or on the high seas, are met by a vessel of war, or privateer, or other armed vessel of the other party, the said vessels of war, privateers, or armed vessels, for avoiding all disorder, shall remain without the reach of cannon, but may send their boats on board the merchant vessel, which they shall meet in this manner, upon which they may not pass more than two or three men, to whom the master or commander shall exhibit his passport, containing the property of the vessel, according to the form annexed to this treaty: And the vessel, after having exhibited such a passport, sea-letter, and other documents, shall be free to continue her voyage, so that it shall not be lawfull to molest her, or search her in any manner, nor to give her chase, nor to force her to alter her course.

ARTICLE XXVII.

Crews of vessels. It shall be lawfull for merchants, captains and commanders of vessels, whether public and of war, or private and of merchants, belonging to the said United States of America, or any of them, or to their subjects and inhabitants, to take freely into their service, and receive on board of their vessels, in any port or place in the jurisdiction of their High Mightinesses aforesaid, seamen or others, natives or inhabitants of any of the said States, upon such conditions as they shall agree on, without being subject for this to any fine, penalty, punishment, process, or reprehension whatsoever.

And reciprocally, all merchants, captains and commanders, belonging to the said United Netherlands, shall enjoy, in all the ports and places under the obedience of the said United States of America, the same privilege of engaging and receiving seamen or others, natives or inhabitants of any country of the domination of the said States General: Provided, that neither on one side nor the other, they may not take into their service such of their countrymen who have already engaged in the service of the other party contracting, whether in war or trade, and whether they meet them by land or sea; at least if the captains or masters under the command of whom such persons may be found, will not of his own consent discharge them from their service, upon pain of being otherwise treated and punished as deserters.

ARTICLE XXVIII.

Infractions of treaty. The affair of the refraction shall be regulated in all equity and justice, by the magistrates of cities respectively, where it shall be judged that there is any room to complain in this respect.

ARTICLE XXIX.

Ratifications. The present treaty shall be ratified and approved by their High Mightinesses the States General of the United Netherlands, and by the United States of America; and the acts of ratification shall be deliv-

ered in good and due form, on one side and on the other, in the space of six months, or sooner if possible, to be computed from the day of the signature.

In faith of which, We the Deputies and Plenipotentiaries of the Lords the States General of the United Netherlands, and the Minister Plenipotentiary of the United States of America, in virtue of our respective authorities and full powers, have signed the present treaty, and apposed thereto the seals of our arms. Signatures.

Done at the Hague the eight of October, one thousand seven hundred eighty-two. Date.

JOHN ADAMS.	[L. S.]
GEORGE VAN RANDWYCK.	[L. S.]
B. V. D. SANTHEUVEL.	[L. S.]
P. V. BLEISWYK.	[L. S.]
W. C. H. VAN LÿNDEN.	[L. S.]
D. J. VAN HEECKEREN.	[L. S.]
JOAN VAN KUFFELER.	[L. S.]
F: G: VAN DEDEM, <i>tot den Gelder.</i>	[L. S.]
H: TJASSENS.	[L. S.]

NETHERLANDS, 1782.

CONVENTION WITH THE NETHERLANDS RELATIVE TO RECAPTURED VESSELS, CONCLUDED AT THE HAGUE OCTOBER 8, 1782; RATIFIED BY CONGRESS JANUARY 23, 1783. October 8, 1782.

Convention between the Lords the States General of the United Netherlands and the United States of America, concerning vessells recaptured.

The Lords the States General of the United Netherlands, and the United States of America, being inclined to establish some uniform principles with relation to prizes made by vessells of war, and commissioned by the two contracting Powers, upon their common enemies, and to vessells of the subjects of either party, captured by the enemy, and recaptured, by vessells of war commissioned by either party, have agreed upon the following articles : Preamble.

ARTICLE I.

