

THE NETHERLANDS AND THE
UNITED STATES
THEIR RELATIONS IN THE BEGINNING
OF THE NINETEENTH CENTURY

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BY

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LIST OF ABBREVIATIONS

D.o.S.	Department of State
Desp.	Despatches
Neth.	Netherlands
U.S.A.	United States of America
Cons.	Consular
L.o.C.	Library of Congress
F.O.	Foreign Office
R.A.	Algemeen Rijks-Archief, General State Archives
B.Z.	Buitenlandsche Zaken, Foreign Affairs
11:, 2: bur.	st, 2d bureau
I.S.	Inkomende Stukken, Letters Received
U.S.	Uitgaande Stukken, Letters Sent
No.	Number of document, portfolio or volume in archives
Encl.	Enclosed, or enclosure
Port.	Portfolio
Coll.	Collection
Am. Hist. Rev.	American Historical Review
Tijdschr. v. Gesch.	Tijdschrift voor Geschiedenis
Biogr. Wdb.	Biographisch Woordenboek

PREFACE

“It is perhaps the most laborious and difficult part of the duties of the State Department to hold at once the threads of our different relations with all the European powers.”

This reflection was made by John Quincy Adams while he was Secretary of State ¹⁾, but it applies to the duties of every Minister of Foreign Affairs. The stress of the sentence is in the centre: “at once”, writes Adams; the threads come together in his hand at the same time; in order to preserve the system of his foreign policy he must hold them all in one grasp. That he is occupied with one power is no reason for neglecting the others. To put it more strongly: the threads are twisted; when one is pulled it must needs affect the others as well. Often, beyond his reach, a knot unites several threads in mutual dependence and they cannot be untied or handled separately.

Foreign policy is not a single line of action. It means the direction of a whole system of connections along many and different trails. The system may have one general trend but each connection must follow a separate path.

Such being the nature of diplomacy and foreign politics, it is not for the science of history to treat them otherwise. When an historian selects one particular thread to follow he must not neglect the other threads which are drawn together in the same hand. If he intends, as do I, to investigate the connections of one given nation with another, he cannot dim the light on its general foreign policy without failing in his object. General conditions and general political tendencies dominate special ones; the latter cannot be explained apart from their enveloping historical background. In this study I have endeavored to present the two

¹⁾ Memoirs V p. 338, April 4 1821.

aspects, to place the special subject in its general background and, in return, to show how it exemplifies the historical significance of the latter. I have tried to represent the relations between the Netherlands and the United States as a *part* of their foreign policies. By explaining the trends and motives of these policies and investigating the conditions and situations from which they evolved, I have intended to obtain as perfect as possible an understanding of that particular piece of history wherein the political spheres of both powers met and intersected. The general chapters, III, IV, IX, X, XVIII and XIX, are the result of this conception.

The object of my investigation has been to develop the subject exhaustively, to represent it as completely and as objectively as possible as it appears in and is suggested by the relevant historical documents. My aim, when writing, was not to create a literary essay but to make a contribution to the science and knowledge of history according to the views which I have obtained through my researches. The truth of this statement may be confirmed by my decision to use for the final exposition another language than my own. I am indebted to Mr. W. M. Chase, Consul of the United States of America at Amsterdam, and to Mrs. E. van Maanen-Helmer, Ph. D., for their kind assistance in the final shaping of the text.

In its narrowest sense the subject of my study is: Netherlands-American relations from 1813 to 1820. To Europe as well as to the United States the downfall of Napoleon means the end of an age of wars and political commotion, the commencement of a new and peaceful development of the national economic forces, virtually the beginning of "the 19th Century". This has led me to choose the end of 1813 as the actual starting point for my investigation. In order to be able to understand the spirit of a period and its historical trends, however, we need a knowledge of its foundations in an earlier period and of the developments from which it results. The first Chapters, I and II, therefore deal with the cultural, political and economic relations between the two countries from the last decades of the 18th century — the near past of the years after 1813. Further, a special chapter, V, is given to the history and most characteristic provisions of the

treaty of 1782 by way of introduction to the important part played by this treaty in the reciprocal correspondence after the renewal of official relations in 1813. An appendant chapter on the validity of the treaty during the 19th century, although falling outside the scope of the investigation proper, has been added as a logical completion of Chapter V.

The line which the diplomatic intercourse between the two countries follows after 1813, being largely marked by questions of a single nature, is not difficult to trace. During the whole course of the 19th century it is exceptional when the relations between Holland and the United States involve more than one important question at a time. The majority of these questions are about economic subjects of commercial-political bearing. Those of a purely "political" nature ¹⁾ are not sufficiently interesting or important to inspire a deeper study.

Right after its resumption in 1814 and 1815 the diplomatic intercourse is rather complicated, for a few years, by several unsuccessful attempts on both sides to conclude a new commercial treaty to replace the old one of 1782. A certain rest, however, follows the mutual legislative arrangements of trade reciprocity, in 1818. Four years later a question of discrimination evolving from the 10 % bounty for national navigation enforced by the Dutch tariff law of 1822 gives rise to a prolonged controversy which ends only with the final conclusion of a commercial convention of limited reciprocity in 1839; attempts to arrive at such a convention are reflected in the reciprocal correspondence after the beginning of the thirties. In the next decade the American tariff act of 1842 produces difficulties with regard to the duties on goods from the Dutch East Indies imported by way of Holland but they are duly settled in the ensuing years to the satisfaction of the Dutch government and in compliance with the provisions of the treaty of 1839. The period of international liberalism brings the conclusion, in 1852, of another commercial treaty, providing for more extensive reciprocity, and in 1855 of the consular convention by which the active American minister, August Belmont, succeeded in wringing from the King's government an official admittance of United States consuls to the ports of the Dutch

¹⁾ See chapter I.

colonies — a success of Marcy's foreign policy which has never been duly recognized by American scholars ¹⁾. The Civil War, 1861—1865, created various questions of concern to the diplomatic intercourse, but they did not attain much actual importance in Secretary Seward's busy office.

These are the landmarks of Dutch-American official relations during the period up to about 1870. Expressly omitted from the above outline is the treatment of the spoliation claims, dating from sequestrations in 1809 and 1810, which were unsuccessfully pressed by the American representatives in the first years following the restoration of Dutch independence, and the diplomatic activity of 1829—1831 over King William's award in the controversy between Great Britain and the United States about the Maine boundary. Though together they fill a good deal of space in the documentary files of the respective archives, neither of these subjects had any material effect upon the interests of both nations in their mutual relations.

The second decade presents itself as the most important for the foundation of the economic and commercial-political development of the 19th century. On both continents it shows conditions becoming more settled after the previous chaotic years of warfare. Commerce and trade suffered from heavy losses, in Holland from the Napoleonic wars, in America — as became evident in due course — from the termination of them. We find a readjustment of the national economic systems, a careful planning of new tariff policies and repeated attempts to make these policies reciprocal. But also, with both governments, we find uncertainty at first as to the best way of looking after the national interests. The decades immediately after 1815 form in political economy the period of transition from mercantilism to liberalism. Almost every aspect of our study shows the great struggle of these two economic systems in the practice of government, in the Netherlands as well as in the United States ²⁾. A reciprocity arrangement as relatively simple as that established in 1818 needed four years of

¹⁾ It is not mentioned for instance in H. B. Learned's *William Learned Marcy (1853—1857)*, in vol. VI of S. F. Bemis' series *The American Secretaries of State and their diplomacy*.

²⁾ In the United States this struggle is most characteristically represented by the incongruity in the tariff policy which appeared in the course of the 'Twenties between the protection of industry and the reciprocity of trade duties. Whereas on the one hand

constant diplomatic handling for its realization. It affected on both sides, however, the very basis of a trade policy which was being newly shaped for the next decades, and was one of the first expressions thereof. For this reason the period from 1813 to 1818 marks an essential stage in the course of the mutual relations and as a subject deserving of more thorough investigation has been made the focal point of the present study. It forms practically a unit in itself, ending with an interlude of rest for the official and with the crisis of 1819—'20 for the commercial relations.

There are two other works dealing with it. One is G. J. Kloos, „De handelspolitieke betrekkingen tusschen Nederland en de Vereenigde Staten van Amerika, 1814—1914” (Amsterdam 1923), the main subject of which is the American tariff legislation and its consequences to Dutch commerce and trade. As a matter of course the thoroughness of his treatise is determined by the availability of statistical material, with the result that the period after the Civil War is dealt with at considerably greater length than the previous decades. The relations during the years up to 1820 have received a very thin and often erroneous treatment. This defectiveness of Kloos' work may be accounted for by an incomplete use of documentary sources. He did not investigate the American archives and, in my opinion, made insufficient use of the Dutch archives. For the rest of his information he had to depend upon what happened to be in print on both sides of the Atlantic and even, as far as the American publications are concerned, upon what was available in libraries and collections on *this* side. On the whole, however, his book has for the later decades the merits of spadework. It is a general survey and guide for the history of this long stretch of time from 1814 to 1914 and will be useful to all subsequent investigations.

The other work is P. Hoekstra's "Thirty-seven years of Hol-

the extreme protection of industry expressed in the tariff of 1828 by its nature aimed at a self-supporting national economy, i.e. at closing the country as completely as possible from international exchange, on the other hand a law of the same year offered to other countries a reciprocal complete equality of navigation duties with the ultimate aim of increasing the opportunities abroad and the reach of the national shipping trade. The shipping trade was, however, the very organ of international exchange.

This incongruity has doubtless seriously affected the prominent international trade function which the United States had acquired in the Napoleonic period. Its ill effects appera in the years around 1840 and have never been wholly cured.

land-American relations, 1803 to 1840" (1916)¹). The main part of this treatise, 108 pages out of 178, is devoted to the Napoleonic period. It contains a very valuable exposition of the Continental System as applied to Holland and its consequences to American trade²). For the following years a special chapter (VI) is given to the diplomatic treatment of the spoliation claims dating from sequestrations in 1809 and 1810. The treatment of this aftermath of the Napoleonic régime is sufficiently exhaustive to make all further comments upon the subject unnecessary. Our study will repeatedly refer to this chapter, as well as to his earlier chapters on the Napoleonic period for a more detailed exposition of certain questions than is given here.

With regard to the later chapters, V and VII, on the period between 1814 and 1820, however, it appeared to me that a more thorough investigation of the subject and a subordination of it to the general history of both countries would give it a broader aspect and more proper proportions than are obtainable from Hoekstra's rather superficial treatment of these years. His method of giving little more than an almost chronological account of the official correspondence between the two governments³) may in part be accounted for by the fact that his approach causes him, perhaps unconsciously, to view the years after 1814 as an aftermath of the foregoing period rather than as the elementary basis of the further developments in the 19th century. In contradistinction to his approach it has seemed to me more expedient to emphasize the latter aspect and to regard these years in the light of their general significance for the Netherlands and the United States.

In order to avoid repeatedly referring to Hoekstra's treatise, either to point out the similarity of conclusions or to compare

¹) A Thesis presented at the University of Pennsylvania; Grand Rapids, Mich. — Paterson, N.J., 1916.

²) Especially for this part, it seems necessary to draw the attention of Dutch historians to the existence of Hoekstra's book.

³) It is a curious consequence of using diplomatic correspondence as the main source of a subject of international history that Kloos, who did not investigate American archives, appears to be better informed on the American side of the Dutch-American relations, whereas Hoekstra, who looks at the matter from the American point of view, gives the better account of proceedings in the Netherlands. The despatches from ministers abroad yield a continuous account of what was to be reported from the country of their residence.

different opinions, it has seemed preferable to make a general reference to it here.

Since a reliable official statistical service does not begin in the United States until 1821 and since the Dutch statistics are also defective, I have incorporated as much statistical material as was obtainable from printed and manuscript sources in the final chapter, XX, which treats the movements of trade and commerce. Its reliability is subject to doubts, as is duly explained, but it may nevertheless contribute to the published and, by their scarcity, valuable accounts we have at present. Neither for this nor for Chapter II, the introductory chapter on commercial relations, have I used private archives of merchant houses.

No quotation in Dutch has been incorporated in the text. When it has been deemed necessary to use one for the sake of illustration it has been translated, the Dutch original being given in a footnote.

A great many cross references have been made in footnotes to the text to facilitate the use of the book. A like aim is at the basis of the insertion of a general index at the end.

The peculiar habit of King William I of working with a bulk of documents, reports, memoranda, written considerations, etc., is highly important to the historian who investigates his reign; its entire activity was precipitated on paper. The main part of these papers is preserved in the General State Archives, the „Algemeen Rijks-Archief”, at The Hague. A very useful guide is “The General State Archives and their Contents”¹⁾. The archives of the Department of Foreign Affairs provided most of the material used for the Dutch part of our investigation. These include the correspondence with diplomatic and consular officers, handled by the 1st and 2nd bureaux of this department to the end of 1816 and continued under a single administration since 1817. They also contain the records of the Netherlands legation in the United States (Inventory XXI, quoted R.A. B.Z. B XXI). Further, Dossier 724 (= ex-dossier B 26), entitled „Stukken betreffende de totstandkoming van een handelstraktaat met de Vereenigde

¹⁾ 's-Gravenhage (Algemeene Landsdrukkerij) 1932.

Staten van Noord-Amerika, 1815 April 8—1818 November 23", contains a special collection of papers on the Dutch-American treaty negotiations in 1817. Also documents from the Archives of the King's Cabinet, the general Secretariat of State and of the departments of Finance, and of Commerce and the Colonies have been used. The private collection of the personal papers of Goldberg yields important data both in the correspondence which it contains and in the notes on economic subjects collected by this statesman ¹⁾. Its portfolios 209 and 210 contain a great many documents on the above mentioned negotiations; of many of these there are no copies in the governmental archives. The collections of papers of A. W. C. van Nagell and G. K. van Hogendorp provided a few letters of interest to my subject. Finally, some material has been derived from the archives of the Dutch colonial administrations, especially for Chapter XX on relations of commerce and trade.

A special research was made in the archives of the Chamber of Commerce at Amsterdam, access to which was kindly granted to me by its Board of Directors.

Little has been preserved in written form showing the development of American policy in the government of the United States. The intercourse and consultations between members of the Cabinet have not been recorded. Most of what took place by written correspondence has since been lost or destroyed, while what took place in verbal discussion — which was the greater part — occurred either in Cabinet meetings, of which no minutes were kept, or in personal interviews. In neither case have any traces been left, except when one of the persons concerned happened to note it down in private correspondence or in diary accounts. This fact explains the great importance attached by American historical science to the personal papers of leading statesmen; their letters, notes, diaries often reveal what was never officially recorded. It explains the immense historical value of John Quincy Adams' diary.

Besides collections of personal papers: Papers of J. Q. Adams, Sylvanus Bourne, William Eustis, Madison and Monroe pre-

¹⁾ See: Verslagen omtrent 's Rijks Oude Archieven, 1913 (No. XXXVI), p. 275, Appendix XIV.

served in the Manuscript Division of the Library of Congress, and Papers of Eustis and Alexander H. Everett in the Massachusetts Historical Society at Boston, the official correspondence of the Department of State with diplomatic and consular officers was thoroughly investigated in the archives of this department at Washington. These archives include: Instructions to United States Ministers, Despatches from the Legation in the Netherlands, Notes to and Notes from Foreign Legations, Instructions or Despatches to Consuls, Consular Despatches, Domestic and Miscellaneous Letters, Reportbooks, etc. ¹⁾ A special research of the Treasury Department archives yielded no documents of importance to my subject for the period under consideration.

Finally, a few of the documents used belong to the archives of the British Foreign Office, Public Record Office, at London.

I owe respectful gratitude to our revered Sovereign, Her Majesty the Queen of the Netherlands, for a permit to extend my investigation to the Archives of the Royal House, at The Hague. I am grateful also to the Department of State of the United States for granting me access to the small set of archives dating from the early decades of the 19th century, still preserved in the American Legation at The Hague. My special thanks are due to Mr. Fruin, Keeper of the General State Archives at The Hague, and to Mr. Bijlsma, his successor, as well as to Mrs. Maddin Summers, in charge of the archives of the Department of State in Washington, for the ready assistance they lent me in performing my documentary research work as completely as I deemed expedient. In general I am grateful for a kind reception to the directors and the staffs of the historical collections, libraries and institutes, those of the United States as well as those of Holland, in which I have worked during the last six years on the preparation of this book and its completion.

Most of all I am glad to be able to express here my gratitude to Professor N. W. Posthumus, of the University of Amsterdam, for advice and encouragement frequently given.

Amsterdam, February 1935.

J. C. W.

¹⁾ C. H. Van Tyne and W. G. Leland, *Guide to the Archives of the Government of the United States in Washington* (2d ed. Washington, Carnegie Institution, 1907) is still very useful. It is a bit antiquated because of subsequent changes in the division of the archives and important acquisitions to several collections.

I. RELATIONS BETWEEN THE NETHERLANDS AND THE UNITED STATES BEFORE 1813

CULTURAL RELATIONS; EXPECTATIONS IN 1814: *a*) IN THE UNITED STATES, — *b*) IN THE NETHERLANDS. — FINANCIAL RELATIONS SINCE 1781. — THE NATURE OF THE DIPLOMATIC RELATIONS. — THE DIPLOMATIC AND CONSULAR SERVICES SINCE 1776.

In their intercourse with the settlements along the coast of North America ¹⁾ the Dutch had always encountered the influence of the mother country, England; this same power again came between the Netherlands and the United States when they started to renew their relations in the 19th century.

During their war of independence against Great Britain, the American colonies, after they had made their alliance with France, sought for aid in the Republic of the seven United Netherlands. On their side the Hollanders, eager to open up new fields to their commercial enterprise, could not refrain from meddling with the insurgents' affairs. Since, as an independent nation, it would be exempted from the scope of Great Britain's Navigation Act, they hoped for profits from a trade with the new country. This eagerness ²⁾, undesirable in British eyes, brought upon them the unfortunate 4th Dutch-English war of 1780—1784, but at the same time it served to establish connections with the Americans. A convention of amity and commerce was concluded in 1782, and the Amsterdam money market forthwith furnished loans to the newly founded and united states. On the whole there was no want of a congenial spirit on the part of the belligerent colonies; they eagerly accepted every aid, moral or material, that came their way.

¹⁾ An extensive and reliable account in P. J. van Winter, *Het aandeel van den Amsterdamschen handel aan den opbouw van het Amerikaansche Gemeenebest*, I, Chapters I, IV.

²⁾ In connection with questions on the rights of neutral trade. Cf. Colenbrander *De Patriottentijd I* (1897) p. 166 f., 181 f.

A survey of the intellectual, spiritual and cultural relations between the two nations, however, reveals little deserving of attention. A part of the American population was, by origin and descent, related to Holland. New York, the city and the state, had been founded by Dutch merchants and settlers, and was still inhabited by a large number of their descendants, who had preserved much of their language, customs and traditions, and still retained a cultural sympathy with the old country ¹⁾. We do not contend that this factor had much weight in the revolutionary policy of the United States when they were seeking aid ²⁾; but it should not be overlooked in the history of the 19th century as a continuous and inherent, though largely unconscious, element in American public opinion, giving it a penchant for Holland.

Another sentimental factor developed during the Revolution itself. When looking for historical precedents to back their attitude in opposition to Great Britain, the United States found an obvious example in the Dutch war of independence. We may acknowledge in this respect a certain impression which the *old* Republic made upon the *new*. Because of it John Adams expected in 1779 ³⁾ a sympathy for the American cause among the people in Holland: analogy would bring forth understanding. He used the argument in his famous Memorial to the States General of April 19, 1781, in which he urged the recognition of the United States: "The originals of the two Republicks are so much alike, that the history of one seems but a transcript from that of the other; so that every Dutchman, instructed in the subject, must pronounce the American Revolution just and necessary, or pass a censure upon the greatest actions of his immortal ancestors" ⁴⁾. In diplomatic letters and speeches the similarity of origin and kind was amicably accentuated. Even during the peace negotiations at Paris it gave the Americans an incentive for continuing

¹⁾ J. van Hinte, *Nederland in Amerika* I, p. 62 f. Compare also Van Winter's data, p. 12.

²⁾ Although for instance John Adams used it as an emotional argument for a relation of amity between the two nations, in his Memorial of April 19 1781 to the States General. See Bibliography sub *Adams*.

³⁾ Aug. 4 1779, to the President of Congress, in a letter which explained the desirability of sending a representative to the States General (Eder, *The Dutch Republic and the American Revolution*, p. 93, 94).

⁴⁾ See Bibliography sub *Adams*. Cf. M. de Jong Hzn., Joan Derk van der Capellen, p. 458.

to insist that they be recognized by other countries as an independent and equal power. "We are persuaded", wrote John Jay, "that we shall not be thought singular in our opinion that the example of the United Provinces merits . . . the imitation as well as the approbation of the United States of America" ¹⁾).

