

COMMERCE AND NAVIGATION

Treaty, with separate article, signed at Stockholm July 4, 1827

Ratified by Sweden and Norway July 11, 1827

Senate advice and consent to ratification January 7, 1828

Ratified by the President of the United States January 17, 1828

Ratifications exchanged at Washington January 18, 1828

Entered into force January 18, 1828

Proclaimed by the President of the United States January 19, 1828

Articles 13 and 14 abrogated by the United States July 1, 1916, in accordance with Seamen's Act of March 4, 1915¹

Terminated, as to Sweden, February 4, 1919;² as to Norway (except for part of article 1³), September 13, 1932⁴

8 Stat. 346; Treaty Series 348⁵

[TRANSLATION]

In the name of the Most Holy and Indivisible Trinity.

The United States of America and His Majesty the King of Sweden and Norway, equally animated with the desire of extending and consolidating the commercial relations subsisting between their respective territories, and convinced that this object cannot better be accomplished than by placing them on the basis of a perfect equality and reciprocity, have in consequence agreed to enter into negotiation for a new Treaty of Commerce and Navigation, and to this effect have appointed Plenipotentiaries, to wit: the President of the United States of America, John James Appleton, Chargé d'Affaires of the said States at the Court of His Majesty the King of Sweden and Norway; and His Majesty the King of Sweden and Norway, the Sieur Gustave Count de Wetterstedt, his Minister of State and of Foreign Affairs, Knight Commander of his Orders, Knight of the Orders of St. Andrew, St. Alexander Newsky, and St. Ann of the first class of Russia, Knight of the Order of the Red Eagle of the first class of Prussia, Grand Cross of the Order of Leopold

¹ 38 Stat. 1164.

² Pursuant to notice of termination given by the United States Feb. 4, 1918.

³ That part of art. 1 concerning entry and residence of nationals of one country in territories of the other for purposes of trade remained in force as of Jan. 1, 1970.

⁴ Date of entry into force of treaty of June 5, 1928, and additional article of Feb. 25, 1929 (TS 852, *ante*, vol. 10, p. 481, NORWAY).

⁵ For a detailed study of this treaty, see 3 Miller 283.

of Austria, one of the eighteen of the Swedish Academy; who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE 1

The citizens and subjects of each of the two high contracting parties may, with all security for their persons, vessels, and cargoes, freely enter the ports, places, and rivers of the territories of the other, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, to rent and occupy houses and warehouses for their commerce, and they shall enjoy, generally, the most entire security and protection in their mercantile transactions, on condition of their submitting to the laws and ordinances of the respective countries.

ARTICLE 2

Swedish and Norwegian vessels, and those of the island of Saint-Barthélemy, arriving either laden or in ballast into the ports of the United States of America, from whatever place they may come, shall be treated on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, lighthouses, pilotage, and port charges, as well as to the perquisites of public officers and all other duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever.

And reciprocally, the vessels of the United States of America, arriving either laden or in ballast in the ports of the Kingdoms of Sweden and Norway, from whatever place they may come, shall be treated on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, lighthouses, pilotage, and port charges, as well as to the perquisites of public officers and all other duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever.

ARTICLE 3

All that may be lawfully imported into the United States of America in vessels of the said States may also be thereinto imported in Swedish and Norwegian vessels, and in those of the island of Saint-Barthélemy, from whatever place they may come, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels.

And reciprocally, all that may be lawfully imported into the Kingdoms of

Sweden and Norway in Swedish and Norwegian vessels, or in those of the island of Saint-Barthélemy, may also be thereinto imported in vessels of the United States of America, from whatever place they may come, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

ARTICLE 4

All that may be lawfully exported from the United States of America in vessels of the said States may also be exported therefrom in Swedish and Norwegian vessels, or in those of the island of Saint-Barthélemy, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

And reciprocally, all that may be lawfully exported from the Kingdoms of Sweden and Norway in Swedish and Norwegian vessels, or in those of the island of Saint-Barthélemy, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

ARTICLE 5

The stipulations contained in the three preceding articles are to their full extent applicable to the vessels of the United States of America proceeding, either laden or not laden, to the colony of Saint-Barthélemy in the West Indies, whether from the ports of the Kingdoms of Sweden and Norway or from any other place whatsoever, or proceeding from the said colony, either laden or not laden, whether bound for Sweden or Norway, or for any other place whatsoever.

ARTICLE 6

It is expressly understood that the foregoing second, third, and fourth articles are not applicable to the coastwise navigation from one port of the United States of America to another port of the said States, nor to the navigation from one port of the Kingdoms of Sweden or of Norway to another, nor to that between the two latter countries, which navigation each of the two high contracting parties reserves to itself.

ARTICLE 7

Each of the two high contracting parties engages not to grant in its purchases, or in those which might be made by companies or agents acting in its name or under its authority, any preference to importations made in its

own vessels, or in those of a third power, over those made in the vessels of the other contracting party.