The vessells of either of the two nations recaptured by the privateers of the other, shall be restored to the first proprietor, if such vessells have not been four and twenty hours in the power of the enemy, provided the owner of the vessell recaptured, pay therefor one-third of the value of the vessell, as also of that of the cargo, the cannons and apparel, which third shall be valued by agreement, between the parties interested ; or, if they cannot agree thereon among themselves, they shall address themselves to the officers of the admiralty, of the place where the privateer who has retaken the vessell shall have conducted her. When recaptured vessells shall be restored.

ARTICLE II.

If the vessell recaptured has been more than twenty-four hours in the power of the enemy, she shall belong entirely to the privateer who has retaken her. When they shall belong to the recaptor.

ARTICLE III.

In case a vessell shall have been recaptured by a vessell of war belonging to the States General of the United Netherlands, or to the United States of America, she shall be restored to the first owner, he paying a thirtieth part of the value of the ship, her cargo, cannons and apparel, if she has been recaptured in the interval of twenty-four hours, and the tenth part if she has been recaptured after the twenty-four hours ; which sums shall be distributed in form of gratifications to the crews of the vessells which shall have retaken her. The valuation Recaptured by vessells of war.

of the said thirtieth parts and tenth parts, shall be regulated according to the tenour of the first article of the present convention.

ARTICLE IV.

Restitution of prizes. The restitution of prizes, whether they may have been retaken by vessells of war or by privateers, in the mean time and untill requisite and sufficient proofs can be given of the property of vessells recaptured, shall be admitted in a reasonable time, under sufficient sureties for the observation of the aforesaid articles.

ARTICLE V.

Sale of prizes. The vessels of war and privateers, of one and of the other of the two nations, shall be reciprocally, both in Europe and in the other parts of the world, admitted in the respective ports of each with their prizes, which may be unloaded and sold according to the formalities used in the State where the prize shall have been conducted, as far as may be consistent with the 22d article of the treaty of commerce: Provided always, that the legality of prizes by the vessells of the Low Countries, shall be decided conformably to the laws and regulations established in the United Netherlands; as likewise, that of prizes made by American vessels, shall be judged according to the laws and regulations determined by the United States of America.

[See Article XXII, treaty of 1782, p. 539.]

ARTICLE VI.

Prize regulations. Moreover, it shall be free for the States General of the United Netherlands, as well as for the United States of America, to make such regulations as they shall judge necessary, relative to the conduct which their respective vessells and privateers ought to hold in relation to the vessells which they shall have taken and conducted into the ports of the two Powers.

Signatures. In faith of which, We the Deputies and Plenipotentiaries of the Lords the States General of the United Netherlands, and Minister Plenipotentiary of the United States of America, have, in virtue of our respective authorities and full powers, signed these presents, and confirmed the same with the seal of our arms.

Date. Done at the Hague the eight of October, one thousand seven hundred eighty-two:

JOHN ADAMS.	[L. S.]
GEORGE VAN RANDWYCK.	[L. S.]
B. V. D. SANTHEUVEL.	[L. S.]
P. V. BLEISWYK.	[L. S.]
W. C. H. VAN LYNDEN.	[L. S.]
D. J. VAN HEECKEREN.	[L. S.]
JOAN VAN KUFFELER.	[L. S.]
F: G: VAN DEDEM, <i>tot den Gelder.</i>	[L. S.]
H: TJASSENS.	[L. S.]

NETHERLANDS, 1839.

January 19, 1839. TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE NETHERLANDS, CONCLUDED AT WASHINGTON JANUARY 19, 1839; RATIFICATION ADVISED BY SENATE JANUARY 31, 1839; RATIFIED BY PRESIDENT FEBRUARY 1, 1839; RATIFICATIONS EXCHANGED AT WASHINGTON MAY 23, 1839; PROCLAIMED MAY 24, 1839.

Treaty with the King of the Netherlands.