If on the American side this republicanism was a motive for stressing a mutual relationship, it never gained importance with the government in Holland or the merchants of Amsterdam. The cause of the United States was too new and revolutionary for a conservative reign of the States General and for an Anglophil Stadholder to take any interest in it, except for purely opportune reasons. Van Wijk's investigation of the pamphlet literature of Holland proves that in general her people were hardly interested in the ideals by which the Americans justified their rebellion ²⁾. If aid was granted to them, this was from selfish motives; Van Winter, having looked in vain for other incentives ³⁾, concludes that the Dutch were seeking commercial advantages, the Americans credit. It was, after all, the most natural basis for a relationship between two nations. Even De Jong, the author keenest on idealistic points of view in his historical treatise ⁴⁾ on Dutch democratic ideas in those years, can but acknowledge the same conception. He describes the sympathy with which the leaders of the "Patriot" movement followed the American events ⁵⁾, without being able to demonstrate a wider cultural interest among the rest of the population. The Baron Van der Capellen and a few other Hollanders were active enough in favor of the insurgents, both in the furthering of democratic ideals and in the curbing of the power of Great Britain. But when the first American loan was transacted at Amsterdam in 1782, expectations of gain alone made it a success. A previous loan project, in 1778, when the future of the United States was still uncertain, had completely failed from lack of "magnanimity" ⁶⁾

¹⁾ Paris, November 17 1782, to Robert R. Livingston, Secretary of Foreign Affairs. This letter contains a draught of a letter to Count de Vergennes, in which the above quoted sentence is to be found. (Correspondence and public papers of John Jay, II, New York 1891, p. 441.)

²⁾ F. W. van Wijk, *De Republiek en Amerika, 1776 tot 1782*, p. 6 f., 120, 177 f.

³⁾ L.c. I, p. 11—14, 86.

⁴⁾ M. de Jong Hzn., *Joan Derk van der Capellen (Groningen—den Haag 1921)*.

⁵⁾ p. 210—226, 342—380, 410—416, 445—473.

⁶⁾ *Ibid.* p. 355, 359 f. Cf. Van Winter I p. 35, 36.

on the part of the Dutch capitalists. Only sound credit and good faith were able to open the Amsterdam financial market. When, in the spring of 1782, a general movement was going through the country in favor of a recognition of the American representative and the establishment of closer relations with the United States, the addresses and requests presented to the government ¹⁾ were again dictated solely by the interests of business, commerce, trade and industry; they are void of any enthusiasm for liberty or democracy ²⁾.

The sentiment of a spiritual, democratic relationship between the two peoples was emphasized by the Americans alone. With the abhorrence of monarchical power which, in general, they had retained from their struggle with the British Crown — and which had been developed by the exaggerating force of public opinion to the idea that backwardness, inequality and tyranny were identical with monarchies —, the Americans were in later years also inclined to idealize the Dutch Republic as a country devoted to liberty and the Rights of Man, ruled by the people itself. In her history, they saw Holland as “the favourite abode of freedom, industry, learning and the arts” ³⁾, such as they so greatly desired their own country to be.

This was one of those popular sentiments which, although never absolutely an element of foreign policy, may, in a given concatenation of events, influence a government towards political friendliness and amity for another power. In the United States similar sentiments for many European nations are slumbering; they awaken only when circumstances call for them. The above-described sympathy for the Dutch nation became apparent with the overthrow of Napoleon, which evoked expectations that the old times would return. As soon as the news arrived, in 1814, that Holland was liberated from the French régime cordial feelings expressed themselves in laudatory tones and spontaneous enthusiasm:

¹⁾ Published in: The revolutionary diplomatic correspondence of the United States, V p. 235, 246 f.; Nieuwe Nederlandsche Jaerboeken, 1782 I.

²⁾ De Jong Hzn., p. 467 f. Even Van der Capellen used commercial interest as the best argument for convincing the regents. The only ideal point of view which De Jong is able to discover in this movement is based upon his own presumption that public opinion, which he finds so clearly in favor of the American cause, at that time, is a power guided also by motives higher than merely a desire for gain (p. 469).

³⁾ A. H. Everett, Europe, p. 240. See the author's article in Tijdschrift voor Geschiedenis 49 (1934) p. 169.

„The Dutch have taken Holland'. What was formerly uttered as a pleasant truism is now a most deeply interesting piece of intelligence which makes the heart of every emigrant and the sons of every emigrant from that emancipated country, leap in his bosom for joy." 1)

The descendants of Dutch ancestors at Albany and New Brunswick commemorated "the emancipation of Holland from the fangs of French despotism" with thanksgiving services in their churches, and with street parades and festival dinners 2). It was the time when the youth Daniel Webster joined in the call of "Oranje Boven" 3). Expectations were raised that one might "daily expect to see the new Dutch Flag floating in the harbours of the United States" 4). Among those confident of the future of Holland was John Quincy Adams. He sees the old conditions reestablished when writing: "Throughout all their changes, the sober, cautious, thrifty character of the nation has invariably maintained its ascendancy, and of all Europe they are unquestionably the people who have suffered the least from the hurricane of its late revolution" 5).

Upon the same grounds Consul Bourne at Amsterdam, in February, 1814, advised his government to keep on good terms with the Dutch: "They have still here a considerable share of capital remaining, their talent and genius for trade have only

1) From the New York Evening Post, in Poulson's American Daily Advertiser of Febr. 7 1814. — An example of the toasts on this occasion, delivered at the Naval Dinner at New York: "The emancipation of Holland! We cherish our own independence, and rejoice in that of others", ("Enthusiastic applauses"). (Idem of Febr. 8 1814.) Cf. also Hoekstra p. 116 footnote No. 2.

2) J. B. McMaster, History of the people of the United States, IV, p. 225.

3) Communicated by himself in 1852 in a speech to the St. Nicholas Society of New York (The writings and speeches of Daniel Webster, Boston 1903, vol. XIII).

4) From the Boston Centinel, an article on "The Dutch Kingdom" (Poulson's American Daily Advertiser of July 7 1814).

5) Ghent, June 28 1814, to Louisa Catherine Adams, his wife, (Writings V, p. 52). The "national spirit of good husbandry" would soon effect, as he expected, a complete recovery. Adams felt attached to this country, where he as well as his father had represented the United States in former years, and where he had attended the Latin School at Amsterdam and matriculated into Leyden University (Writings I, p. 2, 3, footnote). In June 1814 when coming through Holland on his way to Ghent, he noted in his Diary: "it seemed as if I was at home" (Memoirs II, p. 647). Afterwards, from Ghent, he writes (June 25 1814, Writings V, p. 50): "I have revisited a country endeared to me by many pleasing recollections of all the early stages of my life — of infancy, youth and manhood. I found it in all its charm precisely the same that I had first seen it; precisely the same that I had last left it . . . If there is anything upon the earth that presents an image of permanency, it is the face of Holland. The only change that I could perceive in it is an improvement". He does not, however, fail to see, to his regret, the predominant influence of England: "The Netherlands will be a British province". (Ghent, 17 Aug. 1814, to Monroe, Ibid. p. 84.)

been held dormant by the force of events; they will soon rise again into vigor and activity when a peace may be established”¹⁾ And the instructions received by the American minister to The Hague, the next year, still reflect expectations as to the country’s importance:

“The Hague was a principal theatre of the most important negotiations in Europe, for more than a century past, and promises to become again a very interesting one, in many circumstances. The relations which the United Netherlands bear to other powers, by their geographical position, by the industry, oeconomy, the commercial resources and enterprize of their people, must always make them so, while they preserve their strong original features of character.”²⁾

It is evident that the very first years of the new period were bound to bring disappointment to these high-flown opinions. Americans were prepared to see Holland as they had known it, the Republic which had been their friend against the formidable power of Great Britain. But they found, in 1814, a country second in rank, submissive to the will of England and disposed to join the set of European monarchies by allowing William of Orange, with the approval of the Allies, to ascend the royal throne. “The whole interest of the Dutch history”, writes Adams then ³⁾, “is concentrated in the Period of its existence as a Republic There is now again an Independent Government, but it commences as a Monarchy without any distinctive characteristic. The Republic is no more; and the Nation is no longer the same”. The republican state became from that moment typical of the American continent alone.

It appeared that the expectations of a speedy revival of Dutch commercial activity ⁴⁾ were also not to be fulfilled. The country was struggling with its burdens from the French era, with a general apathy ⁵⁾ and with foreign competitors, and was incapable of rising again to the state it had occupied in former centuries. This economic degradation was naturally accompanied by

¹⁾ D. o. S. Cons. Desp. Amsterdam, Vol. 2.

²⁾ May 9 1815, Monroe to Eustis (D. o. S. Instructions, Vol. 7).

³⁾ To A. H. Everett, Aug. 31 1815 (in Am. Hist. Review vol. XI, Nos. 1 and 2, Letter VII).

⁴⁾ During the Dutch-American negotiations in 1817 it was held that “the whole negotiation was grounded on the expectation of a speedy revival of the maritime commerce of Holland” (Gallatin to Eustis, Paris, Oct. 9 1817. L. o. C. Eustis Papers).

⁵⁾ “That want of activity naturally characteristic of the Dutch” (Antwerp, May 13 1817, J. Clibborn to Eustis, L. o. C. Eustis papers, vol. 3).

a political decline. Not even in the diplomacy of Europe could Holland any longer play an independent rôle, not to speak of world politics, where alone at that time the United States encountered European powers ¹).

With respect neither to power nor to culture and society-life did the old times return. "If Brussels was dull, what is this place? It is absolutely dead", writes blasé James Gallatin in his diary in the summer of 1817 at The Hague ²). It was the same place which a hundred years ago had been a centre of international life in Europe. And the American chargé d'affaires complains in 1819 that "The Hague and Brussels . . . are nothing more than two inconsiderable provincial towns" ³).

"The country has lost its political importance and instead of being as it formerly was, the centre of diplomacy and the scene of great events, has ceased to afford even the ordinary means of obtaining the most general information. The newspapers that were once the oracles of the political world have no longer any value. The foreign Ministers here, instead of managing the business of Europe, are not even informed of what is doing at their own Courts".

An avowed republican or democratic cause was no longer to be found there. The country was gradually declining from a first to a second rank power.

At that time only descent and common extraction were still connecting the American people with the older country, making it somewhat more than just a foreign nation to at least a part of them. In a few places in the United States the Dutch language was maintained throughout the 19th century ⁴). St.-Nicholas societies, with the purpose of preserving this typically Dutch festival on the 5th of December, were founded at Albany (after 1820) and in New York (1835). They served as centres of the interest in Holland at which the old Dutch families met and maintained songs and traditions and at which toasts were delivered to the Kingdom and its people ⁵). This friendly interest, however, never developed into more than a certain contentment,

¹) J. Q. Adams' disappointment becomes evident from many of his letters of this period (Writings V p. 1—84, *passim*).

²) J. Gallatin, *A great peacemaker*, p. 111. Aug. 15 1817.

³) The Hague Oct. 18 1819, Everett to Adams (D. o. S., *Despatches Netherlands*, vol. 6b). See the author's article in *Tijdschr. v. Gesch.* 49 (1934) p. 46, 161, 168 f.

⁴) Van Hinte I p. 63, 64.

⁵) Van Hinte I p. 70.

reflected for instance in the writings and expressions of Martin Van Buren, President from 1837 to 1841, and of his chargé d'affaires at The Hague, Harmanus Bleecker ¹⁾. It was expressed in words which had no deep conviction behind them; it was an attitude upon which no statesman would dare to rely. As the culture of American life developed, and as the number of generations descending from the first Dutch immigrants grew, the consciousness of original relationship declined to a romantic sentiment for "dear little Holland" which bore no trace of special friendship.

But around 1815 such a future could hardly be foreseen. In the general estimation Holland was the more important of the two countries: she would soon rise again to her former power. The impression upon America of the reestablishment of her independence accounts for this; the Dutch mission was received in state. Although a development contrary to the expectations lay innate already in the conditions following the Peace of Ghent and the Congress of Vienna, we have to realize that to contemporary minds it was still hidden. The view which we take of the situation in 1814 and 1815 is strongly colored by the knowledge we have of the whole history of the 19th century. For the sake of understanding this situation well we need such knowledge. But in order to be able to understand the ideas of the people of that time, their reasoning and actions, we must expressly avoid using our knowledge. We must be constantly aware of the fact that the tendencies of the period, which we use for explaining it, were not known to these people, except perhaps vaguely and indistinctly. Unlike us, they were looking at it not from the outside, but from the midst of a chaos of lines, movements and possibilities of which but a few were to become marked and preponderant; these could be seen in their true relation only by an exceptionally clear-minded statesman.

According to this conception, we must regard the years around 1815 ²⁾ not as the first of a new period but as the last of a long past. The future was no more certain than it is at present. It could not have been known how far a restoration of pre-revo-

¹⁾ H. L. Pruyn-Rice, Harmanus Bleecker, an Albany Dutchman. 1924.

²⁾ Our division of history makes us inclined to view this year as more closely connected with our own century than with the 18th.

lutionary conditions would be effected and to what extent a forward movement would take place. As to Holland, the reactionary tendency, bridging over the Napoleonic intermission, seemed the more probable and real. The Netherlands as well as the United States were regarded in the light of their past.

In 1814 the United States, as a recognized, independent nation, were only thirty years old. The President, James Madison, himself had been among the founders of the Union and was one of the framers of the Constitution. In many ways the influence of the colonial period was still at work. Americans, however, with their innate optimism, were expectant of a mighty future. Some eloquent facts foretold it: the enterprising spirit of their merchants and shipmasters, the facility with which new industries had sprung up, the startling start of the Westward movement ¹⁾, and, especially to European eyes, the rapid and faithful way in which the United States were paying off their public debt ²⁾. But foreign contemporaries hardly guessed the enormous quantities and qualities, as yet mostly dormant, in the country and people. America was, as they understood it, a republican union of agricultural and commercial states, young, of course, and youthful, but also the ex-colonies of Great Britain, possessed by a spirit opposed to many institutions of European life. In fact, they were insurgent settlements of European people, with their own and independent existence in 1815, certainly, but on the other hand not yet quite loose from a colonial economy; and — had not the older generation known them as British colonies? — both culturally and commercially still strongly connected with the former mother country. From a continental point of view it was not only geographically that the states of America lay behind the ports of Great Britain ³⁾. Although their independence had opened the United States to all foreign enterprise, it was through British relations that most of the European

¹⁾ In 1787 already, April 24th, Jay to Jefferson: "The enterprise of our countrymen is inconceivable, and the number of young men daily going down to settle in the western country is a further proof of it". (The correspondence and public papers of John Jay, III, p. 243.)

²⁾ From 127 millions of dollars in 1816, it was reduced to zero in 20 years (Treasury Department, Bureau of Statistics: Summary of finance and commerce, Febr. 1897: Public debt of the United States 1791—1896).

³⁾ It is not exceptional for the period of our study that Dutch newspapers place the news about America under the heading of Great Britain.

trade-connections continued to be effected ¹⁾; the years after 1814 were to bring only a gradual change in this respect. Even the frequent controversies between them seemed to strengthen the natural connection between the policies of the United States and Great Britain. In 1813 this connection was accentuated by the British-American war itself and, as far as their relations with Holland were concerned, by the fact of the dependence of this country on the government in London. It drove British policy like a wedge into the Dutch-American political intercourse.

Though favorably disposed towards Great Britain, the general spirit in Holland was however not hostile towards America. Except for a few inveterate Anglophiles, like Fagel and Van Nagell, who wished England well in all her enterprises, and some conservatives who detested the liberal and democratic spirit blowing over from America to Europe, the disposition of government and people was almost, as the American envoy afterwards expressed it to be, "friendly and respectful" ²⁾. Arising for only a small part from cultural sympathy with the new ideas and institutions which were being developed in America ³⁾, this friendly attitude was mainly due to the commercial interest which Holland had, or desired to have, in the United States. This interest dated back, as has been stated before, from the time of the revolution, when it had become of great importance in financial affairs.

In 1781 ⁴⁾ a French loan for America had been placed in Holland ⁵⁾; in 1782 and '84 the American Confederate government had contracted loans with bankers in Amsterdam ⁶⁾; in 1787 and

¹⁾ Van Winter I p. 131, footnote No. 2; II p. 121, 407.

²⁾ Eustis to Monroe, Aug. 10 1815 (D. o. S. Desp. Neth.).

³⁾ Van Hogendorp for instance owed to his American trip of 1783 and 1784 a continuous interest in the development of the new Republic. (A description of this journey is given in chapter IV of L. G. J. Verberne, Gijsbert Karel's leerjaren Amsterdam 1931.)

⁴⁾ For the following pages P. J. van Winter's investigation is in general referred to: „Het aandeel van den Amsterdamschen handel aan den opbouw van het Amerikaansche Gemeenebest", I, up to 1790, and II: 1790—1803 (1840). The author brings a conclusion to his thorough and exhaustively detailed treatment of the financial and commercial relations between the United States and the Dutch (i.e. the Amsterdam) people with the year of 1803, at which date the subject is taken up, except for the financial relations, by Hoekstra's book: Thirty-seven years of Holland-American relations, 1803 to 1840.

I am obliged to Dr. van Winter for his aid in composing the above summary.

⁵⁾ Van Winter I p. 55.

⁶⁾ Ibid. chapter III.

'88 two small loans had followed ¹⁾. A series of eight loans aggregating almost 25 millions of guilders (equal to about 10 millions of dollars), was started in 1790 by Hamilton, Secretary of the Treasury ²⁾, through the well-conducted intermediation of William Short, American representative and financial agent in Europe. All but one were negotiated between 1790 and 1794 with the Amsterdam bankers W. & J. Willink and Van Staphorst & Hubbard. Political considerations had excluded British firms ever since the war of independence from taking part in these affairs. After 1794, however, it was no longer the state of the United States finances, which had become very sound indeed and involved no extraordinary risks (as before 1790), but the troubled situation in Europe that exercised a bad influence upon the willingness of the Amsterdam market, and prevented more lending. On the whole the refunding of these loans, which together amounted to about 34 millions of Dutch guilders ³⁾, had gone on regularly. On the first of January 1809 the last instalment of the '94-loan had been retired.

Not only for the foreign loans of the Union had a strong interest grown but also for home issues of American bonds. Considerable amounts of so-called "liquidated" debt were bought by Dutch firms for speculative purposes and were offered for partnership to the public by means of "negotiations", or loans based upon these debt papers ⁴⁾. The low rates of interest in the Netherlands caused a large demand for such shares, especially when in 1790 the American federal issues had been better regulated and put on a sounder basis ⁵⁾.

Besides these federal issues the financial needs of single states had also occasionally roused the interest of Dutch capitalists. This interest had been sought expressly by semi-official industrial enterprises in America and by corporations for the improvement of inland transportation and the construction of highways and

¹⁾ Ibid. p. 177.

²⁾ A consequence of the Act of Congress of Aug. 4 1790, which authorized the government to borrow an amount of 12 millions of dollars for the paying off of earlier foreign loans and back interests, and of the Act of Aug. 12 1790, creating a sinking fund for which the President was allowed a credit of 2 millions. Ibid. II chapter V.

³⁾ Ibid. II p. 399, 476 (appendix V).

⁴⁾ Compare Paul D. Evans' exposition in: *The Holland Land Company* (Buffalo 1924), p. 3, 4.

⁵⁾ By Hamilton's Funding and Assumption Acts. Van Winter I p. 214 f., II p. 142 f., 395.

canals. Affected by boom speculations in the United States and misled by erroneous ideas about American activity and business management, the public in Holland had purchased a good many of such shares, which, however, in the end brought it little but disappointment and losses. The yield of these works was by no means large enough even to provide interest on the capital invested ¹⁾).

American land speculation brought at least reasonable returns in the long run. It started about 1790. From the beginning it was heavily overdone. The first Amsterdam combination of bankers for the purpose of buying land in the United States was established in 1792 and became well known as the Holland Land Company. It held estates in Central and Western New York and in Pennsylvania. Emigrants from Europe were expected to populate these regions and to make possible the profitable sale of the lands purchased. When, however, in consequence of the fact that the expected stream of emigrants did not come the first great speculation movement had died out with heavy losses, the company itself undertook the difficult task of managing the cultivation of its possessions and of governing the primitive society of pioneers which had settled on them. Like other, smaller Dutch enterprises, in 1814 it was still working out its scheme with more or less success. Gradually the lands were sold. This liquidation lasted till the middle of the century ²⁾).

