

Germany (*Hanseatic Republics*)

FRIENDSHIP, COMMERCE, AND NAVIGATION

Convention signed at Washington December 20, 1827

Senate advice and consent to ratification January 7, 1828

Ratified by the President of the United States January 8, 1828

*Ratified by Lubeck March 26, 1828, by Bremen April 3, 1828, and by
Hamburg April 8, 1828*

Ratifications exchanged at Washington June 2, 1828

Entered into force June 2, 1828

Proclaimed by the President of the United States June 2, 1828

Supplemented by additional article of June 4, 1828¹

Obsolete

8 Stat. 366; Treaty Series 157²

CONVENTION OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA, AND THE FREE HANSEATIC REPUBLICS OF LUBECK, BREMEN, AND HAMBURG

The United States of America, on the one part, and the Republic and free Hanseatic City of Lubeck, the Republic and free Hanseatic City of Bremen, and the Republic and free Hanseatic City of Hamburg (each State for itself separately,) on the other part, being desirous to give greater facility to Their commercial intercourse, and to place the privileges of Their navigation on a basis of the most extended liberality, have resolved to fix in a manner clear, distinct and positive, the rules which shall be observed between the one and the other, by means of a Convention of Friendship, Commerce and Navigation.

For the attainment of this most desirable object, the President of the United States of America has conferred Full Powers on Henry Clay, Their Secretary of State; and the Senate of the Republic and free Hanseatic City of Lubeck, the Senate of the Republic and free Hanseatic City of Bremen, and the Senate of the Republic and free Hanseatic City of Hamburg, have

¹ TS 158, *post*, p. 46.

² For a detailed study of this convention, see 3 Miller 387.

conferred Full Powers on Vincent Rumpff, Their Minister Plenipotentiary near the United States of America; who, after having exchanged their said Full Powers, found in due and proper form, have agreed to the following articles:

ARTICLE I

The Contracting Parties agree, That whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States, in their own vessels, may be also imported in vessels of the said free Hanseatic Republics of Lubeck, Bremen and Hamburg; and that no higher, or other duties upon the tonnage or cargo of the vessel, shall be levied or collected, whether the importation be made in vessels of the United States, or of either of the said Hanseatic Republics. And, in like manner, that whatever kind of produce, manufacture or merchandise, of any foreign country, can be, from time to time, lawfully imported into either of the said Hanseatic Republics, in its own vessels, may be also imported in vessels of the United States; and that no higher, or other, duties upon the tonnage or cargo of the vessel, shall be levied or collected, whether the importation be made in vessels of the one Party, or of the other. And they further agree, That whatever may be lawfully exported, or re-exported, by one Party, in its own vessels, to any foreign country, may, in like manner, be exported, or re-exported, in the vessels of the other Party. And the same bounties, duties and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the one Party or of the other. Nor shall higher, or other, charges, of any kind, be imposed in the ports of the one Party, on vessels of the other, than are, or shall be payable, in the same ports, by national vessels.

ARTICLE II

No higher or other duties shall be imposed on the importation into the United States, of any article, the produce or manufacture of the free Hanseatic Republics of Lubeck, Bremen and Hamburg; and no higher or other duties shall be imposed on the importation into either of the said Republics, of any article the produce or manufacture of the United States, than are, or shall be payable, on the like article being the produce or manufacture of any other foreign country; nor shall any other, or higher, duties or charges be imposed by either Party, on the exportation of any articles to the United States or to the free Hanseatic Republics of Lubeck, Bremen, or Hamburg, respectively, than such as are, or shall be, payable on the exportation of the like articles, to any other foreign country: nor shall any prohibition be imposed, on the importation or exportation of any article, the produce or manufacture of the United States, or of the free Hanseatic Republics of Lubeck, Bremen or Hamburg, to, or from, the ports of the United States; or to, or from the ports of the other Party, which shall not equally extend to all other nations.

ARTICLE III

No priority or preference shall be given, directly, or indirectly, by any or either of the Contracting Parties, nor by any Company, Corporation, or Agent, acting on their behalf, or under their authority, in the purchase of any article, the growth, produce, or manufacture of their States, respectively, imported into the other, on account of, or in reference to, the character of the vessel, whether it be of the one Party, or of the other, in which such article was imported: it being the true intent and meaning of the Contracting Parties, that no distinction or difference whatever shall be made in this respect.