Contracting parties. The United States of America and His Majesty the King of the Netherlands, anxious to regulate the commerce and navigation carried on be-

tween the two countries in their respective vessels, have, for that purpose, named plenipotentiaries, that is to say:

The President of the United States has appointed John Forsyth, Secretary of State of the said United States; and His Majesty the King of the Netherlands, Jonkheer Evert Marius Adrian Martini, Member of the Body of Nobles of the Province of North Brabant, Knight of the Order of the Netherland Lion, and his Chargé d'Affaires near the United States;

Negotiators.

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

ARTICLE I.

Goods and merchandise, whatever their origin may be, imported into or exported from the ports of the United States from or to the ports of the Netherlands in Europe, in vessels of the Netherlands, shall pay no higher or other duties than shall be levied on the like goods and merchandise so imported or exported in national vessels; and, reciprocally, goods and merchandise, whatever their origin may be, imported into or exported from the ports of the Netherlands in Europe from or to the ports of the United States, in vessels of the said States, shall pay no higher or other duties than shall be levied on the like goods and merchandise so imported or exported in national vessels. The bounties, drawbacks, or other favors of this nature which may be granted in the States of either of the contracting parties on goods imported or exported in national vessels shall also and in like manner be granted on goods directly exported or imported in vessels of the other country to and from the ports of the two countries; it being understood that, in the latter as in the preceding case, the goods shall have been loaded in the ports from which such vessels have been cleared.

Equality of duties.

Bounties and drawbacks.

[See supplemental convention, pp. 544-546.]

ARTICLE II.

Neither party shall impose upon the vessels of the other, whether carrying cargoes between the United States and the ports of the Netherlands in Europe, or arriving in ballast from any other country, any duties of tonnage, harbour dues, light-houses, salvage, pilotage, quarantine, or port charges of any kind or denomination which shall not be imposed in like cases on national vessels.

Tonnage duties, &c.

[See supplemental convention, pp. 544-546.]

ARTICLE III.

It is further agreed between the two contracting parties that the Consuls and Vice-Consuls of the United States in the ports of the Netherlands in Europe, and, reciprocally, the Consuls and Vice-Consuls of the Netherlands in the ports of the said States, shall continue to enjoy all privileges, protection, and assistance, as may be usual and necessary for the duly exercising of their functions, in respect also of the deserters from the vessels, whether public or private, of their countries.

Privileges of consuls and vice-consuls.

ARTICLE IV.

The contracting parties agree to consider and treat as vessels of the United States and of the Netherlands all such as, being furnished by the competent authority with a passport or sea-letter, shall, under the then existing laws and regulations, be recognized as national vessels by the country to which they respectively belong.

Nationality of vessels.

ARTICLE V.

In case of shipwreck or damage at sea, each party shall grant to the vessels, whether public or private, of the other, the same assistance and protection which would be afforded to its own vessels in like cases.

Shipwrecks.

ARTICLE VI.

Duration of treaty. The present treaty shall be in force for the term of ten years, commencing six weeks after the exchange of the ratifications; and further until the end of twelve months after either of the contracting parties shall have given to the other notice of its intention to terminate the same: each of the contracting parties reserving to itself the right of giving such notice to the other, after the expiration of the said term of ten years. And it is hereby mutually agreed that in case of such notice this treaty, and all the provisions thereof, shall, at the end of the said twelve months, altogether cease and determine.

ARTICLE VII.

Ratifications. The present treaty shall be ratified, and the ratifications shall be exchanged at Washington, within six months of its date, or sooner if practicable.

Signatures. In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Date. Done in duplicate at the city of Washington, this nineteenth day of January, in the year of our Lord one thousand eight hundred and thirty-nine.

JOHN FORSYTH. [L. S.]
ADR. MARTINI. [L. S.]

NETHERLANDS, 1852.