In 1803 and '04 the Louisiana loan, necessary for the purchase of that wide territory from France, had been transacted by a combined action of Baring & Comp. of London with the firm of Hope & Co., of Amsterdam, a close relation of the former ³⁾). Interest was payable in these two places; the payment was so regularly maintained by the American government, even in the difficult years between 1809 and 1814 ⁴⁾), that it roused the strong appreciation of Dutch investors.

The Dutch public had thus lent considerable financial assist-

¹⁾ Van Winter II chapter VI.

²⁾ Van Winter II, chapters VII, VIII and IX; and Paul D. Evans, *The Holland Land Company*.

³⁾ Van Winter II, chapter X, with the necessary bibliography. Also: Van Winter, *De verkoop van Louisiana* (*Tijdschrift voor Geschiedenis* 47, p. 41—46).

⁴⁾ Cf. J. Q. Adams, *Writings* V p. 310, 325, 423. In 1820 the loan was entirely refunded.

ance to the construction of American economic life ¹⁾. The call of the Amsterdam money market either equalled or came a close second to London in these early years of the 19th century ²⁾. Its influence was important enough. Though involving neither cultural nor strictly political interests its economic power was yet sufficiently weighty in Holland both to maintain a constant anxiety for a prosperous state of affairs in America ³⁾ and to have a certain effect upon the political attitude of the Dutch government. Van der Duyn, of the Department of Foreign Affairs, contemplating in December 1813 the relations with the United States, understood this factor well: the Dutch were tied by financial interests. „Les revenus des immenses capitaux qu'ils possèdent en Amérique et que le Gouvernement Américain a continué de payer avec une loyauté d'autant plus méritoire qu'elle lui était infiniment onéreuse, sont au moment actuel une ressource trop précieuse pour ne pas chercher à en assurer la rentrée et prévenir tout prétexte de retard dans leur envoi" ⁴⁾. This is a remarkable case of private financial concern as a factor of influence upon the political power ⁵⁾. We shall meet it again in a later chapter.

During the years *after* 1813, however, financial interests no longer interfered with the shaping of Dutch-American political relations. The settling of bank affairs and money transactions was kept separate from the government's policy and economy. They were managed by the private action of the respective firms and their agents ⁶⁾. In the diplomatic and consular correspondence they are not subjects of importance. Only for some minor points, such as the sending of money or the paying of annual

¹⁾ See Van Winter's conclusion, II p. 399 f.; Evans p. 3, 4.

²⁾ J. Q. Adams, Memoirs III p. 43. Van Winter, *De verkoop van Louisiana*, p. 59 f.

³⁾ This anxiety became evident in the interest with which the President's Annual Messages to Congress used to be received, and read, in Holland (Eustis to A. J. Dallas, Secretary of the Treasury, Jan. 19 1816; D. o. S. Desp. Neth.).

⁴⁾ Dec. 14 1813, to Fagel (R. A. B. Z. 1: bur. U. S. No. 12, secret).

⁵⁾ The case is similar to what occurred in 1796 to the Dutch (Batavian) Republic when France, this time, prompted Holland to take a hostile attitude towards the United States. The provision needs of the West-Indian colonies and the financial interests of holders of American bonds had then also caused the Dutch government to observe a strict neutrality. („Extract uit het secret Register der Decreten van de Nationale Vergadering 8 Sept. 1796", R. A. Legation archives America, vol. "R. G. van Polanen".)

⁶⁾ No important new American transactions took place in the period of our study. See Van Winter's survey for the years up to 1840, II p. 408 f.

interest, was recourse sometimes had to the diplomatic service ¹⁾.

When, in order to determine the nature of the official intercourse between Holland and America, we make a theoretical distinction — sharper than exists in practice — between subjects of purely *political* and of *commercial political* bearing, we find no trace of the former for the period between 1813 and 1820. The relations with the United States were not an integral part of the foreign policy of the Netherlands, as directed by the diplomat Van Nagell: „cet Etat par son éloignement de la grande scène des événemens en Europe formant plutôt une Réunion de Commerçans, qu’une Puissance politique” ²⁾. The two countries simply did not meet in the political field. The United States adhered to their favorite attitude of keeping away from European problems, and Dutch diplomacy was engaged almost exclusively in questions with other powers in Europe; even with the latter it treated, from lack of political strength, mainly matters of commercial policy. Hostilities resulting from imperialistic tendencies were out of the question, inasmuch as the expansion of each nation was taking place in a different part of the globe. It was to be some decades later before Americans would try to interfere actively with Dutch colonial policy ³⁾.

The mutual intercourse lay in the commercial field alone. “The Relations between the United States and the new Kingdom of the Netherlands are altogether commercial”, says Adams ⁴⁾; and: „Nos relations avec ce Pays ne saurait porter que sur le commerce, . . . nous n’avons pas d’autres intérêts à discuter”, writes Van Hogendorp ⁵⁾. This fact makes the study of diplo-

¹⁾ Adams’ correspondence for instance refers to the interest of the Louisiana loan which was payable at Amsterdam. In the 1840-ies the American legation at The Hague took an administrative part in the settling of the District of Columbia loan transaction, by transmitting the reimbursed shares to the government.

²⁾ A memorandum on the mission to the United States, April 1814 (R. A. B. Z. 1: bur. U. S. No. 157 secret). It states explicitly that no truly political relations with America exist.

³⁾ This happened when as usual in such cases American trade in the Dutch possessions finally came to drag behind it an imperialistic spirit from home. (Under President Jackson the expedition to Sumatra; and, much stronger, the Gibson-case under Pierce.)

⁴⁾ Instructions to Everett, Aug. 10 1818 (D. o. S. Instructions; Writings VI p. 415 f.).

⁵⁾ To Fagel, Febr. 11 1814 (R. A. B. Z. 1: bur. U. S. No. 19 C, secret). The same opinion on the part of the Dutch government induced Van Nagell in 1817 to suggest that when a treaty of commerce had been negotiated, this might free the government from the costs of the American mission (May 20 1817, to the King, R. A. B. Z. 1: en 2: bur. U. S. No. 1681).

matic relations between the two countries a chapter of *economic* history par excellence.

To carry out the provisions of their economic policies, to protect the rights of their subjects, to watch over commercial and industrial interests, to procure advantages to commerce and trade, these were the important tasks of each government in regard to the other. If by way of exception an occasional question arose respecting their attitudes towards a third power, it was never essential to the regular stream of mutual diplomatic relations winding from one commercial-political point to another.

When, therefore, we investigate in Chapter II the development of the commercial relations up to the beginning of our period, we find in them the essential background of the field of political intercourse where later on we shall have to study the forces moving the actors.

It seems expedient, however, first to survey the machinery of official representation, the diplomatic and consular services, through which the governmental intercourse between Holland and the United States was carried on before 1813 ¹⁾. From the early years of their independence ²⁾ the American States had had (secret) correspondents or agents on the Continent of Europe. In the Republic of the United Netherlands Mr. Dumas had acted in this capacity since 1776 ³⁾; he became a steadfast, unofficial intermediary between the United States and people in Holland who favored their cause. Further, a short correspondence was es-

¹⁾ A general account, of an early date but rather well informed, in: *The Diplomacy of the United States (1778—1814)*, (Boston 1826), Chapter VI.

²⁾ See Van Wijk, *De Republiek en Amerika, 1776 tot 1782*, who has not used American archives. A necessary completion is the article by Van Winter, *Onze eerste betrekkingen met de Vereenigde Staten* (*Tijdschrift voor Geschiedenis*, Jrg. 38, 1923, p. 68). A general background for Dutch history in this period is given by H. T. Colenbrander, *De Patriottentijd I*, and M. de Jong Hzn., *Joan Derk van der Capellen*, chapters VII and IX on American relations. On the American side we have F. Edler, *The Dutch Republic and the American Revolution* (Baltimore 1911); for the queer reason that "the archives of the Netherlands.... are . . . literally brought to the door of the student in America" (p. VIII), the author did not deem it necessary to investigate the collections in Holland; yet it is still the most informative general work on early Dutch-American relations. Besides these may be mentioned the work by the Frenchman F. P. Renault, *Les Provinces-Unies et la guerre d'Amérique (1775—1784)*, I. *De la neutralité à la belligérance (1775—1780)*, (1924); and V. *La propagande insurgente: C. W. F. Dumas (1775—1780)*, (1925).

³⁾ Dec. 19 1775, Franklin to Dumas (*The revolutionary diplomatic correspondence of the United States*, II p. 64). On Mr. Dumas: Renault vol. V above quoted; Edler p. 23; Van Wijk p. XIII, 20, 179; Van Winter I p. 32.

tablished by William Lee, American agent to Austria and Germany, with the regency of Amsterdam, the leading group of one of the two party-factions in the Dutch Republic. It led to secret negotiations at Aix-la-Chapelle, in 1778, for the conclusion of a treaty of commerce and amity, the famous discovery of which furnished England with the necessary argument for declaring war on the States General in 1780 ¹⁾.

As early as 1777 had the provisional American government considered sending a representative to The Hague ²⁾, but had deferred its decision. In 1779 Henry Laurens was charged with the commission, but he never reached the place of his destination ³⁾. Since 1780, however, John Adams had been in the country as a private person, authorized by his government to obtain a loan from the Amsterdam money market, and had been making active propaganda for the American revolution ⁴⁾. In 1781 he received the instruction, passed on to him from Laurens, to conclude, in the capacity of American minister plenipotentiary to the States General, a treaty of amity and commerce ⁵⁾. In consequence of this appointment he addressed his famous memorial to the States General, April 19, 1781 ⁶⁾. It was April 19, 1782, however, before he was recognized by the Dutch government ⁷⁾; this meant at the same time the recognition of his country as an independent nation. In October of that year, having contracted the loan and concluded the treaty desired, he took leave ⁸⁾, commissioned for more important affairs in Paris (the peace of 1783) and in London (envoy from 1785 to '88), and never returned to The Hague except for an occasional visit. His official dismissal occurred only in 1788, when he came over to

¹⁾ Colenbrander, *De Patriottentijd* I p. 131, 132, 181 f.; M. de Jong Hzn., p. 370 f. — For the aftermath of this episode in the internal politics in Holland see J. Z. Kannegieter, *De affaire Van Berkel 1780—1782*, (*Bijdragen voor Vaderlandsche Geschiedenis en Oudheidkunde*, 6e reeks X, p. 245 f.).

²⁾ Edler p. 92, 93. Van Wijk p. 87.

³⁾ His boat was taken by a British man-of-war off New Foundland; his papers, among which was the project treaty above mentioned, were found. He was kept a prisoner in England for several years.

⁴⁾ M. de Jong Hzn., p. 374 f.

⁵⁾ Jan. 1 1781, The President of Congress to J. Adams (*Revolutionary Diplomatic Correspondence* IV p. 224).

⁶⁾ *Ibid.* IV p. 370 f. See the Bibliography sub *Adams*.

⁷⁾ *Ibid.* V p. 235, 246 f. M. de Jong Hzn., p. 468.

⁸⁾ Van Wijk p. 173.

present his letters of recall ¹⁾. During these years Dumas took charge of current matters — and there were no other — as chargé d'affaires ²⁾.

In 1783 the American mission to the Netherlands was reciprocated by the sending of Mr. P. J. van Berckel as minister plenipotentiary to the government at Philadelphia ³⁾. He was the first Dutch diplomatic representative in America. In 1788 he was recalled under the influence of a stronger British movement, and the mission lowered to a resident ministry, the son of Van Berckel Mr. F. P. van Berckel, being appointed to fill the position ⁴⁾. In 1792 the United States returned this appointment by designating William Short of Virginia to the same rank in the Netherlands ⁵⁾; he was succeeded in 1794 by John Quincy Adams ⁶⁾ — the son of John Adams — who occupied the post till 1797 ⁷⁾; and the latter was, in turn, succeeded in June 1797 by William Vans Murray ⁸⁾. For reasons of economy, and with a surreptitious glance at the dependent state of Holland with regard to France, the American Executive recalled Vans Murray on May 30th, 1801 ⁹⁾. Consequently the Dutch minister to the United States since 1796, R. G. van Polanen ¹⁰⁾, in 1802 likewise transmitted his

¹⁾ Van Winter I p. 161 (Footnote 3). March 6 1788 he transmitted his letter of recall (Resolution of the States-General). I owe thanks to the staff of the General State Archives at The Hague for information about dates and details, given without reference in the next pages, concerning this 18th century's diplomacy.

²⁾ Sept. 27 1782, Dumas to Livingston (Diplomatic Correspondence of the American Revolution, ed. by Sparks, IX, p. 492). He was officially refused as American agent by the Dutch government, in October 1788, when movements resulting from the reestablishment of the English-Prussian party in Holland required this (Van Winter I p. 179).

³⁾ Young Van Hogendorp accompanied him on this journey for his before-mentioned visit to the United States.

⁴⁾ Van Winter I p. 179.

⁵⁾ Commissioned Jan. 16 1792. Credentials received at The Hague June 20 1792 (Res. St.-Gen. of this date). His successor delivered Short's letters of recall (J. Q. Adams, Writings I, p. 215).

⁶⁾ Commissioned May 30 1794 (Dict. of Am. biography, in voce). Credentials dated July 29, received Nov. 7 1794 (Res. St.-Gen.).

⁷⁾ He was received by letter of Febr. 17 1797 and took leave on June 20 1797. At his recall he was appointed to be Minister Plenipotentiary to Portugal (Writings II p. 123), but never proceeded to that Court. June 1797 he was commissioned to Prussia (Ibid. p. 173, 174).

⁸⁾ Commissioned March 2, accredited June 20 1797.

⁹⁾ His last letter to the Dutch government is dated Aug. 27 1801 (See also Hoekstra, l.c. p. 11). During 1799 and 1800 Murray had been Envoy Extraordinary to France, with special instructions, intermittently with his mission to Holland. It is curious that his name is not mentioned in the series of studies entitled: "The American Secretaries of State and their diplomacy" (II).

¹⁰⁾ Van Berckel, attached to the former government of the Dutch Republic, had

letters of recall ¹). With Napoleon controlling the Dutch policy it was unnecessary to maintain a separate diplomatic intercourse between Holland and the United States. Now and then during the following years the American minister at Paris attended to affairs in the Netherlands, and this was sufficient ²).

An occasional letter, as for instance that of July 21, 1809, from Secretary of State R. Smith to the Minister of Foreign Affairs in Holland — about the shipment of merchandise from the United States to the Dutch colonies, and the reestablishment of commercial relations between the two countries—, found its way through the semi-official intermediation of the American consulate at Amsterdam ³). Sylvanus Bourne stood there firmly at his post, a careful watchman of American rights and interests. In 1813 he was the only American official in the Netherlands who could be depended upon. It is because of the services which he rendered to his country that we give attention here to his life and situation ⁴).

A native of Boston, born about 1760, he had become engaged in trade with Holland, and had been appointed American consul-general at Amsterdam in 1797 ⁵). By the faithful performance of his duties, and by his being involved in an extensive correspondence ⁶) with merchants and public officers, Bourne obtained a sound knowledge of the economic and political situations, and their prospects, during the French period. Consequently he acquired a considerable influence upon the relations between his country and Holland. During the years when no American diplomatic agent was at hand, he extended his functions to the

been recalled in 1795, Sept. 2d. Van Polanen, "a Zeeland Patriot" (Sept. 12 1795, J. Q. Adams to John Adams, Writings I, p. 416) was instructed May 2, and accredited to the United States government on Aug. 30 1796. On him Van Winter II, p. 268 f.

¹) Recalled April 15 1802, he took leave July 30 1802.

²) In August of 1809 General Armstrong visited Holland in this function on official business (Hoekstra p. 87).

³) Department of State, Despatches to Consuls, vol. I. Not mentioned by Hoekstra. Van Polanen had been sent to America by the government at Batavia for arranging the above-mentioned transaction.

⁴) We regret not to be able to find his name even in the Dictionary of American Biography II.

⁵) Where the first consul, James Greenleaf, had been appointed in 1793. On him Van Winter I p. 209; also p. 94 footnote 6. Bourne had been his vice-consul since 1794, but was admitted as his successor on January 2 1798 (Van Winter II p. 81).

⁶) A large part has been preserved as a special collection in the Manuscript Division of the Library of Congress (Bourne Papers). Much of his official correspondence is to be found, of course, in the sets of Consular Despatches (Amsterdam) at the Department of State, and in the archives of the American Legation at The Hague (Miscellaneous 1806—1825).

broadest limits that any consul could have given them at that time. In every question of importance arising from the prohibitive blockade systems we find him interceding on behalf of the interests of American traders. Since he carried on trade himself, he worked the more eagerly to have it protected. In all his activities there is to be found this mixture of public spirit and private interest, which resulted as a matter of course from the general system of unsalaried consulships adhered to by the American government. His ambition, to be useful and to improve his position, made him a very active representative of the interests which he had undertaken to represent. As such he was apt to do too much rather than too little. In 1803 he appears to have taken steps with the government at The Hague for the improvement of trade formalities¹⁾. But under the ensuing compulsory restrictions of the French régime all he could in general do was to give practical aid to American traders²⁾. It was by way of an exception that he was in touch with the Dutch minister of Foreign Affairs again in 1809, and managed to obtain a temporary relief for American vessels, by a Royal Decree granting concessions to their importations³⁾. After the seizure of American property in this year and especially since the great sequestration of American merchandise by French officers in 1810, we find him fighting for an indemnity of the losses to the owners⁴⁾.

The other consulates, Dutch as well as American, appear to have been of much less importance. The persons charged with these functions remained merchants in the first place, and performed the consular duties only for the sake of trade and standing⁵⁾. Evidence of the valuable commercial connections of

¹⁾ Hoekstra, l.c., p. 30.

²⁾ Ibid. p. 64, 77.

³⁾ Ibid. p. 78, 79, 81 f.

⁴⁾ Ibid. p. 88—106 passim.

⁵⁾ In 1794 Jan Beeldemaker, merchant, was appointed by Bourne as his consular agent at Rotterdam. He was officially appointed vice-consul in 1797 and was succeeded in 1800 by Joseph Forman, American merchant, from Baltimore (Van Winter II p. 81). In 1807 it was George R. Curtis who held the office (A. C. Clauder p. 100), and in 1809 George Joy, a broker from London (Ibid. p. 163), whom we find in 1817 still nominally in his functions (see below p. 106). The reopening of the Scheldt in 1795 led to the appointment of an American consular agent at Flushing in 1795, and at Antwerp in 1802 (Van Winter II p. 76, 77).

In America Dutch consuls had been appointed since 1784 at Boston, New York, Baltimore, Philadelphia, Charleston and Providence (Van Winter I p. 93, 94). Their duties became insignificant; practically none of these consulates were continued in the

Americans with the Dutch colonies, to be treated in the next chapter, and of the increased infringement upon the colonial system of the Netherlands, gives the official admittance in 1801 and 1803 of American consuls at Batavia ¹⁾ and in Surinam, Curaçoa, and St-Eustatius ²⁾; they stayed there, presumably, until these possessions were captured by the British. It was only in the Fifties of the 19th century that the Dutch government again consented to recognize foreign consuls in the overseas empire.

long run. Heineken, at Philadelphia, who quitted his post in 1797, was not replaced because the consular functions were deemed superfluous in a country where no Dutch vessels arrived any more (Van Winter II p. 82).

¹⁾ In 1798 a Danish consul had been admitted there (Ibid. II p. 107).

²⁾ Unofficial commercial agents had been appointed since 1790 in Surinam and since 1793 at St.-Eustatius, Curaçoa and Demerary. Up till 1803 however the West Indian administration had refused to admit them by granting an exequatur (Van Winter II p. 96). See p. 88.

II. RELATIONS OF COMMERCE AND TRADE BEFORE 1813; EXPECTATIONS IN 1814

RELATIONS OF COMMERCE AND NAVIGATION, MAINLY IN THE
YEARS FROM 1803 TO 1813. — ANTICIPATION IN 1814 AND 1815
OF A REVIVAL OF THESE RELATIONS CONSIDERED IN COMPARISON
WITH THE NORMAL PERIOD PREVIOUS TO 1793.

The period preceding the year 1814 is not representative of the ordinary Dutch-American intercourse of trade and commerce. Ever since 1793 the political controversies, resulting in wars, blockades, privateering and confiscation, as well as in prohibitive measures of neutral powers, had been preventing an undisturbed development of navigation and commercial exchange.

