

RECAPTURED VESSELS

Convention signed at The Hague October 8, 1782

Ratified by the Netherlands December 27, 1782

Ratified by the Congress of the United States (Continental Congress)

January 23, 1783

Proclaimed by the Congress of the United States (Continental Congress)

January 23, 1783

Ratifications exchanged at The Hague June 23, 1783

Entered into force June 23, 1783

Abrogated by overthrow of Netherlands Government in 1795¹

8 Stat. 50; Treaty Series 250²

CONVENTION BETWEEN THE LORDS, THE STATES-GENERAL OF THE UNITED-NETHERLANDS, AND THE UNITED STATES OF AMERICA, CONCERNING VESSELS 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 Vessels of War, and Commissioned by the Two contracting Powers, upon their common Enemies, and to Vessels of the Subjects of either Party, captured by the Enemy, and recaptured by Vessels of War, commissioned by either Party, have agreed upon the following Articles.

ARTICLE 1

The Vessels of either of the Two Nations, recaptured by the Privateers of the other, shall be restored to the first Proprietor, if such Vessels have not been Four and Twenty Hours in the Power of the Enemy; provided the Owner of the Vessel recaptured pay therefor, one Third of the Value of the Vessel, 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 Vessel, shall have conducted her.

¹ See footnote 2, *ante*, p. 6.

² For a detailed study of this convention, see 2 Miller 91.

ARTICLE 2

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.

ARTICLE 3

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 of the said Thirtieth Parts and Tenth Parts, shall be regulated, according to the Tenour of the first Article of the present Convention.

ARTICLE 4

The restitution of Prizes, whether they may have been retaken by Vessells of War, or by Privateers, in the meantime 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 5

The Vessells 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 22^d: Article of the Treaty of Commerce: ³ 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 Vessells, shall be judged, according to the Laws and Regulations determined by the United-States of America.

ARTICLE 6

More over, 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 in to the Ports of the Two Powers.

³ TS 249, *ante*, p. 14.

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.

Done at the Hague, the Eight of October, One Thousand Seven Hundred Eighty Two.

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