Aug. 26, 1852. SUPPLEMENTAL COMMERCIAL CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE NETHERLANDS, CONCLUDED AT WASHINGTON AUGUST 26, 1852; RATIFICATION ADVISED BY SENATE FEBRUARY 17, 1853; RATIFIED BY PRESIDENT FEBRUARY 21, 1853; RATIFICATIONS EXCHANGED AT WASHINGTON FEBRUARY 23, 1853; PROCLAIMED FEBRUARY 26, 1853.

Contracting parties. The United States of America and His Majesty the King of the Netherlands, being desirous of placing the commerce of the two countries on a footing of greater mutual equality, have appointed as their Plenipotentiaries for that purpose, that is to say:

Negotiators. The President of the United States of America, Daniel Webster, Secretary of State of the United States; and His Majesty the King of the Netherlands, François Mathieu Wenceslas, Baron Testa, Commander of the Royal Grand Ducal Order of the Crown of Oak of Luxembourg, Knight of the Royal Order of the Lion of the Netherlands; and of the Grand Ducal Order of the White Falcon, third class, Counsellor of Legation, and His Majesty's Chargé d'Affaires to the Government of the United States of America;

[See Articles I and II, treaty of 1839, p. 543.] Who, after having communicated to each other their respective powers, found in good and due form, have agreed that, for and in lieu of the first and second articles of the treaty of commerce and navigation, signed at Washington on the 19th of January, 1839, between the high contracting parties, the following articles shall be substituted:

ARTICLE I.

Reciprocal equality of duties. Goods and merchandise, whatever their origin may be, imported into or exported from the ports of the United States from and to any other country, in vessels of the Netherlands, shall pay no higher or other duties than shall be levied on the like goods and merchandise imported or exported in national vessels. Reciprocally, goods and merchandise, whatever their origin may be, imported into or exported from the ports of the Netherlands from and to any other country, in vessels of the United States, shall pay no higher or other duties than shall be levied

on the like goods and merchandise imported or exported in national vessels.

The bounties, drawbacks, and other privileges of this nature which may be granted in the States of either of the contracting parties, on goods imported or exported in national vessels, shall also and in like manner be granted on goods imported or exported in vessels of the other country.

Bounties and drawbacks.

ARTICLE II.

The above reciprocal equality in relation to the flags of the two countries is understood to extend also to the ports of the colonies and dominions of the Netherlands beyond the seas, in which goods and merchandise, whatever their origin may be, imported or exported from and to any other country in vessels of the United States, shall pay no higher or other duties than shall be levied on the like goods and merchandise imported or exported from and to the same places in vessels of the Netherlands. The bounties, drawbacks, or other privileges of similar denomination which may be there granted on goods and merchandise imported or exported in vessels of the Netherlands shall also, and in like manner, be granted on goods and merchandise imported or exported in vessels of the United States.

Reciprocity to extend to colonies.

ARTICLE III.

Neither party shall impose upon the vessels of the other, whether carrying cargoes or arriving in ballast from either of the two countries, or any other country, any duties of tonnage, harbor dues, light-house, salvage, pilotage, quarantine, or port charges of any kind or denomination, which shall not be imposed in like case on national vessels.

Tonnage duties, &c.

ARTICLE IV.

The present arrangement does not extend to the coasting trade and fisheries of the two countries respectively, which are exclusively allowed to national vessels: it being moreover understood that, in the East Indian Archipelago of the Netherlands, the trade from island to island is considered as coasting trade, and likewise in the United States, the trade between their ports on the Atlantic and their ports on the Pacific; and if, at any time, either the Netherlands or the United States shall allow to any other nation the whole or any part of the said coasting trade, the same trade shall be allowed on the same footing and to the same extent to the other party. It being, however, expressly understood and agreed that nothing in this article shall prevent the vessels of either nation from entering and landing a portion of their inward cargoes at one port of the other nation, and then proceeding to any other port or ports of the same, to enter and land the remainder, nor from preventing them in like manner from loading a portion of their outward cargoes at one port and proceeding to another port or ports to complete their lading, such landing or lading to be done under the same rules and regulations as the two governments may respectively establish for their national vessels in like cases.