A series of pamphlets, written in Holland during the American war of independence, had treated from two opposite points of view the possible profits of an open trade with the United States. We find as advocates of the advantages of such a trade John Adams, in his Memorial to the States General, pressing for the establishment of a close relationship between the two republics ¹⁾, and the writer of a subsequent anonymous pamphlet explaining the favorable prospects of the conclusion of a commercial treaty ²⁾. Both documents advise the Dutch government to accept and exploit the opportunity offered by the exclusion of the British from competition, before other channels should have been found for the new American trade. Agricultural and forestry

¹⁾ "A Memorial. To their High Mightinesses, the States-General of the United Provinces of the Low-Countries", of April 19, 1781 (Knuttel, *Catalogus van de Pamphlettenverzameling berustende in de Koninklijke Bibliotheek*, No. 19506). In Dutch: "Memorie aan . . . de Staaten-Generaal der Vereenigde Nederlanden" (Knuttel No. 19507; *Nieuwe Nederlandsche Jaerboeken 1781* p. 994 f.). See the Bibliography sub *Adams!*

²⁾ "Memorie wegens het commercieele belang deezer Republicq in het sluiten van een tractaat van commercie met de Vereenigde Staaten van Noord-Amerika" (Rotterdam 1781; Knuttel No. 19511).

Cf. Edler p. 216, 217; Van Wijk p. 132 f., 140 f.

produce in exchange for industrial wares, merchandise from the Baltic and colonial articles would provide a commerce between America and the European continent advantageous to both sides. This trade, directed from and via Amsterdam, would secure preferential profits to the Netherlands as well as to the colonies. "It is needless to point out particularly what advantages might be derived to the possessions of the republic in the West Indies from a trade opened, protected and encouraged between them and the continent of America; or what profits might be made by the Dutch East-India Company by carrying their effects directly to the American market; or how much even the trade of the Baltic might be secured and extended by a free intercourse with America" (Adams).

On the other hand, an examination by R. M. van Goens¹⁾ impugns the above presumptions by a rather cynical but clever exposition of the most probable chances. As long as the war lasts, he conjectures, no trade will be permitted by the British navy. In case the American colonies gain an actual independence, the profits of any intercourse with Holland will fall almost entirely on their side. The American merchants will spread out over the ocean to take merchandise from the country of production itself, and become formidable competitors both to Dutch navigation and to the Amsterdam staple trade. Only the Rhine- and the Meuse-trades will keep their markets in Holland, but even in these the goods will be as easily transferred into American as into Dutch vessels.

History shows that Adams' suggestion was adopted by the government of Holland in its search for commercial profits, but that most of Van Goens' fears have come true. This is extensively proved by Van Winter's account of the movement of commerce and navigation between the United States and the Dutch Republic in the period previous to 1803. We refer to this for a more thorough investigation than belongs within the scope of our present survey²⁾.

In competition with British trade, which maintained its om-

¹⁾ "Consideratiën op de Memorie aan H. H. M. M. geadresseerd door John Adams", (Knuttel 19508; French translation Knuttel 19509). Cf. Edler p. 218, 219; Van Wijk p. 141, 142.

²⁾ Van Winter I, chapters I and IV (e. g. p. 95, 131); II, chapters II and III, and statistical tables.

nipotent place in America right after the peace of 1783, the American merchant marine developed rapidly. In 1790, 58,6 percent of the total tonnage of entrances from foreign ports was made up of American vessels, and 41,4 percent of foreign, mainly British, craft ¹⁾). In the intercourse with the Netherlands the Dutch were considerably outnumbered ²⁾). The American merchant captains swept out over the seas, discovered in 1784 the profits of the trade to Eastern Asia, and menaced the Dutch East-Indian Company's trade monopoly at Batavia and the Cape of Good Hope as well as in the intercourse with China ³⁾). Letters from the Dutch minister at Philadelphia constantly reflect this increasing danger to Holland's intermediary trade functions ⁴⁾.

The wars resulting from the French Revolution provided a strong stimulus to this development. Like France, Holland, her ally since 1795, was cut off from her colonies by the British naval forces which controlled the seas. Americans, who enjoyed the favors of a neutral position under these circumstances, came to perform the trade with and the intercourse between the mother country and its possessions ⁵⁾). The peace of Amiens in 1802, restoring the old conditions and reviving Dutch enterprise, was not more than a truce. As soon as hostilities had started again in 1803, mutual embargoes were laid by the Dutch and the British governments in their respective ports upon each other's vessels ⁶⁾). These measures, gradually sharpened in the course of the ensuing years ⁷⁾), caused the nation's sea trade business to fall back into a complete dependence upon American shipping. On one day, August 27, 1804, 15 American vessels were noticed in the port of Rotterdam; on the 25th of March 1805, 24 were at Amsterdam ⁸⁾). Hoekstra proves that in part they carried on a smuggling

¹⁾ Johnson et al., *History of domestic and foreign commerce of the United States*, II p. 11. See the graph in Anna C. Clauder, *American commerce as affected by the wars of the French revolution and Napoleon, 1793—1812*, p. 25.

²⁾ Van Winter II p. 39 f.

³⁾ Van Winter I p. 119 f., II p. 56, 57. Clauder p. 17 f.

⁴⁾ J. de Hullu, *Over de opkomst van den Indischen handel der Vereenigde Staten van Amerika als mededinger der Oost-Indische Compagnie omstreeks 1786—1790 (Bijdragen tot de taal-, land- en volkenkunde van Ned. Indië, 75, 1919, p. 281—301).*

⁵⁾ For a statistical survey of Dutch-American shipping intercourse 1789—1803: Van Winter II p. 72.

⁶⁾ Hoekstra p. 20. For the years 1803—1807 see in general his chapter II (p. 16—59).

⁷⁾ May 31 1805 the government issued a general prohibition of trade with England (Baasch, *Holländische Wirtschaftsgeschichte*, p. 395).

⁸⁾ Hoekstra p. 28, 29.

commerce with Great Britain and other countries with which intercourse was prohibited. Both the British goods imported and the Dutch foodstuffs exported easily found an interloping conveyance to places where they were most needed in these years. Besides, however, American vessels provided Holland with products of their national agriculture and with colonial wares. In order to break the voyage and neutralize the cargo the latter usually had to be shipped from the Indies by way of an American port and thence reexported to Europe ¹). An Act of Congress of July 4, 1789 had expressly favored the importation of East-Indian and Chinese articles by American vessels in the direct intercourse ²). In 1803, 21 American vessels visited the wild coast of Sumatra for pepper ³). In consequence of the present extraordinary circumstances, which forced the mother country to suffer infractions of her mercantilistic system, this colonial trade of the Americans now developed rapidly ⁴). A great number of merchantmen sailed each year from Batavia to the United States with cargoes of sugar, coffee and pepper. In 1805 one single house at Providence, R.I. sent 5 East-Indian traders to Java, and on another occasion, according to rumor, an American firm had contracted for Indian merchandise up to a value of 1,700,000 pounds sterling ⁵). The great bulk of this commerce supplied the European demand, which depended wholly upon what neutrals i.e. Americans, might bring. At the same time the Indies were anxious for American shipping opportunities for the carriage of their produce ⁶).

Trade was carried on under foreign flags. Dutch shipping business was practically choked by war and restrictions, through the vehement application of belligerent rights during these years.

¹) The British opposition to this "War in disguise" ("or The frauds of the neutral flags", a pamphlet of 1805 by J. Stephen) is well-known. An account of its development, upon the foundation of the rule of 1756, in H. W. Briggs, *The doctrine of continuous voyage* (Johns Hopkins University Studies in historical and political science, 44, Baltimore 1926).

Cf. Jon. Elliot, *The American diplomatic code*, II p. 273, No. 116: "The 'Rule of 1756' prohibits a neutral from engaging, in time of war, in a trade in which he was prevented from participating in time of peace, because that trade was, by law, exclusively reserved for the vessels of the hostile state".

²) Keiler, *American shipping*, p. 27, 28. Johnson et al. p. 25.

³) Tyler Dennett, *Americans in Eastern Asia* (New York 1922), p. 31.

⁴) Van Winter II p. 101 f.

⁵) Heckscher, *The continental system*, p. 104, 107.

⁶) See for instance p. 18 footnote No. 3.

“Our national vessels were replaced by foreign, especially by American merchantmen”, says a report on the condition of Holland, December 11, 1806 ¹⁾. The Dutch vessels had been captured or were kept in port and became out-of-date. In 1804, 242, in 1805, 198 American vessels arrived in the Netherlands; in 1806, 231 arrived at the port of Amsterdam alone ²⁾. For the period between June 1, 1803 and December 31, 1807 about 1100 vessels flying the American flag arrived in Holland, of which number, however, a great many were in reality Dutch, French or even English owned. Almost 40% were engaged in the direct trade with the United States; the rest carried Dutch commerce elsewhere ³⁾.

This commercial business of the Americans in Holland reflected a great deal of the capacity of the old Amsterdam staple market ⁴⁾. Statistics by Goldberg, used by Hoekstra ⁵⁾, indicate that of the total importation of pepper, cocoa, coffee and sugar American vessels carried the following percentages in:

	1805	1806	1807
pepper	97 %	32 %	42 %
cocoa	8 %	50 %	52 %
coffee	80 %	83 %	
sugar	82 %.		

¹⁾ Colenbrander Gedenkstukken V, 1806—1810, II p. 606. A table exhibited by Pitkin, p. 364—365, gives the tonnage of Dutch vessels arrived in the ports of the U.S. in:

1802	1803	1804	1805	...	1809	...	1812
102	1.118	563	254	...	241	...	245 tons.

²⁾ Hoekstra p. 39, 40.

³⁾ Ibid. p. 54.

⁴⁾ An occasional list of cargoes imported at Amsterdam (Archives of the city of Amsterdam, Library, Port. 19: „Lijsten van te Amsterdam aangevoerde goederen”) reports for *March 13 1805*:

from Baltimore:	341 hogsheads of tobacco, 1440 bales of coffee,
from Alexandria:	186 hogsheads of tobacco,
from New York:	sugar, coffee, cocoa, dyewood;
for <i>November 21 1805</i> :	
from Baltimore:	2500 bales of coffee, 294 hogsheads of tobacco,
from New York:	sugar, gum-dragon, curcuma, pepper,
from Norfolk:	340 hogsheads of tobacco;
for <i>June 24 1807</i> :	
from Baltimore (in 3 vessels):	5752 bales of coffee, 1105 sacks of coffee, 508 hogsheads of tobacco, 1370 boxes of sugar.

⁵⁾ Hoekstra p. 56, 57.

Further, they brought dyewoods, indigo, ivory, drugs, teas and nankeens from China, timber from Northern Europe, and domestic products of the United States: cotton since about 1800 ¹⁾, tobacco, rice, pot- and pearl-ashes, indigo, whale-oil, hides, etc. in large quantities. In most of these articles the Dutch had during two centuries been specialists and world staple-holders. Even in these years of decline, pepper, sugar (brown and clayed), coffee and tobacco were brought to them in quantities surpassing those for all other European countries ²⁾. Amsterdam remained the tea market of the Continent ³⁾.

The reverse of this American trade, the exportation of Netherlands produce, was quite insufficient to equal the value of goods imported. Besides cheese and gin, the most important articles ⁴⁾, the export to America consisted of some linens, woollens, silk and cotton manufactures, cloth, canvas, glass and, partly in transit from Germany, steel and iron goods ⁵⁾. This commercial balance was decidedly unfavorable to the Dutch side, at a rate of nearly 1 : 2. The rest was covered in funds by remittances to London mostly in payment of British exportations to America ⁶⁾.

In return for what Americans came to take from the overseas possessions, the provisioning of the colonies easily fell into their hands; this was a function hitherto most jealously retained by the mother country herself. Just as the ready money of the

¹⁾ On the development of American cotton exports: Van Winter II p. 88 f., Buck, The development of the organisation of Anglo-American trade 1800—1850, p. 34 f.

²⁾ See the statistical table on p. 32, 33. On the place of Rotterdam and Amsterdam in this trade see P. A. Nennich, Original-Beiträge zur eigentlichen Kenntniz von Holland (Tübingen 1809), p. 126 f., 131 f.

³⁾ See Colenbrander Gedenkstukken VI I, No. 110, Oct. 12 1810, Lebrun to the Emperor, and No. 285, Oct. 11 1811, Montalivet to the Emperor.

⁴⁾ A statement of 1817 (Oct. 9, Gallatin to Eustis, L. o. C. Eustis Papers IV) communicates that for the period 1800—1807 the *annual* importation to the United States of *cheese* was from Holland: 432,070 pounds; from all other countries together: 82,630 pounds (Cf. however Hoekstra p. 27); and of *gin* from Holland: 1,016,232 gallons; from other countries together: 56,447 gallons (Pitkin, p. 241, gives 1,059,540 gallons of spirits as the average of the years of 1802, '03, '04 and 1,466,000 for 1807). P. J. Dobelaar, De branderijen in Holland tot het begin der negentiende eeuw (Rotterdam 1930) p. 254, found important orders of gin mentioned in 1803 at Schiedam, for America. The Agent of the National Economy of the Batavian Republic, on his trip through the country in 1800, states that at the other centre of gin distilleries, Weesp, foreign shipments go mostly to America and Denmark. (His journal was published in Tijdschrift voor Staathuishoudkunde en Statistiek XVIII, 1859 f.; see XIX p. 192; see also A. van Beek, Een Weesper Industrie van drie eeuwen 1580—1880, in "Niftar-lake" 1930, p. 79 f.).

⁵⁾ Hoekstra p. 58, 59; Pitkin p. 241.

⁶⁾ Buck p. 117, 119.

American merchants had become welcome at Batavia in exchange for the vast quantities of stored colonial articles ¹⁾, so were the provisions which they brought, in demand in the East as well as in the West Indies ²⁾. The latter were by nature better connected with the nearby American continental ports than with the mother country. Already in earlier times American trade had brought relief to them in an increasing infringement of the colonial system of the Dutch ³⁾. In exchange for coffee, sugar, molasses, cocoa, cotton and fruits, which it took from there partly for reëxportation to Europe, it brought slaves, flour, fish (dried or smoked), beef, pork, timber and other provisions, in great quantities ⁴⁾.

All of the above-mentioned intercourse, between the United States and the Netherlands and their colonies, depended upon the favors of external circumstances. These favors terminated about 1807 by the serious aggravation of British-French antagonism. The colonies were conquered and the sea was closed. In 1804 the settlements on the South-American continent had been conquered and their plantations opened to British enterprise and interest. Only by exceptional permits were American merchants still admitted to trade in Surinam; but all they were

¹⁾ In 1804, after the resumption of war in Europe, the Dutch consul at Philadelphia, at the request of the Governor-General of the East Indian possessions, made known that American merchants would be allowed again to obtain cargoes of coffee, pepper and sugar at Batavia in exchange for bare money (Leonie van Nierop in *Jaarboek Amstelodamum* XXI, p. 126).

²⁾ Van Winter II p. 102 f. — W. B. Weeden's interesting article in *Proceedings of the Massachusetts Historical Society*, 1907, entitled "Early Oriental commerce in Providence" (published separately Cambridge 1908), describes the particulars of three voyages of the "John Jay" from Providence to Batavia. Having set out in 1803 with \$ 60,000 of specie and merchandise consisting of bar iron, gin, flour and cheese, the ship loaded coffee, sugar and pepper at Batavia in return, arrived home in September 1804, but left without unloading for Amsterdam with the cargo consigned to the house of D. Crommelin and Sons. From there she headed directly for Batavia again, took in coffee, sugar and tin; but was captured on the way home by a British sloop of war, with the cargo estimated at a value of \$ 127,000, as a case of "continuous voyage" according to the British rule of 1756. In 1806 the "Jay" set out again with \$ 17,000 value of gin, flour, etc. and \$ 50,000 worth of specie, for buying coffee at Batavia, wherein March of 1807, 13 American vessels were found to be waiting for a return cargo. The home voyage carried coffee and pepper, to a total amount of \$ 131,000.

³⁾ Van Winter I p. 16, 105 f.; II p. 62 f., 97 f. In 1796 the provisionment of the West Indian colonies was left to the care of the Dutch minister in the United States, to be directed from America (instructions of May 2 1796, Art. 15; R. A. Legation Archives America, Port. "R. G. van Polanen").

⁴⁾ See the statistical table on p. 32, 33.

allowed to carry away in exchange for their provisions was rum and molasses ¹). In 1807, having been in a declared state of blockade since 1804 ²), Curaçoa and adjoining islands fell into British hands; in 1810 St. Eustatius and adjacent islands suffered a like fate ³). In 1811 the government at Batavia surrendered to the enemy. As a consequence these colonies were closed to foreign intercourse; thereafter American importations show a sudden fall ⁴).

Heavy retaliatory measures resorted to by the belligerents, toward the end of 1807 (the British Orders in Council for a general blockade and Napoleon's Berlin and Milan decrees), resulted in a total embargo on foreign intercourse in the United States (Dec. 22, 1807) as well as in Holland (Jan. 23, 1808) ⁵). Although these prohibitions failed to be strictly executed, and were soon replaced in both countries by milder measures ⁶), 1808 marks the beginning of a rapid decline of the Dutch-American commercial intercourse ⁷). In 1808, 150 American vessels are reported at London to be waiting to cross the sea with cargoes of colonial articles ⁸). Most of them were directed more Eastward to the neutral ports of Holstein, Schleswig (Tonningen), and the Baltic ⁹). Now and then some were still admitted into Holland on special permission by the lenient policy of King Louis Bonaparte's government and brought a great deal of much-desired merchandise into the country ¹⁰). But such permits were few and

¹) The other colonial products were reserved for the European markets, in accordance with the strict observance of the British colonial system. Cf. a recent study by J. F. E. Einaar, *Bijdrage tot de kennis van het Engelsch tusschenbestuur van Suriname 1804—1816* (Leiden 1934), p. 37 f., 48. A contemporary report of 1812, quoted by Einaar (p. 125), describes the situation as follows: "Rum and molasses being the only articles of produce permitted to be exported in foreign bottoms, the trade with the United States of America is confined to the exchange of these productions for such permitted articles of their growth and produce as are absolutely necessary for the ordinary consumption".

²) Keiler p. 39, Clauder p. 52.

³) Colenbrander, *Koloniale geschiedenis* II p. 28. The West Indies had been conquered in 1796—1801, but returned at the peace of Amiens in 1802.

⁴) See the statistical table on p. 32, 33.

⁵) Hoekstra p. 63.

⁶) The American Non-Intercourse Act of March 1 1809. From July 31 1809 to Febr. 1 1810 the ports of Holland were opened again to American vessels with cargoes of tobacco, potash, hides and whale oil.

⁷) See in general Hoekstra chapter III, 1808—1809, p. 60—92; Clauder p. 99 f., 154 f.

⁸) Hoekstra p. 66; Colenbrander *Gedenkstukken* V, 1806—1810 I No. 36.

⁹) See chapter IV.

¹⁰) F. E. Melvin, *Napoleon's navigation system* (New York 1919), p. 142 f.

became exceptional as the prohibitions became more rigid. In place of the former intercourse by permission there grew up an extensive smuggling and contraband trade ¹⁾ in which the British engaged much more heavily than the Americans inasmuch as the illicit imports came mainly from or via the nearby English ports, where enormous quantities of manufactures and colonial articles lay stored in the warehouses. Great Britain gained slightly under these circumstances, at the cost of immense losses to American trade. Gogel estimates ²⁾ that there were imported into the Netherlands in:

	1807		and		1808	
from	America,	elsewhere ;	America,	elsewhere		
of coffee. . . .	29.913.518 lb.	6.264.259 lb.	1.030.220 lb.	2.293.886 lb.		
sugar	40.888.925 ,,	9.627.018 ,,	4.129.685 ,,	5.013.747 ,,		
cotton	2.171.941 ,,	310.859 ,,				
dyewoods at a value of. . . .	fl. 212.532,—	fl. 191,78				

Thus, the imports of American coffee and sugar were reduced in one year to $\frac{1}{30}$ and $\frac{1}{10}$ of their former quantities. In the next year they fell still more, to touch zero in 1811—1813 ³⁾.

In 1810 the annexation of Holland by France took place, and brought with it a seizure of American vessels and cargoes in the Dutch ports ⁴⁾. Trade was paralysed by the firmer carrying out of the Continental System through French douaniers as well as because of the outbreak of the British-American war in 1812. Only a general peace, Bourne wrote from Amsterdam in the summer of 1813 ⁵⁾, could restore the prospects of American trade; on both sides the merchants and captains were waiting for a favorable chance to renew relations. This situation lasted at least till 1814 and caused the ruin of several firms ⁶⁾.

The following table, compiled from Pitkin's "Statistical view of the commerce of the United States of America" ⁷⁾, exhibits

¹⁾ Hoekstra p. 72, 89, 90. Melvin p. 302.

²⁾ Aug. 7 1810 (Colenbrander Gedenkstukken VI 1810—1813, II No. 1691).