ARTICLE 8

The two high contracting parties engage not to impose upon the navigation between their respective territories, in the vessels of either, any tonnage or other duties of any kind or denomination, which shall be higher or other than those which shall be imposed on every other navigation except that which they have reserved to themselves, respectively, by the sixth article of the present treaty.

ARTICLE 9

There shall not be established in the United States of America, upon the products of the soil or industry of the Kingdoms of Sweden and Norway, or of the island of Saint-Barthélemy, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties shall likewise be established upon articles of like nature, the growth of any other country.

And reciprocally, there shall not be established in the Kingdoms of Sweden and Norway, nor in the island of Saint-Barthélemy, on the products of the soil or industry of the United States of America, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties be likewise established upon articles of like nature, the growth of the island of Saint-Barthélemy, or of any other place, in case such importation be made into or from the Kingdoms of Sweden and Norway; or of the Kingdoms of Sweden and Norway, or of any other place, in case such importation or exportation be made into or from the island of Saint-Barthélemy.

ARTICLE 10

All privileges of transit and all bounties and drawbacks which may be allowed within the territories of one of the high contracting parties upon the importation or exportation of any article whatsoever, shall likewise be allowed on the articles of like nature, the products of the soil or industry of the other contracting party, and on the importations and exportations made in its vessels.

ARTICLE 11

The citizens or subjects of one of the high contracting parties arriving with their vessels on the coasts belonging to the other, but not wishing to enter the port, or after having entered therein, not wishing to unload any part of their cargo, shall be at liberty to depart and continue their voyage without paying any other duties, imposts, or charges whatsoever, for the vessel and cargo, than those of pilotage, wharfage, and for the support of lighthouses, when such duties shall be levied on national vessels in similar cases. It is

understood, however, that they shall always conform to such regulations and ordinances concerning navigation and the places and ports which they may enter, as are or shall be in force with regard to national vessels; and that the customhouse officers shall be permitted to visit them, to remain on board, and to take all such precautions as may be necessary to prevent all unlawful commerce, as long as the vessels shall remain within the limits of their jurisdiction.

ARTICLE 12

It is further agreed that the vessels of one of the high contracting parties, having entered into the ports of the other, will be permitted to confine themselves to unloading such part only of their cargoes as the captain or owner may wish, and that they may freely depart with the remainder without paying any duties, imposts, or charges whatsoever, except for that part which shall have been landed, and which shall be marked upon and erased from the manifest exhibiting the enumeration of the articles with which the vessel was laden; which manifest shall be presented entire at the customhouse of the place where the vessel shall have entered. Nothing shall be paid on that part of the cargo which the vessel shall carry away and with which it may continue its voyage to one or several other ports of the same country, there to dispose of the remainder of its cargo, if composed of articles whose importation is permitted, on paying the duties chargeable upon it; or it may proceed to any other country. It is understood, however, that all duties, imposts, or charges whatsoever, which are or may become chargeable upon the vessels themselves, must be paid at the first port where they shall break bulk or unlade part of their cargoes; but that no duties, imposts, or charges of the same description shall be demanded anew in the ports of the same country which such vessels might afterwards wish to enter, unless national vessels be in similar cases subject to some ulterior duties.

ARTICLE 13

Each of the high contracting parties grants to the other the privilege of appointing, in its commercial ports and places, consuls, vice consuls, and commercial agents, who shall enjoy the full protection and receive every assistance necessary for the due exercise of their functions; but it is expressly declared that in case of illegal or improper conduct with respect to the laws or Government of the country in which said consuls, vice consuls, or commercial agents shall reside, they may be prosecuted and punished conformably to the laws, and deprived of the exercise of their functions by the offended Government, which shall acquaint the other with its motives for having thus acted; it being understood, however, that the archives and documents relative to the affairs of the consulate shall be exempt from all search and shall be carefully preserved under the seals of the consuls, vice consuls, or commercial agents, and of the authority of the place where they may reside.

The consuls, vice consuls, or commercial agents, or the persons duly authorized to supply their places, shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country, or the said consuls, vice consuls, or commercial agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

ARTICLE 14

The said consuls, vice consuls, or commercial agents are authorized to require the assistance of the local authorities for the arrest, detention, and imprisonment of the deserters from the ships of war and merchant vessels of their country; and for this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews, and on this reclamation being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice consuls, or commercial agents, and may be confined in the public prisons, at the request and cost of those who claim them, in order to be sent to the vessels to which they belonged or to others of the same country. But if not sent back within the space of two months, reckoning from the day of their arrest, they shall be set at liberty and shall not be again arrested for the same cause.

It is understood, however, that if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case shall be depending shall have pronounced its sentence and such sentence shall have been carried into effect.