Coasting trade and fisheries.

ARTICLE V.

The above reciprocal equality in relation to the flags of the two countries is not understood to prevent the Government of the Netherlands from levying discriminating duties of import or export in favor of the direct trade between Holland and her colonies and dominions beyond the seas; but American vessels engaged in such direct commerce shall be entitled to all the privileges and immunities, whether as regards import or export duties, or otherwise, that are or may be enjoyed by vessels under the Dutch flag. Likewise, the United States shall continue to levy the discriminating duties imposed by the present tariff on teas and coffee, in favor of the direct importation of these articles from the place of their growth, but also without discriminating between the flags of the two countries. And if, at any time, the Netherlands or the United

Discriminating duties.

States shall abolish the said discriminating duties, it is understood that the same shall be in like manner abolished in relation to the commerce of the other country.

ARTICLE VI.

Duration of treaty.

The present convention shall be considered as additional to the above-mentioned treaty of the 19th of January, 1839, and shall, altogether, with the unmodified articles of that treaty, be in force for the term of two years, commencing six weeks after the exchange of the ratifications; and further, until the end of twelve months after either of the contracting parties shall have given to the other notice of its intention to terminate the same, each of the contracting parties reserving to itself the right of giving such notice to the other, after the expiration of the said term of two years. And it is hereby mutually agreed that, in case of such notice, this convention, and all the provisions thereof, as well as the said treaty of 19th January, 1839, and the provisions thereof, shall, at the end of the said twelve months, altogether cease and determine.

ARTICLE VII.

Ratifications.

The present convention shall be ratified, and the ratifications shall be exchanged at Washington within six months of its date, or sooner if possible.

Signatures.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Date.

Done in duplicate at the city of Washington, this twenty-sixth day of August, in the year of our Lord one thousand eight hundred and fifty-two.

DAN'L WEBSTER. [SEAL.]
FS. TESTA. [SEAL.]

NETHERLANDS, 1855.

January 22, 1855.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE NETHERLANDS RESPECTING CONSULS OF THE UNITED STATES IN DUTCH COLONIES, CONCLUDED AT THE HAGUE JANUARY 22, 1855; RATIFICATION ADVISED BY SENATE MARCH 3, 1855; RATIFIED BY PRESIDENT MARCH 5, 1855; RATIFICATIONS EXCHANGED AT WASHINGTON MAY 25, 1855; PROCLAIMED MAY 26, 1855.

Contracting parties.

His Majesty the King of the Netherlands, wishing to strengthen the bonds of friendship subsisting between the United States of America and the Kingdom of the Netherlands, and to give the amplest possible development to the commercial intercourse so happily established between the two nations, has, for the accomplishment of that purpose, and in order to satisfy a desire repeatedly expressed by the Government of the United States, consented to receive Consuls from said States in the principal ports of the Dutch colonies, with the reservation, however, of making this concession the subject of a special convention, which shall determine, in a clear and precise manner, the rights, duties, and privileges of said Consuls in the colonies above mentioned.

Negotiators.

Accordingly, the President of the United States has named August Belmont, a citizen of the United States, and their Minister Resident near His Majesty the King of the Netherlands;

His Majesty the King of the Netherlands, the Sieur Floris Adriaan Van Hall, Grand Cross of the Order of the Netherlands Lion, His Majesty's Minister of State and for Foreign Affairs, and the Sieur Charles Ferdinand Pahud, Grand Cross of the Order of the Netherlands Lion, His Majesty's Minister for the Colonies;

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Consuls-General, Consuls, and Vice-Consuls of the United States of Amerika will be admitted into all the ports in the transmarine possessions or colonies of the Netherlands, which are open to the vessels of all nations.

Consular officers of United States in Dutch colonies.

ARTICLE II.