A comparison of these figures with those given on p. 32,33 easily shows the lack of absolute certainty from which both suffer.

³⁾ See the statistical table on p. 32,33.

⁴⁾ Hoekstra, chapter IV, 1810—1813, p. 93—108.

⁵⁾ Aug. 14 1813, Bourne to the Secretary of State (D. o. S. Cons. Letters, Amsterdam).

⁶⁾ For instance the house of Wm. Taylor, of Baltimore (Hoekstra p. 130, footnote 2).

⁷⁾ Newhaven 1835.

the movement of commerce between the United States and Holland and her colonies during the period 1800—1813. Although figures given by Pitkin or by any other statistical abstract for these years are by no means reliable for isolated data ¹⁾, it may be assumed that their relative deviations from fact are approximately similar, so that the movements which they follow, when taken together, give sufficiently useful information about the nature and characteristic development of the trade in question.

The table shows the importance of American imports into Holland up to 1807 and the enormous quantities of reëxported foreign produce carried from the United States; these reëxports were at least four times larger than the exports of American domestic produce, whereas in ordinary times they never even equalled them. The table shows also the provisioning trade of the United States to the West Indies, and the particular character of the coffee trade (from the Dutch East Indies and Dutch West Indies to the United States, and from the United States to Holland), quotations on which have been partly taken from a publication of the American Bureau of Statistics ²⁾.

[See p. 32, 33]

A statistical table of navigation, published by Miss Leonie van Nierop ³⁾, exhibits for the same years, 1800—1811, the totals of *all* vessels at different ports of Holland which arrived from or cleared for North-America:

¹⁾ Keller p. 48. They are called "untrustworthy and very incomplete". Victor S. Clark, *History of manufactures in the United States I*, p. 247. A statistical service of sufficient exactness was established in America in 1821. All statements of earlier years must be taken with the necessary indulgence.

C. L. Jones, *The consular service of the United States*, p. 61: "The (consular) tables actually reported were rendered valueless because of the numerous duplications they contained by reason of the ships stopping at several ports en route". See p. 347 footnote 1.

²⁾ *Imports of coffee and tea 1790—1896*, p. 3 f.

³⁾ *Amsterdam's scheepvaart in den Franschen tijd*, in *Jaarboek van Amstelodamum XXI* (1924), p. 119 f. The data have been gathered by the author from a contemporary periodical called "De Koophandel en Zeevaarttjdingen".

Vessels arrived from North America at	Amsterdam	the Texel ¹⁾	the Vlie ²⁾	Ter-schelling ³⁾	Meuse & Goeree ⁴⁾	Total ⁵⁾
1800	80	71	6	—	38	195
1	139	143	6	—	68	356
2	115	109	10	—	49	283
3	112	102	12	—	60	286
4	173	169	4	—	83	429
5	158	161	3	1	60	383
6	3	225	2	3	108	341
7	4	201	1	1	57	264
8	1	7	—	—	5	13
9	1	18	4	—	—	23
10	—	—	—	—	—	—
11	—	—	—	—	—	—
Total	786	1206	48	5	528	2573

Vessels departed for North America from	Amsterdam (see Texel)	the Texel ¹⁾	the ²⁾ Vlie	Ter-schelling ³⁾	Meuse & Goeree ⁴⁾	Total
1800		52	1	—	25	78
1		125	2	—	44	171
2		73	3	—	47	123
3		84	—	—	60	144
4		122	2	—	61	185
5		81	—	—	24	105
6		137	1	—	71	209
7		118	2	2	36	158
8		22	—	—	15	37
9		10	—	—	—	10
10		2	—	—	1	3
11		—	—	—	—	—
Total		826	11	2	384	1223

Although equally unreliable if each entry is considered alone, this table shows the same development of the trade movement

¹⁾ The outport of Amsterdam, South of the island of Texel.

²⁾ A passage North of the island of Texel.

³⁾ An island North of the Vlie.

⁴⁾ Estuaries of the river Rhine, outports of Rotterdam.

⁵⁾ No evidence is to be had as to whether in these totals certain amounts (for the trade to Amsterdam) have been counted double, or not.

	Tobacco, hogsheads U. S. → Holland.	Cotton ⁶⁾ , pounds U. S. → Holland.	Rice, tiers U. S. → Holland.	Whale oil, gallons U. S. → Holland.	Flour, barrels U. S. → D. W. I.	Beef ⁵⁾ , barrels U. S. → D. W. I.	Fish, dried or smoked, quintals, U. S.-D. W. I.	Sugar, brown, pounds U. S. → Holland.	Sugar, clayed, pounds U. S. → Holland.
1800	6.087	79.694	682	—	23.070	5.440	20.218	7.542.160	—
1801	15.300	338.563	1.936	—	10.019	4.916	30.163	14.560.993	—
1802	9.670	877.491 ⁶⁾	4.159	2.138	26.334	4.608	23.060	15.436.179 ⁴⁾	—
1803	12.721 ⁵⁾	1.339.122 ⁶⁾	6.942	18.080	42.711	11.872	62.988	8.894.432 ⁴⁾	1.057.806 ⁴⁾
1804 ¹⁾	17.948 ⁵⁾	1.475.979 ⁶⁾	6.753	79.673 ⁸⁾	34.773	14.375 ¹⁰⁾	69.028	27.294.509 ⁴⁾	7.663.882 ⁴⁾
1805	16.745 ⁵⁾	64.628 ⁶⁾ 881.584 ⁶⁾	3.605	55.595	5.612	4.658	35.727	47.544.197 ⁴⁾	8.455.435 ⁴⁾
1806	29.851 ⁴⁾ \$ 2.358.229	3.129.146 ⁶⁾	17.137 \$ 457.993	37.553	15.061	4.952	30.670	56.008.790 ⁴⁾	10.105.151 ⁴⁾
1807 ²⁾	20.444 ⁵⁾ \$ 1.799.072	3.146.209 ⁶⁾	21.163 ⁸⁾ \$ 529.075	185.121 ⁶⁾	9.137	2.705	29.258	48.012.198 ⁴⁾	8.719.529 ¹¹⁾
1808	3.683	491.814 ⁶⁾	841	—	1.317	963	7.793	8.215.969 ⁴⁾	1.824.479 ⁶⁾
1809	2.316	1.068.096 47.871 ⁷⁾	2.413	10.435	1.186	34	—	3.167.202	836.459
1810	654	100.869 ⁷⁾	—	—	—	310	2.363	88.590 ⁷⁾	76.674 ⁷⁾
1811	—	—	—	—	—	—	—	—	—
1812	—	33.316 115.714	—	—	—	—	—	—	—
1813	—	202.000	30	—	—	—	—	—	—

	Coffee, pounds.		Pepper, pounds.	Exports in general ¹⁴⁾ .			
	D. E. I. → U. S. ¹²⁾	D. W. I. → U. S. ¹²⁾		U. S. → Holland		U. S. → D. W. I.	
				U. S. → Holland	foreign produce, in \$	domestic produce, in \$	foreign produce, in \$
1800	—	—	—	—	—	—	—
1801	—	—	—	—	—	—	—
1802	6,825,203	—	5,275,937	—	—	—	—
1803	\$ 1,706,300	—	—	—	—	—	—
1804 ¹⁾	8,395,783	—	4,946,284	—	—	1,600,667	848,365
1805	\$ 2,096,945	992,853	—	—	—	454,645	138,785
	8,225,295	2,218,818	—	—	—	570,545	466,485
1806	6,240,908	1,404,659	2,508,879	—	—	496,010	370,366
1807 ²⁾	8,842,568	723,175	—	—	—	—	—
1808	12,520,321	299,699	—	—	—	—	—
1809	2,286,110	418,645	—	—	—	—	—
1810	1,020,670	69,319	—	—	—	—	—
1811	1,532,777	—	—	—	—	—	—
1812	—	—	—	—	—	—	—
1813	—	—	—	—	—	—	—

¹⁾ 1804: Continental colonies in South America conquered by Great Britain.
²⁾ 1807: Curaçoa and dependencies conquered.
³⁾ Highest amount of imports after Great Britain this year.
⁴⁾ Highest amount of imports in this year, for all foreign countries.
⁵⁾ After 1805 the statistics make a distinction between *Sea-Island*, or longstaple, and other cotton. The former is quoted above, the latter under the line.
⁶⁾ Highest amount of imports after Great Britain and France.
⁷⁾ In this year millions of pounds to Denmark and Norway, from where they were further carried to Great Britain and the Continent.
⁸⁾ Highest amount of imports after France this year.
⁹⁾ Also *pork*, in slightly smaller quantities.
¹⁰⁾ Highest amount of imports after Br. W. I. this year.
¹¹⁾ Highest amount of imports after Italy this year.
¹²⁾ Quotations of 1805 €c. from: Imports of coffee and tea, 1790—1896, tables published by the Bureau of Statistics.
¹³⁾ Highest amount of imports after Hamburg and Bremen.
¹⁴⁾ Pitkin p. 238—243.

up to 1807 and also the above-sketched influence upon it from external circumstances. The great difference between the numbers of vessels arriving and clearing is due to the fact that many American captains, having deposited their cargoes in Holland, sailed for other (British) ports in search of a return cargo, or headed directly for the Indies. Those clearing for the United States sailed mostly in ballast. The same phenomenon will turn up again in the years after 1815.

In 1814 American merchants were of course inclined to base their expectations of a revival of trade upon recollections of the prosperous period before 1807. A belief existed that a reestablishment of peace would restore to them an admittance to the respective empires and thus would make possible a competition with foreign trade in which they trusted that their enterprise would be able to maintain its eminent position. The spirit of activity was still keenly alive; it was backed by a government prepared to urge doctrines of trade-liberalism upon such foreign powers as failed to give fair chances to American commerce. In the first year, however, circumstances proved exceedingly unfavorable. All through 1814 the continuing British-American war, with its close coast blockade, prevented American commerce from profiting from the needs of the reopened European continent for overseas produce. In all ports of the United States the merchants were preparing for European voyages in the ensuing winter, to be the first after the lifting of the blockade, „pour partir dès l'instant de la cessation des hostilités"; several of them were destined for Holland ¹⁾. When in 1815 the United States finally entered upon this trade, England had been master of the field for more than a year, and had glutted the Dutch as well as other markets with her manufactures and colonial articles ²⁾. At the same time an uncertainty remained about the restoration of colonies to the Netherlands by Great Britain. Although this matter was regulated by conventional agreement in 1814, it was 1816 before the transfer was actually made. Only

¹⁾ Febr. 19 1815, Ten Cate to Van Nagell (R. A. B. Z. 1: bur. I. S. No. 199).

²⁾ Oct. 3 1814, Bourne to Wm. Taylor (L. o. C. Bourne Papers).

then did American trade meet with more settled conditions in its Dutch relations.

On the Dutch side, however, the regulation of these relations tended to be based upon conditions previous to 1795 (the year marking the end of the old Republic) rather than upon those of a later period. It was but natural that the interests of Holland made her desirous of freeing herself from the passivity of economic life forced upon her during the French domination, and led her to aim at a trade activity such as had existed in the earlier, more regular and less disastrous period. The Dutch were likely therefore to revert to normal conditions, in which Americans had enjoyed a much less preponderant position.

In these years previous to 1793, at the beginning of the wars of the French Revolution, the development of Dutch-American navigation and commerce had been such that Baltimore and Charleston attracted more Dutch vessels than the Northern ports of the United States¹⁾. Maryland was by far the most frequented state in the trade from Holland. In early times the few Dutch exports of gin, cheese, manufactures, powder and canvas or duck had found there easy return cargoes in tobacco, also from Virginia, and rice²⁾. Of articles of Dutch industry³⁾ only spirits, mostly from Schiedam⁴⁾, gained importance about 1790. This branch of trade owed a rapid development to the increasing demand for gin in America since the independence of the United States⁵⁾. Some hemp and rope, partly of foreign, European production, came with it, and further wine, raw steel and steelware in transit from Central Europe. East Indian articles, mainly tea and pepper, were also being reexported in

¹⁾ Van Winter I p. 111, II p. 42 f.

²⁾ Ibid. I p. 112, 118.

³⁾ For the following survey of Dutch (and East- and West-Indian) exportations to the United States in the years between 1790 and 1793, see Van Winter, II p. 51 f. and the table in Appendix I, collected from American State Papers, Commerce and Navigation.

⁴⁾ On this industry, besides Dobbelaar's study, a short survey in Baasch, *Holländische Wirtschaftsgeschichte*, p. 124—129, 400—401.

⁵⁾ *Journal der reize van den Agent van nationale oeconomie* (1800), in *Tijdschrift voor Staathuishoudkunde etc.*, XVIII (1859) p. 198. Dobbelaar p. 105, No. 1 of his theses. The distillers addressed John Adams most heartily in 1782, in expectation of an unlimited admittance of their product to the United States, and of not too heavy import duties (*The Diplomatic correspondence of the American Revolution VI* p. 366 f.).

P. A. Nennich in *Original-Beiträge zur eigentlichen Kenntniz von Holland*, p. 150, mentions the following numbers of gin distilleries in Schiedam: 1775 : 120; 1792 : 220; 1798 : 260.

considerable quantities from Holland to America at that time. But they were already heavily on the decrease in consequence of the development of American Eastern Asia trade.

The exports of the United States to Holland ¹⁾ had consisted mainly of rice, tobacco, some grains, hides and fur, and of products of the New England whale fisheries; also West Indian cotton was brought in small quantities ²⁾. About 1790, moreover, is noted an increasing movement, in American bottoms, of drugs, dyewoods and other tropical articles via the United States to the Amsterdam market. The Dutch merchants received these importations in consignment, in accordance with the general tendency of their business to develop from active dealing to the more passive trade on commission ³⁾. Most of the shipments arrived only via England where the London banker became omnipotent in the regulation of transatlantic trade ⁴⁾.

It has already been stated ⁵⁾ that prior to 1793 the Dutch West Indian colonies had become dependent to a considerable degree upon American imports and exports. In 1815 Americans expected, consequently, to be admitted, if not to the whole commerce, then at least to that part of the trade of these colonies which consisted of their ordinary provisionment with flour, meat, timber, etc. ⁶⁾.

The great difference in a commercial respect between the normal period and the years from 1793 to 1813 had thus been caused after all by the enormous development of American colonial trade in the East and West Indies, and by its subsequent function of carrying the colonial articles, via the United States, to Europe. This development, however, had been the result of extraordinary circumstances and did not continue under a regular colonial administration of the Netherlands after the restoration. Relations of trade were to be subject again to the normal capacities of both countries. Their commercial inter-

¹⁾ Van Winter II, p. 60 f. and the table in Appendix II (also for the West-Indies) collected from A. S. P., Commerce and Navigation.

²⁾ Ibid. II p. 90.

³⁾ Ibid. II p. 81, 117. On the term of commission merchant or factor, see Buck p. 6.

⁴⁾ Ibid. II p. 121.

⁵⁾ p. 27.

⁶⁾ Report of Aug. 12 1815 by Ten Cate, Secretary of legation in America (compare p. 37 footnote 1). The importation of timber had been conceded to them formerly, according to this report, upon the condition of their exporting fruits from these islands: an exchange which was said to have turned out profitably to both sides.

course after 1814, which is to be described in chapter XX of this study, will indeed reflect the trade movement of the years previous to 1793 more materially than that of the subsequent period up to 1810.

Even so, several important changes in the situation had occurred during this intermission of two decades of confusion. They may be summarized as follows:

1. The American shipping and carrying trade had taken a much more preponderant place in the world's navigation.
2. American industry had developed strongly and had become capable of covering a great deal of the domestic demand.
3. The commercial activity of Holland had sunk still more rapidly after the end of the old Republic. Her merchant marine had been almost ruined; it would take years and years to rebuild it. Her trade had lost connections and enterprising spirit; its character as a commission and consignment trade had developed, and emphasized the passive nature of her commerce. The Amsterdam staple had lost its monopolistic position.
4. More than before, consequently, Dutch foreign trade was being determined by the geographical situation of the country and the demands and produce of the continental hinterland.
5. Besides British and American enterprise, other European trade, especially that of the Hanseatic cities, had begun to compete strongly with that of Holland; Hamburg, backed by its equally favorable situation, had taken over a considerable part of the Dutch staple market and hinterland trade.

A report made up by the secretary of the Dutch legation in the United States, upon his return from America in the summer of 1815, reflects most of these points in a valuable exposition ¹). The first point has been mentioned in the present chapter and will be more generally sketched in chapter IV. On the second he adds the following instructive details with regard to the interests of the Netherlands: In consequence of the interruption of commerce in the United States, industry has almost doubled. Cloth manufactories have been established and have rendered

¹) Aug. 12 1815, by Ten Cate (published by N. W. Posthumus in *Economisch-Historisch Jaarboek I* p. 210 f.). See p. 143.

unnecessary the importation of foreign cloth of other than superior quality. Cotton manufactures have found an easy domestic market, and of foreign importations Irish textiles are preferred to those from the Netherlands. The taste for Holland gin has passed. „C'est par la difficulté de se pourvoir de boissons fortes d'Europe et d'exporter régulièrement les farines de froment et de maïs, que durant la dernière guerre le nombre des distilleries s'est accru au delà de tout calcul et que le whisky ou l'eau-de-vie de maïs, fabriquée aux Etats Unis, a fait perdre au bas peuple le goût du genièvre de Hollande et de l'eau-de-vie de France qui autrefois considérés comme premiers besoins de la vie, ne sont plus actuellement que des articles de luxe réservés à la classe aisée". The same thing has happened to Dutch cheese.

As a result, he concludes, the United States, „exportant avec un bénéfice régulier leurs produits territoriaux et n'important presque aucune des productions du sol ni des fabriques des Provinces Unies, font pencher la balance du commerce entièrement en leur faveur, tandis qu'il ne reste aux commerçants de Hollande d'autres bénéfices que la commission de vente et quelques menus profits".

In order to rebuild an active commerce, he advises that the staple functions of the Netherlands be revived so as to offer to American vessels a valuable return cargo of Northern and Southern European produce, from the Baltic and the Mediterranean. Belgium will, besides, be able to export fine manufactures from Normandy, Aix-la-Chapelle, Verviers etc., whereas Dutch salt herring will always meet with a sufficient demand in America. „Favoriser par conséquent l'importation du tabac et du riz d'Amérique en Hollande et donner la plus grande liberté au commerce de transit des produits du nord et du midi de l'Europe par les Provinces Unies, paraissent être les deux grands moyens de rendre fructueuses les opérations commerciales de la Hollande et de la Belgique avec les Etats-Unis".

Although his report is interesting as a contemporary evidence of national hopes and aspirations it is obvious that the projects for the future which it contains were not to be fulfilled. Lack of trading power and enterprise, as well as unfavorable circumstances, prevented the Dutch from realizing such bright commercial prospects. The next chapter will explain this more

extensively, recurring to the 3d, 4th and 5th points above mentioned.

How in the Netherlands and in the United States the expectations nourished by recollections of earlier periods of welfare adapted themselves to the changed conditions after 1814 and how the mutual relations of trade were regulated by the commercial policies of both governments will be the main subject of our investigation. A concluding chapter (XX) will show the resulting movements of commerce and trade.

III. THE NETHERLANDS, AND THEIR RELATION WITH GREAT BRITAIN

THE RESTORATION IN 1813 AND 1814 OF THE NETHERLANDS AS
AN INDEPENDENT NATION UNDER WILLIAM I OF ORANGE. — THE
INFLUENCE OF GREAT BRITAIN. — PROBLEMS OF COMMERCIAL
POLICY

We find Holland in 1813 at the beginning of a new stage of her political existence. After the arrival of French troops in 1795 the former Republic of the United Netherlands had gradually lost its independence and the power which had been left to it after a rapid decline in the preceding decades. Going through various forms of government it had been drawn ever more completely into the area of French interests and influence. It was freed from the grasp of Napoleon's domination only when his forces had been finally conquered by British persistency and the vastness of the Russian plains. — In 1806 Napoleon had made his brother Louis the King of Holland ¹⁾. As an ally of France the country suffered badly from the effects of his struggle with England. Its valuable colonial possessions fell into the hands of the British ²⁾; and the commercial fleet was either captured or

¹⁾ It is necessary to be aware of the difference between the *Kingdom of Holland* and the *Kingdom of the Netherlands*. The former was established in 1806 by Napoleon, for his third brother Louis, and covered almost the same territory as did the old Republic. The Kingdom of the Netherlands was established in 1815. William I of Orange was its first King. It also included Belgium, until 1830, and thus consisted of both the Northern and the Southern Netherlands. As a rule we use "the Netherlands" to signify both of them and "Holland" when only the North, or the territories of the old Republic, is meant. In both cases the adjective is "Dutch".