ARTICLE IV

In consideration of the limited extent of the territories of the Republics of Lubeck, Bremen and Hamburg, and of the intimate connection of trade and navigation subsisting between these Republics, it is hereby stipulated and agreed that any vessel which shall be owned exclusively by a citizen, or citizens of any, or either of them, and of which the master shall also be a citizen of any, or either of them, and provided three fourths of the crew shall be citizens or Subjects of any or either of the said Republics, or of any, or either of the States of the Confederation of Germany, such vessel, so owned, and navigated, shall for all the purposes of this Convention, be taken to be, and considered as, a vessel belonging to Lubeck, Bremen, or Hamburg.

ARTICLE V

Any vessel, together with her cargo, belonging to either of the free Hanseatic Republics of Lubeck, Bremen, or Hamburg, and coming from either of the said ports, to the United States, shall, for all the purposes of this Convention, be deemed to have cleared from the Republic to which such vessel belongs; although, in fact, it may not have been the one from which she departed; and any vessel of the United States, and her cargo, trading to the ports of Lubeck, Bremen, or Hamburg, directly, or in succession, shall, for the like purposes, be on the footing of a Hanseatic vessel, and her cargo, making the same voyage.

ARTICLE VI

It is, likewise, agreed, That it shall be wholly free for all merchants, commanders of ships, and other citizens of both Parties, to manage, themselves their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandize, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships, submitting themselves to the laws, decrees and usages there established, to which native citizens are subjected; they being in all these cases, to be treated as citizens of the Republic in which they reside, or at least, to be placed on a footing with the citizens or subjects of the most favored nation.

ARTICLE VII

The Citizens of each of the Contracting Parties shall have power to dispose of their personal goods, within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other Party, shall succeed to their said personal goods, whether by testament, or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same, at their will, paying such dues only as the inhabitants of the country wherein said goods are, shall be subject to pay in like cases: and if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds, without molestation, and exempt from all duties of detraction, on the part of the Government of the respective States.

ARTICLE VIII

Both the Contracting Parties promise and engage formally to give their special protection to the persons and property, of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have as free opportunity as native citizens to be present at the decisions and sentences of the tribunals, in all cases which may concern them; and, likewise, at the taking of all examinations and evidence which may be exhibited in the said trials.

ARTICLE IX

The Contracting Parties desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of Commerce and navigation, which shall not immediately become common to the other Party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ARTICLE X

The present Convention shall be in force for the term of twelve years, from the date hereof, and further, until the end of twelve months after the Government of the United States, on the one part, or the free Hanseatic Republics of Lubeck, Bremen or Hamburg, or either of them, on the other

part, shall have given notice of their intention to terminate the same; each of the said Contracting Parties reserving to itself the right of giving such notice to the other, at the end of the said term of twelve years; and it is hereby agreed between them, that, at the expiration of twelve months after such notice shall have been received by either of the Parties from the other, this Convention, and all the provisions thereof, shall altogether cease and determine, as far as regards the States giving and receiving such notice; it being always understood and agreed, that if one or more of the Hanseatic Republics aforesaid, shall, at the expiration of twelve years from the date hereof, give or receive notice of the proposed termination of this Convention, it shall nevertheless remain in full force and operation, as far as regards the remaining Hanseatic Republics, or Republic, which may not have given or received such notice.

ARTICLE XI

The present Convention being approved and ratified by the President of the United States, by, and with the advice and consent of the Senate thereof; and by the Senates of the Hanseatic Republics of Lubeck, Bremen and Hamburg, the ratifications shall be exchanged at Washington, within nine months from the date hereof, or sooner if possible.

In faith whereof, We, the Plenipotentiaries of the Contracting Parties have signed the present Convention; and have thereto affixed our Seals.

Done in quadruplicate, at the City of Washington on the twentieth day of December, in the year of Our Lord, one thousand eight hundred and twenty seven, in the fifty second year of the Independence of the United States of America.

H. CLAY [SEAL]

V. RUMPF [SEAL]