The Consuls-General, Consuls, and Vice-Consuls of the United States of America are considered as commercial agents, protectors of the maritime commerce of their countrymen, in the ports within the circumference of their consular districts.

Their powers and office.

They are subject to the laws, both civil and criminal, of the country in which they reside, with such exceptions as the present convention establishes in their favor.

To be subject to the laws.

ARTICLE III.

The Consuls-General and Consuls, before being admitted to exercise their functions, and to enjoy the immunities attached thereto, must present a commission, in due form, to the government of His Majesty the King of the Netherlands.

Commissions and exequaturs.

After having obtained the exequatur, which shall be countersigned as promptly as possible by the governor of the colony, the said Consular Agents shall be entitled to the protection of the government, and to the assistance of the local authorities, in the free exercise of their functions.

The Government, in granting the exequatur, reserves the right of withdrawing the same, or to cause it to be withdrawn by the Governor of the colony, on a statement of the reasons for doing so.

ARTICLE IV.

The Consuls-General and Consuls are authorized to place on the outer door of their consulates the arms of their Government, with the inscription: "Consulate of the United States of America."

Inscription on consular offices.

It is well understood that this outward mark shall never be considered as conferring the right of asylum, nor as having the power to exempt the house and those dwelling therein from the prosecution of the local justice.

Not to give right of asylum.

ARTICLE V.

It is, nevertheless, understood that the archives and documents relating to the affairs of the consulate shall be protected against all search, and that no authority or magistrate shall have the power, under any pretext whatever, to visit or seize them, or to examine their contents.

Inviolability of archives.

ARTICLE VI.

The Consuls-General, Consuls, and Vice-Consuls shall not be invested with any diplomatic character.

Communications with the Government.

When a request is to be addressed to the Netherlands Government, it must be done through the medium of the Diplomatic Agent residing at the Hague, if one be there.

The Consul may, in case of urgency, apply to the Governor of the colony himself, showing the urgency of the case, and stating the reasons why the request cannot be addressed to the subordinate authorities, or that previous applications made to such authorities have not been attended to.

ARTICLE VII.

Consuls-General and Consuls shall be free to establish Vice-Consuls in the ports mentioned in art. 1, and situated in their consular districts.

Vice-Consuls.

The Vice-Consuls may be taken indiscriminately from among the subjects of the Netherlands, or from citizens of the United States, or of

any other country residing, or having the privilege, according to the local laws, to fix their residence in the port to which the Vice-Consul shall be named.

These Vice-Consuls, whose nomination shall be submitted to the approval of the Governor of the colony, shall be provided with a certificate, given to them by the Consul under whose orders they exercise their functions.

The Governor of the colony may in all cases withdraw from the Vice-Consuls the aforesaid sanction, in communicating to the Consul-General or Consul of the respective district the motives for his doing so.

ARTICLE VIII.

Passports.

Passports delivered or signed by Consuls or Consular Agents, do not dispense the bearer from providing himself with all the papers required by the local laws, in order to travel or to establish himself in the colonies.

The right of the Governor of the colony to prohibit the residence in, or to order the departure from the colony of any person, to whom a passport may have been delivered, remains undisturbed.

ARTICLE IX.

Shipwrecks.

When a ship of the United States is wrecked upon the coast of the Dutch colonies, the Consul-General, Consul, or Vice-Consul who is present at the scene of the disaster, will, in case of the absence, or with the consent of the captain or supercargo, take all the necessary measures for the salvage of the vessel, the cargo, and all that appertains to it.

In the absence of the Consul-General, Consul, or Vice-Consul, the Dutch authorities of the place where the wreck has taken place will act in the premises, according to the regulations prescribed by the laws of the colony.

ARTICLE X.

Deserters from vessels.

Consuls-General, Consuls, and Vice-Consuls may, in so far as the extradition of deserters from merchant-vessels or ships of war shall have been stipulated by treaty, request the assistance of the local authorities for the arrest, detention, and imprisonment of deserters from vessels of the United States. To this end they shall apply to the competent functionaries, and claim said deserters, in writing, proving by the register of the vessel, the list of the crew, or by any other authentic document, that the persons claimed belonged to the crew.