²⁾ Only two, the factory on the isle of Decima, Japan, and a castle and some establishments on the Gold Coast of Africa, remained in Dutch hands, whereas the settlement at Canton, although falling under the government of Java, also kept the Dutch flag afloat. Many years afterwards in the relations with the United States, this circumstance proved to be of a certain consequence. The Dutch then contended that even when they were perforce a part of France their flag had never disappeared from the earth (Chapter V A, p. 388 f.).

laid up. Since Trafalgar (1805) Great Britain had been the mistress of the ocean. Only a passive commerce, performed entirely by neutral foreign trade as sketched in the preceding chapter, maintained in the country a shadow of her past prosperity. About 1810 conditions had reached the worst point because of the heavy aggravation of economic warfare through blockades and the Continental System. The interference of special interests of a minor nation with a firm execution of the latter system could not be tolerated. Napoleon aimed to attack the economic existence of England by closing the continent to her commerce. When it became necessary, for the realization of this design, to cover and completely control the entire range of Atlantic coast ports, he decided to make Holland a part of France by annexing it to his Empire. The country was subjected to the régime of French government institutions and French laws and decrees, executed by French officials. The Dutch had been waiting since then for a change in the situation and a revival of their chances, political as well as commercial.

Almost one month after Napoleon's defeat at Leipzig, on the 17th of November, a revolutionary movement for the independence of Holland became active at The Hague under the leadership of Van Hogendorp. A provisional government was formed, and the son of the last stadholder was invited to come over from England. Measures were taken to drive the French out of the country and this was accomplished in the ensuing months with the aid of allied army forces¹). On the 30th of November William of Orange landed at Scheveningen and was received by the people with abundant enthusiasm. A few days later at Amsterdam, hereby acknowledged as the capital of the country, he was proclaimed Prince Sovereign of the Netherlands.

From the moment of its establishment the new government preserved close contact with the great antagonist of Napoleon's cause. England was both the chief director of European policy at the time and the holder of the former Dutch colonies; upon her favor depended the restoration of the latter as well as the existence of the country itself. In other words the Dutch were

¹) Colenbrander, *Vestiging van het Koninkrijk 1813—1815* (Amsterdam 1927), Chapter I.

forced into a state of dependence by those very economic needs the satisfaction of which lay at the disposal of their powerful ally.

On the other hand, as Renier ¹⁾ clearly proves, it was a question of considerable importance to England which power would occupy the estuaries of the West European rivers, the Rhine, the Meuse and the Scheldt. Her established policy was to favor on the opposite coast of the North Sea a country of medium strength which could easily be influenced by the demands of British interests. The reestablishment of the state of the Netherlands was therefore strongly supported by England. The conditions which the new country had to fulfill were that it should be a secondary power subject as much as possible to British supervision but independent enough to take care of itself and sufficiently strong to act as a counterbalance against France, or, at any rate, to prevent sudden accidents in the political alignment of Europe. On the 26th of December 1813, consequently, a Cabinet meeting at London ²⁾ decided to establish Holland on safe foundations and for that purpose to return to her the greater part of her former colonies; Castlereagh, the head of the Foreign Office, was charged with the execution of these decisions. Accordingly, with Britain watching and restricting the Dutch aspirations, the Nation of the Netherlands was given a new form, and new dimensions. With the consent of the Allied Powers, at the Congress of Vienna, the Southern Netherlands were united with the former Republic ³⁾. On September 21, 1815 William I was officially inaugurated King of the Netherlands.

A special treaty of August 13, 1814 regulated the return of the colonies ⁴⁾. Great Britain restored the possessions in the East Indian Archipelago (Java etc.), some unimportant establishments on the Indian continent and on the coast of Guinea in Africa, Surinam in South-America, and the islands in the

¹⁾ G. J. Renier, *Great Britain and the establishment of the Kingdom of the Netherlands, 1813—1815*, (The Hague 1930) p. 6 f. It is curious to note that the conclusions of this objective and reliable treatise (p. 200, 339 f.) are greatly in contradiction to those published in the same year in the work of Rudolf Steinmetz, *Englands Anteil an der Trennung der Niederlande, 1830*, (Haag 1930), p. 38 f.

²⁾ Colenbrander, *Gedenkstukken VII 1813—1815* No. 12.

³⁾ Renier, p. 200 f., 309.

⁴⁾ Cf. Renier p. 317 f.; P. H. van der Kemp, *De teruggave der Oost-Indische koloniën, 1814—1816* ('s-Gravenhage 1910); W. H. Robson, *New light on Lord Castlereagh's diplomacy* (*Journal of modern history* III, 1931, p. 198 f.).

West Indies (Curaçoa and St-Eustatius, and dependencies) ¹⁾. The reason for this return of colonies to a nation which had been her greatest rival in former times is doubtless to be found in the importance which Great Britain attached to a really strong position of the Netherlands in Europe and in the vital economic interests which the people of Holland had in the possession of these colonies. It was the situation of the 18th century upon which the expectations of British policy were founded. The nature of this policy was conservative. As such it responded to the spirit of the period.

From the moment the country was liberated the attitude of foreign countries became a question of predominant importance. Shortly after the Prince had been proclaimed Sovereign most of the monarchs of Europe decided to recognize him officially in this character by sending their representatives to his court ²⁾. The sooner the situation were settled, the better would be the chances for the country in the face of eventual objections against its position. Both the Dutch and British governments worked for this purpose in the first months, while the allied armies were fighting Napoleon in France. For the time being Van Hogendorp took the direction of these most important affairs, the foreign relations. On December 6, 1813 ³⁾, when creating a Cabinet, the Prince Sovereign appointed him Secretary of State for the Foreign Department. It was the intention, however, that he should afterwards be charged with the highest function in the government, which was to be that of Vice-President of the Council of State, the advisory body of the King.

Gijsbert Karel van Hogendorp ⁴⁾ was the leading person in Holland in the winter of 1813—'14. Strongly convinced of the historical connection of the Netherlands with the House of Orange, as is proved by his attitude in 1813, his political and economic convictions were yet largely representative of the circles of Dutch regent families to which he belonged by birth.

¹⁾ She kept Ceylon, ceded already by the peace of Amiens, and Cochin on the continent of Asia — in exchange for Banca —, the Cape of Good Hope, and Demerara, Essequibo, and Berbice in South America.

²⁾ Renier p. 129.

³⁾ Decree in R. A. B. Z. 2: bur. I. S. No. 1.

⁴⁾ On him: Fruin, *Verspreide Geschriften* V p. 239, 348. Colenbrander, Gijsbert Karel in zijn rijpen leeftijd, in *Historie en Leven* I, p. 79 f.

He was brought up in the ideas of those patricians of the commercial cities in Holland, aristocrats without titles of nobility, who in many instances can be compared with the typical New England families, mighty through their commerce and trade, and governing their cities and states by a proud system of aristocratic democracy. Commerce, in the widest sense of the word, was the first object of his interest, free trade his maxim ¹⁾. His letters and works show this continually ²⁾. All through his career he consciously held commercial and economic questions to be of paramount importance to the nation's existence. When Minister of Foreign Affairs he gave them more than the ordinary attention, and afterwards he expressed it as one of his ideals of government that the regulation of commerce — and the management of colonial affairs — should be a function of the Foreign Department³⁾. This was consistent with the old Dutch principle, which, however, was no longer entirely in accordance with the new conditions. A collision with other and different opinions, those of industry, the South and the King, about the national welfare, soon became noticeable; a few years already after his provisional leadership Van Hogendorp was in strong opposition to the economic policy of the government.

For the greater part this policy was embodied in the activity of the King himself, the busy and autocratic William I ⁴⁾, called the merchant-king because of his hard work and zeal for rebuilding the prosperity of the country. He was not a partisan of a special economic theory, like Van Hogendorp, but took for his guidance the generality of actual interests for which he was working; he was something of an opportunist in solving economic

¹⁾ Cf. Groeneveld Meyer, *De tariefwetgeving van het Koninkrijk der Nederlanden (1816—1819)*, p. 89 f.

²⁾ *Brieven en Gedenkschriften*, passim. For instance: I p. 280, Boston Dec. 16 1783, Van Hogendorp to his mother: "Mes études favorites . . . le commerce considéré comme un objet de politique".

³⁾ *Ibid.* V p. 70, 71. During the four months of his ministry this design was practically realised. By the measures of April 6 1814, however, when Van Nagell was appointed to succeed him, a division for commerce was created which was almost independent of the general direction of the Department. In September next it was united with "Colonies" to a separate Department of Commerce and the Colonies, under Goldberg.

⁴⁾ On his character compare Pirenne, *Histoire de Belgique VI*, p. 264 f. with Colenbrander, *Vestiging van het Koninkrijk (1813—1815)* p. 107 f. Colenbrander emphasizes the noteworthy fact that in a period in which the majority of the nation was filled with reactionary ideals it was especially the King who managed to push them forward in the long run, along with the real development of the times.

problems, following a policy of the "juste milieu" ¹⁾, and supporting, more than the merchant party of the North could approve, the interests of industry as well as those of commerce. Much had to be built up anew. The King understood that prosperity is not an object easily restored; but that it is something to be worked for by severe competition. He undertook this task with admirable energy.

His assistants in the administration were necessarily of a more flexible character than Van Hogendorp was or, by nature, could be. Falck, one of the coming men from the time of Louis Bonaparte's Kingdom, was General Secretary of State ²⁾, a function of central influence. Van Nagell was in charge of Foreign Affairs, succeeding Van Hogendorp after April 1814 ³⁾. He had been minister to England in the days of the Stadholder, before 1795, and had stayed at London till 1802, in close contact with the family of the Prince⁴⁾. He had since lived on his estate of Ampsen in Guelderland and was now again called to the government by William I. Being imbued with rather old-fashioned ideas he had a natural distaste for the century's liberalism. His views were widely different from those of Van Hogendorp. "His inclinations are decidedly aristocratic", was said of him in 1819 ⁵⁾, "but he conforms to the moderating policy which has been adopted in the organization and administration of this government".

The Dutch ambassador at London, Henry Fagel ⁶⁾, one of William's most valued officials, was also important in the treatment of foreign policy. He was an able man and strongly attached to the House of Orange.

It was the Earl of Clancarty, direct agent of Castlereagh ⁷⁾, who represented the British government in Holland. He had ac-

¹⁾ Groeneveld Meyer p. 40 f. Compare also Z. W. Sneller, *Economische en Sociale denkbeelden in Nederland in den aanvang der negentiende eeuw, 1814—1830*, (Haarlem 1922).

²⁾ Appointed December 31 1813.

³⁾ Appointed April 6 1814. Van Hogendorp became Vice-President of the Council of State.

⁴⁾ Colenbrander, *Willem I* p. 225.

⁵⁾ April 20 1819, Everett to Adams (*D. o. S. Desp. Neth.*).

⁶⁾ Appointed December 6 1813.

⁷⁾ C. K. Webster (in *The Cambridge History of British Foreign Policy*, I p. 462) describes him as follows: "The stiffest of Tories, and not too subtle or quickminded he was a conscientious and consistent subordinate, who could be trusted to carry out his chief's ideas".

accompanied the Prince when the latter crossed the North Sea to lead his country, and shortly after had been appointed Ambassador ¹). It was one of his most important tasks to keep up such intimate relations with Dutch affairs that Holland could be directed from London in the wake of British policy. Right after 1813 he seemed very likely to succeed herein; anglomania was generally manifested ²). From the first moment after he had arrived in the country, he was consulted even on internal questions of government ³). When the Prince of Orange landed ⁴) and when he became Sovereign of the country, the Earl was at his side ⁵). Van der Duyn van Maasdam, in charge of Foreign Affairs during the illness of Van Hogendorp in December 1813, agreed with Clancarty that they would disclose their official despatches to each other ⁶) in order to reach a better understanding of the respective policies; and with Van Hogendorp himself Clancarty, with perfect confidence, openly discussed the questions of the day ⁷). The Ambassador's opinion counted for as much as that of any member of the Cabinet.

For the first year the dependent position of the country made it absolutely necessary for the Dutch closely to follow British wishes. The decree of June 15, 1814 by which the Prince Sovereign abolished the slave trade in his possessions and for his subjects ⁸), for instance, is to be explained only by an acknowledgment of Clancarty's prompting on this point ⁹). The

¹) Renier p. 128.

²) Cf. Renier p. 189, quoting from a letter of the Czar's sister, March 1814.

³) Renier p. 142 (footnote).

⁴) On the way from Scheveningen to The Hague the Prince was seated next to the driver of the cart; Clancarty was in one of the backseats (J. C. Vermaas, *Geschiedenis van Scheveningen*, 1926, I p. 320).

⁵) In the procession of the Prince's entry into Amsterdam, where he was proclaimed Sovereign of the Netherlands, Clancarty rode in the same coach with him (H. Bosscha, *Geschiedenis der Staatsomwenteling in Nederland in het jaar 1813*, Amsterdam 1817, II p. 31; see also G. W. Chad, *A Narrative of the Late Revolution in Holland*, London 1814, p. 148).

⁶) Renier p. 144.

⁷) Dec. 26 1813 (R. A. B. Z. U. S. 1: bur. No. 19c): "Il m'a fait l'honneur de passer chez moi une heure et demie et nous nous sommes séparés extrêmement contents, en sorte, qu'il n'y a plus aucun doute, que nous vivrons dans la plus parfaite intelligence et dans une confiance sans bornes".

⁸) Lagemans I p. 16 No. 3. See below Chapter XVII, p. 330.

⁹) Its preamble gives as the reason for this act not the desirability of an abolishment of the traffic but the Sovereign's wish to meet the desires of the British government: "ne voulant négliger aucune occasion de donner à S. A. R. le Prince Régent du Royaume de la Grande Bretagne des preuves de Nos sentiments amicaux et de Notre empressement à seconder autant que possible ses vues".

British influence lasts during the entire period of our investigation; it remains clearly noticeable up to 1818¹⁾, until which year the instructions to every diplomatic representative of the Netherlands abroad maintained the special stipulation for his conduct, that "en particulier il entretiendra toujours les plus intimes, loyales et confidentielles communications et concert avec les Ministres de sa Majesté Britannique"²⁾. Although with King William an inclination soon arose to stress the independence of his country, at least in so far as this would not intrude upon its interests, several of his most influential officials were not at all willing to turn their backs upon London. Especially Van Nagell was noted for his submission to England. Foreign despatches of other powers continually complain about British preponderance over the Dutch policy. "Lord Clancarty influence tellement le Roi qu'il ne s'y passe rien sans son assentiment" is the report of an indignant Russian to Czar Alexander I³⁾ in 1817, the very year of the Dutch-American treaty negotiations⁴⁾.

Parallel with England's diplomatic influence upon the government of the Netherlands was her economic interest in its commercial policy. The country should be kept open to the wares of British industry and commerce which had been stored in the ports of England ever since the beginning of the firm execution of the Continental System. Great quantities of merchandise were now directed to Holland, where they were to find an additional market as well as an easy route for further conveyance to countries of Central Europe. By the low rate of her tariff duties on import and transit trade Holland was to become the cor-

¹⁾ See Posthumus' introduction to his publication of Documenten betreffende de buitenlandsche handelspolitiek van Nederland in de 19e Eeuw, I p. X. In II p. X he marks the year 1818 as the beginning of the decline of British preponderance.

²⁾ Instructions to Ten Cate, chargé d'affaires for the United States, Dec. 6 1815, and others (R. A. B. Z. Invent. No. 1743 "Instructiën"). It is interesting to compare the sentence above quoted with the instructions in 1796 to the Dutch minister to America, when France had obtained the lead in Holland: „Hij zal in het bijzonder goede correspondentie houden met den Minister van de Republicq van Vrankrijk, ten einde gezamenlijk bij alle voorkomende gelegenheden het belang der beide Republicqen te bevorderen" (R. A. Legation Archives America, Port. "R. G. van Polanen"; art. 22).

³⁾ Colenbrander, Gedenkstukken VIII 1815—1825, I No. 722, 723; also 710 etc.

⁴⁾ In 1819, April 20 (D. o. S. Desp. Neth. vol. 6), the American chargé d'affaires Everett is still highly impressed by the "quasi-independence" of Holland, and sneers: "It would seem that the great dignitaries of this country do not consider it inconsistent with a proper independence of character to take money of Great-Britain", hinting at Fagel (Cf. Van den Brink p. 25).

ridor for the flood of British articles to the Continent ¹).

For the first years this aim was fully realized. The tariffs were liberal indeed and the transit duties sufficiently low (3% since 1816). By March 14, 1815 the British government could be informed that "Rotterdam . . . has become the port of the Rhine and Meuse, and is the center of almost all the British trade with the countries on either river" ²).

In 1821 the American representative Everett observes the same situation ³):

"The commercial advantages afforded to the English by their influence in the North of Germany are also augmented and secured by the foundation of the Kingdom of the Netherlands, at least while it continues as it has been hitherto, in an economical point of view, merely a continental dependence of Great Britain. This circumstance . . . is certainly of the highest importance. While the possession of Hanover gives them the control of the channels of communication with the interior of the Continent, afforded by the Elbe and Weser, their influence in the Netherlands opens to them the still more important passage of the Rhine and its branches, and by means of them altogether they are able to throw their manufactures into Germany at discretion and to undersell the inhabitants in their own fairs and markets, as they have done in fact ever since the peace".

But also the Netherlands themselves were inundated by British manufactures, as is described more than once in 1816, '17 and '18 by the Prussian chargé d'affaires at The Hague⁴). In the fall of 1815 Eustis, the American minister, already noticed "the jealousy, and the spirit of dislike and of discontent" prevailing against both the commercial and political domination of Great Britain ⁵). The industry of Belgium especially was in danger of being paralysed, "by the interruption of a free intercourse with France and the encouragement given to the products of England

¹) Colenbrander, Gedenkstukken VIII (1815—1825) I Nos. 722, 723. Renier (p. 159) gives only slight attention to this commercial interest of England in the economic system of the Netherlands. Groeneveld Meyer (p. 124) mentions a request of the British merchants at Antwerp, transmitted May 8, 1817, by Clancarty to the Dutch government, in which a total abolition of the transit duties was asked.

²) Colenbrander, Gedenkstukken VII (1813—1815) No. 185.

³) Brussels, Jan. 21 1821, Everett to Adams (D. o. S. Desp. Neth. vol. 6c). The same views, with an accentuated anti-British inclination, are exposed in Everett's book "Europe" (Boston 1822), p. 240 and 366. See the author's article in *Tijdschrift voor Geschiedeni*, 49, p. 166 f.

⁴) Colenbrander, Gedenkstukken VIII (1815—1825) I p. 347, 356, 383, 384, 408.

⁵) Dec. 8 1815, Eustis to Monroe (D. o. S. Desp. Neth.).

under the present system" ¹⁾. Even in 1821 Southern malcontents accused King William's government of submitting to British pressure, which secured to English merchants the victory in the Dutch markets ²⁾. Also in the East Indies the trade of the British was preponderant; they managed to retain there the firm commercial footing which they had obtained during the preceding years.

But in the colonies as well as in the mother country the national interests called for protection, and in the long run obtained it. This leads us to a treatment of the various aspects of the commercial policy of the Dutch government in the years after 1813, and to a survey of the economic conditions from which they resulted.

"The old times will return", said the first proclamation of Holland's independence, November 1813 ³⁾. This represented a general desire. The majority of the people had waited submissively for a change for the better after the heavy blows which they had received in the period just ending. Consequently they understood the restoration as a return of former conditions; the past could only inspire hopes for the future.

The rise and thriving of commerce and trade had given Holland the world staple in her "golden age". Upon fleets from the Baltic and the Mediterranean and upon trade to the East and West Indies the famous wealth of the Dutch had been founded. Although the last years of the Old Republic had brought a heavy decline in this active dealing, consignments and commission business had permitted her to maintain the power of her central position in the international trade movement⁴⁾. The revolutionary years and the French period had destroyed much of the latter function of trade as well. But a general opening of the seas in 1814 still promised a rapid return to former prosperity.

The merchants of Amsterdam and Rotterdam retained for years the opinion that only a complete reestablishment of ancient conditions could restore to Holland her former place in the

¹⁾ April 20 1819, Everett to Adams (D. o. S. Desp. Neth.).

²⁾ Terlinden, *La politique économique de Guillaume I*, p. 18.

³⁾ „De oude tijden komen wederom”, Nov. 17 1813.

