

## COMMERCE AND NAVIGATION

*Treaty signed at Washington January 19, 1839*

*Senate advice and consent to ratification January 31, 1839*

*Ratified by the President of the United States February 1, 1839*

*Ratified by the Netherlands March 19, 1839*

*Ratifications exchanged at Washington May 23, 1839*

*Proclaimed by the President of the United States May 24, 1839*

*Entered into force July 4, 1839*

*Articles I and II superseded by convention of August 26, 1852<sup>1</sup>*

*Article III abrogated July 1, 1916, by the United States in accordance  
with Seamen's Act of March 4, 1915<sup>2</sup>*

*Terminated May 10, 1919<sup>3</sup>*

8 Stat. 524; Treaty Series 251<sup>4</sup>

The United States of America and His Majesty the King of the Netherlands, anxious to regulate the commerce and navigation carried on between 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, who having exchanged their respective full powers, found in good and due form, have agreed to the following articles:

### ARTICLE I<sup>5</sup>

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 mer-

<sup>1</sup> TS 252, *post*, p. 25.

<sup>2</sup> 38 Stat. 1164.

<sup>3</sup> Pursuant to notice of termination given by the United States May 10, 1918.

<sup>4</sup> For a detailed study of this treaty, see 4 Miller 171.

<sup>5</sup> Superseded by art. I of convention of Aug. 26, 1852 (TS 252, *post*, p. 25).

chandise, 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.

#### ARTICLE II<sup>6</sup>

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

#### 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.

#### 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 sealetter, shall, under the then existing laws and regulations, be recognized as national vessels by the country to which they respectively belong.

#### 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.

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<sup>6</sup> Superseded by art. II of convention of Aug. 26, 1852 (TS 252, *post*, p. 26).

## ARTICLE VI

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

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

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 nineteenth day of January in the year of our Lord one thousand eight hundred and thirty-nine.

JOHN FORSYTH [SEAL]

ADR. MARTINI [SEAL]