The reclamation being thus supported, the local functionaries shall exercise what authority they possess, in order to cause the deserters to be delivered up.

These deserters, being arrested, shall be placed at the disposal of said Consuls, and may be confined in the public prisons at the request and at the expense of those who claim them, in order that they may be taken to the vessels to which they belong, or to other vessels of the same nation. But if they are not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause.

It is understood, however, that if the deserter be found to have committed any crime, offence, or contravention, his extradition may be delayed until the court having cognizance of the matter shall have pronounced its sentence, and the same has been carried into execution.

ARTICLE XI.

Estates of deceased residents.

In case of the death of a citizen of the United States, without having any known heirs or testamentary executors, the Dutch authorities, who, according to the laws of the colonies, are charged with the administration of the estate, will inform the Consuls, or Consular Agents, of the circumstance, in order that the necessary information may be forwarded to parties interested.

ARTICLE XII.

The Consuls General, Consuls, and Vice-Consuls have, in that capacity, in so far as the laws of the United States of America allow it, the right to be named arbiters in the differences which may arise between the masters and the crews of the vessels belonging to the United States, and this without the interference of the local authorities, unless the conduct of the crew or of the captain should have been such as to disturb the order and tranquillity of the country, or that the Consuls-General, Consuls, or Vice-Consuls, should request the assistance of the said authorities, in order to carry out their decisions or to maintain their authority.

Settlement of disputes between masters and crews.

It is understood, however, that this decision or special arbitrament is not to deprive, on their return, the parties in litigation of the right of appeal to the judiciary authorities of their own country.

ARTICLE XIII.

The Consuls-General, Consuls, and Vice-Consuls, who are not subjects of the Netherlands, who, at the time of their appointment, are not established as residents in the Kingdom of the Netherlands or its colonies, and who do not exercise any calling, profession, or trade, besides their consular functions, are, in so far as in the United States the same privileges are granted to the Consuls General, Consuls, and Vice-Consuls of the Netherlands, exempt from military billetings, from personal taxation, and, moreover, from all public or municipal taxes which are considered of a personal character, so that this exemption shall never extend to custom-house duties or other taxes, whether indirect or real.

Exemptions of consular officers.

The Consuls-General, Consuls, and Vice-Consuls, who are not natives or recognized subjects of the Netherlands, but who may exercise conjointly with their consular functions any profession or trade whatever, are obliged to fulfill duties, and pay taxes and contributions, like all Dutch subjects and other inhabitants.

Consuls-General, Consuls, and Vice-Consuls, subjects of the Netherlands, but to whom it has been accorded to exercise consular functions conferred by the Government of the United States of America, are obliged to fulfill duties, and pay taxes and contributions, like all Dutch subjects and other inhabitants.

ARTICLE XIV.

The Consuls-General, Consuls, and Vice-Consuls of the United States shall enjoy all such other privileges, exemptions, and immunities, in the colonies of the Netherlands, as may at any future time be granted to the agents of the same rank of the most favored nations.

Further privileges.

ARTICLE XV.

The present convention shall remain in force for the space of five years from the day of the exchange of the ratifications, which shall take place within the delay of twelve months, or sooner if possible.

Duration of convention.
Ratifications.

In case neither of the contracting parties gives notice twelve months before the expiration of the said period of five years, of its intention not to renew this convention, it shall remain in force a year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall give such notice.

In witness whereof, the respective Plenipotentiaries have signed the present convention, and have affixed thereto the seals of their arms.

Signatures.

Done at the Hague this twenty-second day of January, in the year of our Lord one thousand eight hundred and fifty-five.

Date.

AUGUST BELMONT. [L. S.]
VAN HALL. [L. S.]
C. F. PAHUD. [L. S.]