⁴⁾ A good general exposition of the staple trade: T. P. van der Kooy, *Hollands stapelmarkt en haar verval*, to which we refer for the following paragraphs also.

world¹⁾. In opposition to the tendencies of a Continental System which had so greatly damaged their welfare, they not only advocated free trade with all its consequences and the support of a central market as it had existed during the Republic in an age of mercantilism, but they also objected strongly to protection in favor of any other than commercial enterprise²⁾. Once a general commerce was established, the related trades of navigation, ship-building, etc. would thrive also, they reasoned, and industry would improve through a favorable abundance of raw material and the advantages of a wider market. Van Hogendorp's political action thus became a convinced, though not always a consistent, expression of the liberalism of Adam Smith³⁾. He overlooked for the Netherlands, however, that development of the world from 18th into 19th century conditions by which the country had lost most of its merchant marine and commercial connections to competing neighbors. The merchants overlooked the world power of British industry and trade, the growth of American navigation, and the new needs of a changed order. Not able to sense reality, they believed that the passive attractions of their central position would restore to them the conditions of the 18th century. There was the same retrospective spirit of an older generation, over-bridging the Napoleonic period, which is many times apparent in this Europe of the Congress of Vienna.

Every age in a nation's existence in which the general aspirations are founded upon expectations derived from an earlier prosperity proves by this very feature its lack of energy. The way back could not, for the Dutch, be a way out of the depression; this would have to be found in a different direction. Gradually the government of King William traced it out, as it became evident from conditions of economy. But it took several years before public opinion had grown up to the new situation. These years cover the period which is the subject of the present investigation.

¹⁾ In Rotterdam the author of the „Gedenkboek van de Kamer van Koophandel en Fabrieken, 1803—1918," (p. 139) notices a strong sentiment against dangerous novelties („gevaarlijke nieuwigheden").

See Colenbrander, *Gedenkstukken VIII 1815—1825 II No. 31, Febr. 1816*, Willink c.s. to the King; and Ten Cate's report of 1815, treated in chapter II, p. 37,38.

²⁾ W. L. Groeneveld Meyer, *De tariefwetgeving van het Koninkrijk der Nederlanden (1816—1819)*, p. 34, 35, 71, 156, etc.

³⁾ *Ibid.* p. 89 f. Van der Kooy p. 104.

The French régime had not been solely destructive; agriculture had thriven and a few new industries had been developed. New and younger people had been in leading positions under extraordinary conditions. New ideas had found expression. A certain receptiveness to modern times thus appears beside the still stronger desire for past prosperity. The mutual conflict of these attitudes is marked by the difference between two succeeding generations then in power. King William's reign gives frequent evidence of this contrast. The combination of persons whose careers dated from before the year 1795 with those whose careers began after it is an important factor in his government.

Especially the Southern Netherlands, a new addition to the Kingdom (Belgium today), showed a modern spirit ¹⁾. Having climbed no high peaks of prosperity in the near past, they could not easily go downhill. In the 17th and 18th centuries this country had been under the foreign powers of Spain and Austria; it had been cut off from the sea by the Dutch, who closed the Scheldt, and frequently used as the battlefield of Europe. Only towards the end of the latter century had its industry experienced a considerable rise through the active mercantilism of Maria Theresa's government and the heavy protectionism under Joseph II ²⁾. Both the linen and cotton manufactories of Flanders and the mining industries and metallurgy in the Southern and Eastern provinces had developed to exporting capacity under a decidedly capitalistic management ³⁾. They had been strongly supported in the next decades, after the annexation to France in 1795, by the extension of their markets throughout the French empire, by the heavy needs of Napoleon's army equipments, and by the protective effects of the Continental system against British importations. These hothouse conditions had nursed the young plant of Belgian manufacturing ⁴⁾, which was at the time the most modern industry of the continent.

Even the economic domination of the Dutch Republic had

¹⁾ See for the following paragraph: Groeneveld Meyer p. 22 f.

²⁾ H. van Houtte, *Histoire économique de la Belgique à la fin de l'ancien régime*, part I chapter III, and p. 318 f., 325 f.

³⁾ *Ibid.* p. 172 f., 252 f., 256.

⁴⁾ H. Pirenne, *Histoire de Belgique VI* (Bruxelles 1926) p. 163, 165. Ch. Terlinden, *La politique économique de Guillaume Ier, Roi des Pays-Bas, en Belgique, 1814—1830* (*Revue historique* 1922 tome 139), p. 9.

been partly overthrown in the second half of the 18th century ¹⁾. When Joseph II did not succeed in opening Antwerp to the sea, he created a harbor on the coast by fostering Ostend, which he made a free port in 1781. A neutral place, surrounded by belligerents during the war till 1783, Ostend had experienced a considerable movement of trade, receiving more than 2000 vessels annually ²⁾. But this foreign activity, which had left the Belgians themselves utterly passive, slowed down as soon as commerce regained its ordinary highways. Commercial connections with almost all parts of the world had been established in these promising years under Joseph's active economic policy. Also here the independence of the United States had raised the most exaggerated expectations ³⁾. Beelen Bertholff had been commissioned to Philadelphia in 1783 in order to establish official relations and commercial connections, and bulks of manufactures had been sent over to meet a demand which proved in fact illusory. A catastrophical end to these affairs ⁴⁾ had caused the destruction of all expectations for the future, as well as Beelen's final recall in 1790.

Although the Austrian régime had thus in the end brought a good deal of disillusionment, owing mostly to the secondary position of the Southern Netherlands in a political as well as in a commercial respect, nonetheless, the geographic situation and the growing industry of the country could not be denied. In the French period both were strongly accentuated. During the earlier part of the 18th century a system of roads and canals had already been started for the encouragement of the transit trade; low transit duties had attracted competition with Dutch business ⁵⁾. The harbor of Antwerp was improved under Napoleon's supervision ⁶⁾. It was physically one of the most favored natural outlets of the Western European plain; and it waited only to be entirely liberated to take up its function as such. The years

¹⁾ Van Houtte p. 269.

²⁾ Van Houtte p. 346 f., 350.

³⁾ Van Houtte p. 291 f., referring to his article in *Am. Hist. Review* XVI 1911: American commercial conditions and negotiations with Austria, 1783—1786.

⁴⁾ Several cargoes were reshipped to the firms who had sent them. In 1788, according to a report quoted by Van Houtte, p. 293, only about 8 vessels in all had arrived from Ostend in ports of the United States, i.e. on the average little more than 1 per annum.

⁵⁾ Van Houtte, part II chapter III.

⁶⁾ Pirenne l.c. p. 347.

after 1814 were to prove this by indisputable evidence; right after the opening of the port in 1815 an immense trade activity occurred ¹⁾. The Amsterdam merchants were indeed not unwise when for this reason they protested against the union with Belgium.

On the other hand, by the peace and the new conditions Southern industry lost at one stroke all the advantages through which it had developed and thrived, namely the wide market of the French empire and the complete exclusion of British competition.

The provisional tariff which the King introduced in these provinces on October 26, 1814, in expectation of a general tariff union for the entire Kingdom, presents consequently the two features of the Belgian economic system, namely a protection of industry, and a favoring of transit trade by the reinstatement of the old duty of 1 % ad valorem ²⁾. It will soon appear that both were more up to date at this time for the whole country than the conservative aspirations of commerce in the North.

After the restoration in 1813 the commercial policy of Holland remained uncertain during some time. Only provisional measures were taken for the regulation of economic life. By the decree of December 7, 1813 the tariff of 1725, with its successive amendments, was proclaimed to take the place of the French customs system ³⁾. Besides the old tariff of "convoy"- and "licence"-duties according to the list of July 31, 1725 ⁴⁾ as it had been in force before 1810, it enacted the navigation dues established on the same date. The rates of these duties were low and, for the period, of a liberal character. A law of June 25, 1814 temporarily lowered them still more ⁵⁾. Another law of December 1, 1814 abolished the so-called "veilgeld", an additional ad valorem duty of 2 % on imported and 1 % on exported mer-

¹⁾ Terlinden p. 10, gives the numbers of 3000 sea vessels entered at Antwerp in 1815 alone, 999 in 1817, 585 in 1818, increasing again in the twenties. Compare however Van den Brink, *Bijdrage tot de kennis van den economischen toestand van Nederland in de jaren 1813—1816*, p. 79.

²⁾ Groeneveld Meyer p. 34.

³⁾ Staatsblad No. 9. Groeneveld Meyer p. 21.

⁴⁾ Groot Placaatboek VI, p. 1365. "Convooyen & licenten" is the name of the import and export duties in the old Republic.

⁵⁾ Staatsblad No. 70.

chandise ¹⁾. Extra duties on American trade were repealed, May 1815 ²⁾. Free trade, which the Prince Sovereign had announced ³⁾ as his regular policy for the time being, had thus been introduced again.

It soon appeared, however, that new activity did not come of its own accord, and that the country had not been freed from its depressed state merely by proclaiming the old tariffs. Foreign markets attracted international commerce and foreign vessels performed the national intercourse with overseas countries; the importation of foreign merchandise menaced the Dutch industries. An active commercial policy and special aid in various instances were needed to revive economic life and to give it a basis of competing power. The government enforced this by gradual steps, hesitatingly at first, but afterwards consistently. The policy which it adopted up till 1820 has been discussed in our time with different degrees of appreciation by various writers on economic history ⁴⁾. They do not agree as to whether the new and general tariff law finally adopted on October 3, 1816 for the whole Kingdom of the Netherlands ⁵⁾ was of a free-trade or of a protectionist nature. The opinions are dependent upon the points of view of the respective observers. No unanimity exists, consequently, about just what qualification this tariff deserves. In general it was a compromise between the opposing interests of merchants and of manufacturers, of the Northern and of the Southern provinces ⁶⁾. Whereas to the latter it was an almost ruinous abandonment of protection, to the North it meant a marked step toward it. A law of March 8, 1818 effected the next raising of duties, a concession again to Southern industry ⁷⁾, which was now being choked as well by the prohibitive tariffs of France as by the flood of British manufactures coming in ⁸⁾.

¹⁾ Staatsblad No. 109.

²⁾ See chapter IX.

³⁾ Decree of March 2 1814 (Staatsblad No. 32). Cf. Posthumus, Documenten I p. XVII.

⁴⁾ The best treatise is that by Groeneveld Meyer, quoted before.

⁵⁾ Staatsblad No. 53.

⁶⁾ "L'un attaché au passé, l'autre orienté vers l'avenir", as Pirenne characterizes them (l.c. p. 317).

⁷⁾ Groeneveld Meyer chapter III. Staatsblad No. 10.

⁸⁾ See the amounts for 1814—1816 quoted by Van den Brink p. 46 f. They show the enormous quantity of cotton goods in this importation.

Dutch navigation, besides, was in a feeble state. It had lost its competing power in the 18th century and suffered badly in the French period; most vessels had been captured or become obsolete. Wages were high, freights expensive. Shipbuilding was much depressed by the high price of material and was unable to recover through lack of demand ¹). The ship-owners preferred foreign-built vessels, but even so the merchants themselves preferred to ship under foreign flags because of the cheaper freight rates. Especially in the big trade of trans-oceanic intercourse were the Dutch completely ousted ²). It needed a lifetime of rebuilding and support by a careful governmental policy before these lines would again be able to stand competition. For the period of our investigation some regulatory attempts in this direction will be duly dealt with. They foreshadow only the final discriminative protection adopted in the years after 1820. The same tendency appears also in the colonial policy, where a first display of liberalism was soon abandoned for a discriminating treatment of the national enterprise ³).

The new Kingdom was thus forced into an avowed, though moderate, mercantilistic policy by the interests of her citizens and by outside circumstances. It was a direct result of the general trend of international commercial policy and of the change in the country's economic habitude at this stage ⁴).

The decay which had set in at the end of the Dutch Republic continued under the Kingdom of the Netherlands. Also in this respect was the 18th century prolonged into the 19th. The

¹) Van Hogendorp's report (Bijdragen I p. 179 f.) of Nov. 1816 on the state of ship-building yards in North Holland compares the contemporary conditions with those of 1780:

Amsterdam:	in 1780	43 yards with 2500 carpenters,	in 1816	35 with 1000 c.
Hoorn:	„ „	8 „	„ „	1
Enkhuizen:	„ „	4 „	„ „	2
Zaandam:	„ „	25 „	„ „	1
Friesland:	„ „	40 „	„ „	16

Z. W. Sneller, *De toestand der nijverheid te Amsterdam en Rotterdam volgens de enquête van 1816* (in *Bijdr. voor Vaderl. geschied. en oudheidkunde*, 6e reeks vol. III, p. 149), mentions 44 yards for Amsterdam with 400 employees in 1816, and 6 for Rotterdam with about 200.

²) Several memoranda on this head will be treated in our chapter which discusses the relations of commerce and navigation with the United States, XX.

³) See Chapter X.

⁴) See Groeneveld Meyer's conclusion p. 156 f.; Van Mansvelt, *Geschiedenis van de Nederlandsche Handel-maatschappij*, I p. 6, 38 f.; Van der Kooy, chapters III, V.

European situation had shown since the preceding century a strong development of the individual states as economic units of commercial and industrial activity. More than before each country, following the principles of mercantilism, was anxious to be self-supporting and to provide for its own needs to the possible exclusion of foreign enterprise. The borders were closed to imported manufactures by efficient tariff systems, and foreign trade was no longer welcome; a national commerce was to establish direct connections for the necessary overseas imports; colonies were occupied and monopolized. Dutch trade, which had developed in the 16th and 17th centuries as a welcome intermediary to the exchange needs of other nations, suffered most from this change of policy. A staple market such as Amsterdam had been, where world commerce concentrated, became more and more obsolete. As an international intermediary between other countries was no longer so much needed, commission business, previously highly developed by the functions of the so-called "second hand" dealers, was also on the decline ¹⁾. For what remained of a general staple trade London had come ahead through the sequence of events which had shut off continental Western Europe from the rest of the world for two decades; by its colonial and American connections it attracted also other kinds of commerce, even the Rhine trade, which went in transit through the Netherlands, past Amsterdam ²⁾. Much of the intercourse with the United States was directed only via England ³⁾. Moreover, the Hanseatic cities, just as well situated as Holland, proved formidable competitors; during the French period, when Holland had been excluded from her intermediating function for Germany and the Baltic, they had utilized the trade ways and secrets formerly monopolized by the Dutch ⁴⁾.

All through the 18th century the commercial activity of Hamburg had been increasing parallel with the constant decline

¹⁾ Groeneveld Meyer p. 14 f.; Van Mansvelt I p. 35; P. J. Bouman, Rotterdam en het Duitse achterland 1831—1851, p. 5 f. The "second hand" performed the intermediary function between the importing sea merchants and the next demand either at home or elsewhere. Cf. Colenbrander, Gedenkstukken VIII 1815—1825 II No. 31, Febr. 1816, Willink c.s. to the King.

²⁾ Stated in a pamphlet of 1819: *Nederlands oudste en latere zeehandel, bovenal de tegenwoordige, bevattelijk geschetst . . .* (Leyden 1819), p. 23.

³⁾ See Chapter II.

⁴⁾ Groeneveld Meyer p. 17.

of the Netherlands ¹⁾. Ever since the United States had become independent this port and Bremen had hindered the Dutch in their American relations ²⁾. During the years that Holland had been involved in the revolutionary and Napoleonic wars their neutral trade had thriven to the detriment of Dutch commerce. They had conducted the trade of central Europe by importing the national produce and colonial reëxportations of the United States, and by shipping there the articles, manufactures and ironware, of German industry ³⁾. They had directed the exchange of Silesian linens ⁴⁾ for American coffee ⁵⁾. At Hamburg Americans had bought hemp and sail-cloth, and products from the Baltic for their shipbuilding industries ⁶⁾. Thus these cities had rapidly taken over a valuable part of the functions which had formerly belonged to Holland, and had surpassed the latter between 1795 and 1802. The peace of Amiens had only partly and for a short period deprived them of their advantages. But the British blockade of the Elb and Weser, which continued from 1806 on, with few interruptions, had terminated their active business ⁷⁾. It was followed, on the part of the French, by occupation of the Hanseatic cities in the fall of 1806, and by annexation at the end of 1810, with a strict execution of the Continental System ⁸⁾. Although a good deal of German overseas trade continued to exist in the form of smuggling via the more Northern neutral ports of Schleswig and Holstein ⁹⁾, and although Hamburg commercial houses and merchant vessels continued to

¹⁾ Baasch, *Holländische Wirtschaftsgeschichte* p. 302—303, 357.

²⁾ Van Winter I p. 127 f.; II p. 68, 77 f. etc. See his statistical tables in II p. 58, 71, 72, 74, 90, 113, 116. They clearly show the mutual relation of the two respective trade movements, by the phenomenon that large amounts of merchandise on one side in these years appear simultaneously with small ones on the other.

³⁾ H. Wätjen, *Aus der Frühzeit des Nord-Atlantik-Verkehrs*, p. 6 f. A survey in Pitkin (1835) p. 236, 237.

⁴⁾ On the linens trade Van Mechelen, *Zeevaart en zeehandel van Rotterdam, 1813—1830*, p. 183.

⁵⁾ See the footnote (13) to our statistical table in chapter II, sub: coffee, U.S. → Holland.

⁶⁾ Baasch, *Beiträge zur Geschichte der Handelsbeziehungen zwischen Hamburg und Amerika* (1892), p. 84, 85 f.

⁷⁾ Clauder p. 57 f., 103, 111. To the partial advantage again of Dutch transit trade. Colenbrander, *Gedenkstukken V II* p. 676, 1808 Gogel: „Consideratiën over het toestaan van de transitovaart naar Noord-Amerika”.

⁸⁾ On this subject: Walther Vogel, *Die Hansestädte und die Kontinentalsperre* (1913).

⁹⁾ In 1809 alone 119 American vessels entered at Tonningen. Vogel p. 36. Compare Clauder p. 159 f.

partake of this trade to a considerable extent ¹⁾, the present situation had ruined most of the prosperity previously acquired²⁾. After the liberation in 1814, however, the open seas promised a quick revival along with the general development of these cities, as well as of German economic life as a whole. A contemporary statement ³⁾ of the numbers of vessels entered yields the following comparative table:

	at Amsterdam	at Hamburg
1814	1454 vessels	
1815	2293 „	1345 vessels
1816	2563 „	1975 „
1817	3077 „	1760 „
1818	1759 „	1863 „

The prejudicial influence of Hamburg commerce was frequently complained of at Amsterdam ⁴⁾. It involved for the Dutch a heavy competition in the hinterland trade of Central Europe ⁵⁾.

Even in their most passive state of commercial life the ports of Holland, like those of Belgium, had always enjoyed the advantages of their geographic situation. All through the French period a trade in German articles, as soon as not wholly forbidden, had been performed through the most natural trade routes of the Rhine and the Meuse down to the sea. With the continued decline of world staple transactions and the rise of German industry, especially in the Rhineland, this transit was developing rapidly after 1813 into one of the most important economic functions of the Netherlands ⁶⁾. It was encouraged on the other side by Great Britain for a conveyance of her manufactures to the interior of the continent. As we stated before, the Southern Provinces had for a long time been aware of the importance of

¹⁾ Baasch l.c. p. 91, Vogel p. 24 etc.

²⁾ Vogel p. 57 f. In 1816 only one third of Hamburg's shipping tonnage was left, since 1798.

³⁾ „Onpartijdige beschouwing van den toestand des koophandels binnen de Vereenigde Nederlanden, in brieven” (by Van Hall, Amsterdam 1819) p. 161, 165. Compare however Van den Brink p. 74. For a further comparison of Dutch and Hanseatic shipping in the relations with America after 1814, see below chapter XX, p. 359.

⁴⁾ For instance Colenbrander, Gedenkstukken VIII, III p. 296, 300, Jan. 19 1819 and Jan. 27 1820, H. J. Swarth to Van Hogendorp.

⁵⁾ Even at Curaçoa in 1818 Silesian linens coming from Hamburg and Bremen were preferred to those imported via Holland, as being at least 10% lower in price than the latter (Onpartijdige beschouwing, etc., quoted in the preceding footnote, p. 141).

⁶⁾ See in general: Van Mechelen p. 50 etc.; Bouman chapter II.

this, though passive, trade for the forwarding business which it brought with it. But Northern conservatism, used to more active dealing, needed several years effectively to realize the economic necessity of attracting, even if not through Dutch commercial intermediation, the transit trade between the Ocean and Central Europe. The Dutch Republic had never had special transit duties. In order not to prejudice her staple commerce the goods had always been subject to the ordinary import *and* export duties when going in transit through the country ¹⁾. Only in 1797 was a special tariff system established for this trade; beginning with 1802 the duty had been made equal with the highest rate of either import or export due ²⁾.

