

## COMMERCE

*Convention signed at Washington August 26, 1852, supplementing treaty of January 19, 1839*

*Ratified by the Netherlands January 11, 1853*

*Senate advice and consent to ratification February 17, 1853*

*Ratified by the President of the United States February 21, 1853*

*Ratifications exchanged at Washington February 25, 1853*

*Proclaimed by the President of the United States February 26, 1853*

*Entered into force April 8, 1853*

*Replaced December 5, 1957, by treaty of March 27, 1956*<sup>1</sup>

10 Stat. 982; Treaty Series 252<sup>2</sup>

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: 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; 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,<sup>3</sup> between the High Contracting Parties, the following articles shall be substituted:

### ARTICLE I

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

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<sup>1</sup> 8 UST 2043; TIAS 3942.

<sup>2</sup> For a detailed study of this convention, see 6 Miller 75.

<sup>3</sup> TS 251, *ante*, p. 22.

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.

#### 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.

#### 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, lighthouse, salvage, pilotage, quarantine, or port charges of any kind or denomination, which shall not be imposed in like cases on national vessels.

#### 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.

#### 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 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

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

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

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

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.

DANL WEBSTER      [SEAL]  
FS. TESTA            [SEAL]