ARTICLE 15

In case any vessel of one of the high contracting parties shall have been stranded or shipwrecked or shall have suffered any other damage on the coasts of the dominions of the other, every aid and assistance shall be given to the persons shipwrecked or in danger, and passports shall be granted to them to return to their country. The shipwrecked vessels and merchandise, or their proceeds if the same shall have been sold, shall be restored to their owners or to those entitled thereto, if claimed within a year and a day, upon paying such costs of salvage as would be paid by national vessels in the same

circumstances; and the salvage companies shall not compel the acceptance of their services, except in the same cases and after the same delays as shall be granted to the captains and crews of national vessels. Moreover, the respective Governments will take care that these companies do not commit any vexatious or arbitrary acts.

ARTICLE 16

It is agreed that vessels arriving directly from the United States of America at a port within the dominions of His Majesty the King of Sweden and Norway, or from the territories of His said Majesty in Europe, at a port of the United States, and provided with a bill of health granted by an officer having competent power to that effect at the port whence such vessels shall have sailed, setting forth that no malignant or contagious diseases prevailed in that port, shall be subjected to no other quarantine than such as may be necessary for the visit of the health officer of the port where such vessels shall have arrived; after which said vessels shall be allowed immediately to enter and unload their cargoes; provided always, that there shall be on board no person who, during the voyage, shall have been attacked with any malignant or contagious diseases; that such vessels shall not, during their passage, have communicated with any vessel liable itself to undergo a quarantine; and that the country whence they came shall not at that time be so far infected or suspected that, before their arrival, an ordinance had been issued in consequence of which all vessels coming from that country should be considered as suspected and consequently subject to quarantine.

ARTICLE 17

The second, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twenty-first, twenty-second, twenty-third, and twenty-fifth articles of the Treaty of Amity and Commerce concluded at Paris on the third of April, one thousand seven hundred eighty-three,⁶ by the Plenipotentiaries of the United States of America and of His Majesty the King of Sweden, together with the first, second, fourth, and fifth separate articles signed on the same day by the same Plenipotentiaries, are revived and made applicable to all the countries under the dominion of the present high contracting parties and shall have the same force and value as if they were inserted in the context of the present treaty; it being understood that the stipulations contained in the articles above cited shall always be considered as in no manner affecting the conventions concluded by either party with other nations during the interval between the expiration of the said treaty of one thousand seven hundred eighty-three and the revival of said articles by the Treaty of Commerce and

⁶ TS 346, *ante*, p. 710, SWEDEN.

Navigation concluded at Stockholm by the present high contracting parties on the fourth of September, one thousand eight hundred and sixteen.⁷

ARTICLE 18

Considering the remoteness of the respective countries of the two high contracting parties and the uncertainty resulting therefrom with respect to the various events which may take place, it is agreed that a merchant vessel belonging to either of them which may be bound to a port supposed, at the time of its departure, to be blockaded, shall not, however, be captured or condemned for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learned during its voyage that the blockade of the place in question still continued. But all vessels which, after having been warned off once, shall during the same voyage attempt a second time to enter the same blockaded port, during the continuance of said blockade, shall then subject themselves to be detained and condemned.

ARTICLE 19

The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications; and if, before the expiration of the first nine years, neither of the high contracting parties shall have announced, by an official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

ARTICLE 20

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate, and by His Majesty the King of Sweden and Norway, and the ratifications shall be exchanged at Washington within the space of nine months from the signature, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the present treaty, by duplicates, and have affixed thereto the seals of their arms. Done at Stockholm the fourth of July in the year of grace one thousand eight hundred and twenty-seven.

J. J. APPLETON	[SEAL]
G. COMTE DE WETTERSTEDT	[SEAL]

⁷ TS 347, *ante*, p. 868.

SEPARATE ARTICLE

Certain relations of proximity and ancient connections having led to regulations for the importation of the products of the Kingdoms of Sweden and Norway into the Grand Duchy of Finland, and that of the products of Finland into Sweden and Norway, in vessels of the respective countries, by special stipulations of a treaty still in force and whose renewal forms at this time the subject of a negotiation between the Courts of Sweden and Norway and Russia, said stipulations being in no manner connected with the existing regulations for foreign commerce in general, the two high contracting parties, anxious to remove from their commercial relations all kinds of ambiguity or motives of discussion, have agreed that the eighth, ninth, and tenth articles of the present treaty shall not be applicable either to the navigation and commerce above mentioned, nor, consequently, to the exceptions in the general tariff of customhouse duties and in the regulations of navigation resulting therefrom, nor to the special advantages which are or may be granted to the importation of tallow and candles from Russia, founded upon equivalent advantages granted by Russia on certain articles of importation from Sweden and Norway.

The present separate article shall have the same force and value as if it were inserted word for word in the treaty signed this day, and shall be ratified at the same time.

In faith whereof we, the undersigned, by virtue of our respective full powers, have signed the present separate article and affixed thereto the seals of our arms. Done at Stockholm the fourth of July, one thousand eight hundred and twenty-seven.

J. J. APPLETON	[SEAL]
G. COMTE DE WETTERSTEDT	[SEAL]