The various tariffs of the years after 1813 elucidate clearly the different economic aspirations of the Southern and Northern Netherlands. Whereas Belgium accentuated its transit functions for the overland and Scheldt trade through the country by reinforcing in October 1814, as we have seen, the rate of 1 % ad valorem, Holland lowered her transit duties only for the sake of competition with Antwerp. The rates of 1802 were provisionally halved and fixed at 50 % of the import or export duty on the article in question ³⁾. Heavy discussions then produced a stipulation in the general tariff law of 1816 which made the transit duty equal to import or export duty but not exceeding a rate of 3 % ad valorem ⁴⁾. Like the whole tariff, this particular stipulation also is to be considered a compromise between the interests of the home staple market and those of the forwarding business in the transit trade. For the Northern economy the rate was in general too low, for the Southern system it was too high. Renewed discussions in 1817/18 ⁵⁾, ending in the law of March 6, 1818 ⁶⁾, caused a slight raising of the duties for a few special articles, but they show at the same time an increasing acknowledgment of the importance of this transit trade for the Northern provinces also. Especially at Rotterdam the forwarding business was

¹⁾ Van der Kooy p. 58.

²⁾ Ibid. p. 108 f.

³⁾ Dec. 1 1814 (Staatsblad No. 109). Groeneveld Meyer p. 21, 102. Verviers, De Nederlandsche handelspolitiek, p. 298 f.

⁴⁾ Groeneveld Meyer p. 100 f., 105 f. Wichers' well-considered project had fixed the maximum rate at 2%.

⁵⁾ Ibid. p. 124 f., 129.

⁶⁾ Staatsblad No. 10.

strongly developing ¹⁾; it involved a general increase of economic activity in the country. Even Van Hogendorp was inclined in these years to admit this ²⁾, concluding that the transit trade could not be made to revert to active commerce.

The transit business was mostly passive. It conveyed commerce through the country instead of preserving this for the national enterprise. Rotterdam gained the most from it, Antwerp a good deal. In both ports a good many foreign agents settled down to promote missionary relations and forwarding affairs. Amsterdam profited least; its market was rapidly declining. The highly developed staple business apparatus, which had specialized in active commerce and commission trade ³⁾, became too large for the demand momentarily encountered. The process of retrenching was accompanied by heavy disillusionment and bitter complaints. A mere opening of the sea and of the old conditions could not, it appeared, accomplish a revival of ancient activity ⁴⁾. Van Hogendorp had not foreseen this in 1813; but the sea-trading firms and commission merchants, as well as their background of "second hand" dealers, duly experienced it. The port no longer attracted the bulks of cargoes and vessels; nor consequently did it offer return freights of sufficient capacity and diversity to satisfy a high class foreign demand. Even Rotterdam and Antwerp, the national rivals, appeared to surpass it in various branches ⁵⁾.

The Amsterdam case became a question of national concern. What Holland needs, writes Van den Bosch in 1818 ⁶⁾ — in

¹⁾ Bouman p. 8 etc. Of 1353 vessels which visited this port, more than 1000 were from England (Van den Brink p. 79).

²⁾ Groeneveld Meyer p. 134. Van der Kooy p. 112.

³⁾ A good exposition of its organisation in Van der Kooy p. 16 f.

⁴⁾ Although a report from the Department of Foreign Affairs to the King for his Message at the adjournment of the States-General, Oct. 20 1815 (R. A. Coll. Goldberg Port. 205), considered conditions still promising for a revival: all products of the world pass again through our markets!

⁵⁾ Rotterdam obtained a valuable trade in colonial produce, especially in tobacco and coffee, and the Antwerp market, which developed quickly, had soon surpassed the others for hides from the West Indies and South America (Van Mechelen p. 181 f., 185 f.).

⁶⁾ J. van den Bosch, *Nederlandsche bezittingen in Azia, Amerika en Afrika* (1818) II p. 308: „Wanneer echter de voortbrengselen onzer Bezittingen geregeld naar onze markt worden overgebracht en de opgeslagen voorraad dier produkten aan de markt van *Engeland* zal verminderd zijn, — dan voorzeker mogten wij den vreemdeling weder aan de onze verwachten, tot inkoop van goederen gelijk de specerijen enzv., die hij dan voortaan nergens elders uit de eerste hand bekomen kan; . . . Dan ook zal hij in ruiling zijne waaren uit de eerste hand ons toevoeren, en zoo zal *Nederland* andermaals eene der aanzienlijkste markten van *Europa* worden, waar eene goede sortering van alle goederen te vinden is”.

almost exact repetition of what Ten Cate had written three years earlier ¹⁾ —, is a stock of first hand export articles, and he pleads, therefore, for an exclusive colonial trade for the mother country. The colonies alone provide export articles of weight; if these arrive in Europe solely on the Dutch markets, foreigners will be compelled to obtain them in the Netherlands, and will bring their own produce in return. Only then, he contends, will the country be in a position to become once more a market place for Europe. Part of his scheme was carried into effect later on by the Dutch Trading Society, founded in 1824. For the time being the position of the Dutch in their colonies was not sufficiently strong to admit of an execution of his mercantilistic scheme.

At the same time, however, England furnished the great example, in these days, of industry, by its domestic exports, serving the interests of commerce and trade. King William's government conceived from this the vital needs of the economic system of his country. He responded to the call of (Southern) industrial interests by undertaking the establishment of a solid national export industry. It was to form the basis of an active local trade ²⁾ which might then bring in its train the conditions for a general staple market as sketched by Van den Bosch. For the moment however the direct interests of the staple market and the ideal of Holland's international intermediary function — implying an extremely vulnerable position — were given up for the more immediate aim of national economic welfare.

Among a great many measures of a more or less opportune character this avowed support of national enterprise became the main tendency of the Dutch commercial policy. The tariff of 1816 contained the first steps in this direction. The preceding demands of (Northern) commerce were no longer generally heeded therein; but the national production received protection. It showed the system of a mercantilist rather than that of a liberal free-trader ³⁾. At the same time the government paved the way for the Dutch carrying trade by measures in favor of the merchant marine and by the foundation of companies chartered for special branches. The premature tea trade company

¹⁾ See chapter II p. 38.

²⁾ „Eigen handel”. Cf. Terlinden l.c. p. 12.

³⁾ Cf. I. J. Brugmans, *De economische politiek van Koning Willem I*, in *Bijdragen voor Vaderlandsche geschiedenis en oudheidkunde*, 6e reeks, vol. X p. 1 f.

of 1815 ¹⁾ was the first and the Dutch Trading Society of 1824 was the most important result of this policy.

The policy of King William I was, as has been suggested ²⁾, a mere continuation of tendencies of protectionism which already in the 18th century had begun to be effective owing to the needs of the changed international situation. The years after 1820 furnish frequent evidence that it worked well. Even commerce, after the adjusting effects of the crisis of 1818, was living up to the new conditions, although less international in bearing than it had been in the former centuries.

All of the governmental measures tended to drive away foreign competition, on the home markets as well as in the colonial empire and in world trade. It proved to be, at this juncture, a better imitation of the example set by England than that which Van Hogendorp advocated ³⁾. But the British themselves and the Americans — both peoples which had heavily extended their commercial connections in the preceding years — felt their interests very strongly attacked by it. The controversies which resulted therefrom form the most important subject of Dutch foreign policy in these decades ⁴⁾.

¹⁾ See chapter XIX.

²⁾ N. W. Posthumus, *Het internationale element in de handelspolitiek van Nederland (1922)*, p. 16; cf. Verviers p. 168, 278.

³⁾ Van Hogendorp's insistence upon a free trade policy in favor of commerce mostly followed Adam Smith's theories and was connected with the rising movement of liberalism which was occurring simultaneously in England. The inauguration of the British free trade régime in the twenties was based, however, upon the demands of the modern industry previously founded which had become in need of new export possibilities. (See Georges Weill, *L'éveil des nationalités et le mouvement libéral, 1815—1848*, Paris 1930, p. 301.) No analogy with the situation in the Netherlands is to be drawn therefrom, since Dutch industries were still in too infant a state to bear comparison with the British industries. Only when the national economic life had been sufficiently rebuilt under the cares of protection could an avowed free trade policy again be afforded.

⁴⁾ A survey in De Vries, *Geschiedenis van de handelspolitieke betrekkingen tusschen Nederland en Engeland in de negentiende eeuw (1814—1872)*, chapters I and II, for the British; in Hoekstra en Kloos, l.c., for the American relations.

IV. THE UNITED STATES, AND THEIR RELATIONS WITH GREAT BRITAIN

THE WAR OF 1812—1814. — SUBMISSIVE POLICY OF THE DUTCH WITH RESPECT TO THE BRITISH BLOCKADE OF THE AMERICAN COAST. — THE RESTORATION OF PEACE, 1814. — THE DEVELOPMENT OF AMERICAN COMMERCE, NAVIGATION AND INDUSTRY PRIOR TO 1814. — ECONOMIC CONDITIONS AND COMMERCIAL POLICY OF THE UNITED STATES AFTER 1815

Aside from her continental warfare against Napoleon England was involved in 1813—'14 in a war with the United States. This had broken out in the summer of 1812¹⁾ as a consequence of the European contest, evolving from controversies over the conditions of neutral trade and the belligerent right of search as exercised by Great Britain. Much irritation had arisen in the United States over Britain's paper blockade and the practice she had adopted of impressing for service in the Royal Navy American seamen found on merchant vessels under search for contraband, on suspicion of their being British subjects. Since American naturalization brought no protection and as the language provided no proofs of nationality, this claim of Great Britain, of the right to dispose of her subjects for military purposes, had given rise to a great deal of arbitrariness and injustice, and of usurpation of the neutral rights of Americans²⁾.

Nevertheless the main cause of the present war had lain in a heavy antagonism between the British and the Americans in the centre of the North American continent. The real "war-hawks" were people from the West. They roused a hostile spirit against

¹⁾ A valuable account of the political side of this war from the British point of view, in *The Cambridge history of British foreign policy*, vol. I, 1783—1815, Chapter V by C. K. Webster: *The American war and the treaty of Ghent, 1814*.

²⁾ An exposition of this controversy in S. E. Morison, *The Oxford history of the United States* (1927), I p. 256 f.

British expansion from Canada, which threatened the extension of their own settlements in these regions, as well as against the arbitrariness evinced by the British domination of the ocean, as will be more fully explained below. It was *they* who had made the dispute on maritime questions a motive for the declaration of war, whereas the Ocean states of the North East, whose trade was directly concerned in these questions, had strongly protested against this act ¹⁾.

The party in office, the Republicans, had thus been led by its Western element to adopt the purpose, which was after all a matter of general concern to the United States, of stemming British colonial influence in the hinterland where this menaced the natural national expansion. Their opponents accused them of submission to Napoleon, but without reason. The grounds of the war lay not in sympathy for France but in antagonism towards Great Britain. Although inserted more than once as a secondary factor in the European controversy, this antagonism belonged to the Western hemisphere alone ²⁾. In order fully to understand it we must view it apart from the decisive events happening at the same time on the continent of Europe. The attitudes of both the British and the American governments prove this clearly.

For the United States the essential and all-important object of this war was that it should prove to their people and to the hostile ex-mother-country, as well as to all the rest of the world besides, that after thirty years of independent existence the American nation was able to resist the forces of Britain without needing the assistance of foreign powers; that it could maintain its position by itself. The political situation was particularly favorable to this object. It prevented other European countries from partaking in the contest ³⁾; at the same time it forced the main part of England's attention away, to the problems on the Continent. The latter circumstance proved extremely fortunate; for, although carried on mostly on their own ground, the war was very badly directed on the part of the Americans also. William Eustis, Secretary of War, appeared to be incapable of sound leadership

¹⁾ Clauder p. 238 f. Cf. Julius W. Pratt: James Monroe, Secretary of State, p. 233.

²⁾ Only this perception may account for the fact that the war was declared on Great Britain, and not on France.

³⁾ The United States refrained from any closer relation with France (Updyke, The diplomacy of the war of 1812, p. 144).

and resigned his office soon after the enthusiastic beginning had met with its first disappointments. Moreover a steadfast internal opposition was maintained against the administration by the Federalist party, mainly in New England, who let no occasion pass without showing their non-concurring spirit ¹⁾. These states, the most English of the Union, had always regarded Britain as different from the other European nations. The days of Hamilton were not yet far in the past. England, if not politically, then by spiritual and cultural affinity, was still to them the old mother country ²⁾. Napoleon's tyranny, a constant topic among the American public, was most vehemently detested in these states. Besides, the war became highly prejudicial to their navigation and commerce ³⁾, especially when in 1814 the European peace was restored, offering new opportunities for their trade, but at the same time enabling the enemy to choke this entirely.

Whereas Great Britain had hitherto regarded the American war as a minor affair and had been carrying it on very ineffectively, the final defeat of Napoleon enabled her to give it more than slight attention ⁴⁾. Both parties had alternatively had success on their side. In 1814, however, it became possible to direct new British army forces to the United States and to take firmer measures. The paper blockade of the American Atlantic ports was now made effective. On the 25th of April Sir Alexander Cochrane, Commander-in-chief of the British naval forces off the American coast, issued a proclamation ⁵⁾ declaring the coast of the United States "to be in a state of strict . . . blockade" from

¹⁾ Morison p. 284 f., Pratt p. 223.

²⁾ Compare a contemporary description of American life, by le Chevalier Félix de Beaujour: *Aperçu des Etats-Unis, au commencement du XIXe siècle, depuis 1800 jusqu'en 1810 . . .*, Paris 1814, p. 208: "Les Américains sont encore anglais dans la plupart de leurs habitudes". Même langage, "mêmes lois, mêmes usages, mêmes moeurs." . . . "De-là leur penchant aveugle pour les Anglais". — This spiritual connection was mutual, although shown by Great Britain in a different attitude. We find the Dutch ambassador at London, on Jan. 9 1818, writing home to Van Nagell on the subject of the President's Annual Message: "Les relations de tout genre qui existent entre ce pays-ci et l'Amérique Unie sont si étroites que ce Document annuel cause toujours ici une assez grande sensation". (R. A. B. Z. Inv. B I London embassy, Letter-book No. 28.)

³⁾ As Webster, l.c. p. 527, briefly states: "The commercial states, who had most to lose from the war, were mainly Federalists, and were, moreover, bound to England by greater ties of affection and community of outlook than the other portions of the United States".

⁴⁾ Webster p. 523, 529.

⁵⁾ R. A. B. Z. 1: bur. I. S. No. 413, Exh. 9 June 1814, encl.

Maine to New Orleans which was to be maintained "in the most rigorous and effective manner". This measure was executed with firm consequence; more than ever the United States were shut off from the sea ¹⁾. Neutrals were warned, by another proclamation, against attempts to break through ²⁾. When the new Dutch minister arrived off the coast of Massachusetts in July 1814, only a permit for landing furnished by the British navy authorities enabled him to reach Boston. At New York trade was paralysed; stores of flour, rice, cotton, tobacco, lumber were accumulating in crowded ware-houses and ships lay waiting in the harbor for a chance to run the blockade ³⁾. Few managed to escape the British watches.

The attitude of the Dutch government with regard to this blockade clearly reflected its dependent position. Already at the end of December Clancarty had stated to Van Hogendorp that it was not the wish of Great Britain to exclude the Dutch from free commercial intercourse with the still unblockaded ports of the United States ⁴⁾. She would not in any respect involve Holland in her American war. Some days earlier, however, Castlereagh had informed Fagel that trade-restrictions, originating with the war situation, were likely to be put upon all foreign commercial intercourse of the United States, and that the Dutch trade of course could not be excepted ⁵⁾. On the 31st of May next the Corps diplomatique at London received official notification that the blockade had been proclaimed ⁶⁾; and "that all the measures authorised by the Law of Nations will be adopted and executed to all vessels attempting to violate the said blockade" ⁷⁾. On the 5th of June, the secretary of the British embassy at the Hague transmitted the same to Van Nagell, with the request to

¹⁾ John B. McMaster, A history of the people of the United States . . . IV p. 130.

²⁾ McMaster p. 230.

³⁾ McMaster p. 252, 253, 320.

⁴⁾ Dec. 29 1813, Clancarty to Castlereagh, F. O. 37/65. Hoekstra p. 111.

⁵⁾ R. A. B. Z. 1: bur. I. S. 1813 No. 4: London Dec. 19 1813, Fagel to Van der Duyn: "Lord Castlereagh m'a aussi prié de vous faire observer, que malgré la bonne volonté qu'on manifeste ici pour ne *gêner* en rien le retablissement de nos relations avec l'Amérique Unie, il est cependant clair, que de l'état de guerre dans lequel ce pays-ci se trouve avec l'Amérique, doivent nécessairement résulter des entraves au commerce des deux nations, qui sont inévitables tant que la guerre dure . . .". The same in Van Hogendorp, Brieven en Gedenkschriften V p. 209.

⁶⁾ Ibid. No. 413, London June 3 1814, Fagel to Van Nagell.

⁷⁾ Ibid. enclosure.

give it as much publicity as possible ¹⁾, and on the 6th, accordingly, a circular from the Department of Foreign Relations to the Dutch Chambers of Commerce informed them of its contents, in order that the inhabitants be advised carefully to beware of damages resulting from shipments to the coast of North America ²⁾).

The words used in this circular do not contain anything beyond a mere warning; their tenor is in no way prohibitive. The practice adopted by the Dutch government, however, had a different effect. The customs-officers and bureaus appear to have been instructed to refuse the delivery of clearance-papers to vessels or goods destined for the United States; and the American consul, Bourne, asking information from the Department of Foreign Affairs ³⁾, received the short and significant reply: "Monsieur, La Grande Bretagne aiant déclaré blocqués tous les Ports des Etats Unis d'Amérique, Il en résulte qu'il n'y a plus d'expéditions vers ces Ports". Indignant, and therefore not avoiding exaggeration, he writes home ⁴⁾: "The Govt. of this country has formally issued its orders to the Customhouse prohibitive of the clearances of vessels or merchandize to the United States in consequence of the British blockade of the ports of the United States. This measure is certainly unfriendly towards our country; I believe unprecedented in its kind — as I do not recollect to have heard that neutral nations were accustomed in this manner to subscribe to the blockades of belligerents under any circumstances: the usual practice has been to advise their citizens or subjects of the fact of a blockade leaving it to their choice to assume the risks involved therein or not". He realized from the situation of the country, however, how this should be understood and, having no instructions, did not enter an official protest.

By this attitude of Holland the United States learned for the first time in 1814 how Dutch policy had changed as a result of her dependence upon the favor of Great Britain. British wishes were now observed as eagerly as the Americans had known them to be resisted in the preceding century.

¹⁾ R. A. B. Z. 2: bur. I. S. 1814 No. 609.

²⁾ R. A. B. Z. 2: bur. U. S. 1814 No. 383, June 6. — Zwart, *De Kamer van Koophandel en Fabrieken te Amsterdam, 1811—1911*, p. 62.

³⁾ R. A. B. Z. 2: bur. I. S. 1814 No. 1000, Bourne to Van Nagell, Aug. 19.

⁴⁾ D. o. S. Consular Desp. Amsterdam, Sept. 20 1814.

The American government experienced this not without bitterness. The blockade, though much sharpened, was not found in practice to be effective for all ports of the United States. Although the provisions of international law were by no means generally agreed upon, at the time, the principle that a blockade need be observed only when actually and firmly carried into effect was yet recognized by all ¹⁾. The treaty of 1782 between the United States and the Netherlands had stipulated this principle most clearly ²⁾. And the British paper blockade of the European continent against Napoleon, necessitated by extraordinary circumstances, was an *avowed* infringement of the rights of neutrals ³⁾.

According to this notion of international law the neutral Dutch government had neither reason nor right to observe in advance the consequences of a blockade proclamation, before there was sufficient evidence that this blockade was being maintained with effective results. The present case was equivalent to that treated in Vattel's book on the law of nations, the work on international law "most commonly resorted to in practical diplomacy" at that period, according to John Q. Adams ⁴⁾. In a paragraph about the

¹⁾ E.g. G. F. de Martens, *Précis du droit des gens moderne de l'Europe fondé sur les traités et l'usage* (Goettingen 1801 2d. ed.) § 314: "Quant au point important du commerce en tems de guerre, une puissance belligérante peut . . . défendre tout commerce vers une place, forteresse, port ou camp ennemi qu'elle tient tellement bloqué ou assiégé qu'elle se voit en état d'en empêcher l'entrée". "Mais la loi naturelle n'autorise point les puissances belligérantes de défendre en général aux neutres le commerce avec l'ennemi . . .". The 3d edition (Göttingen 1821) adds a footnote after the first sentence saying: "C'est à quoi la loi naturelle semble borner le droit d'une nation belligérante sur le fait du blocus; une simple déclaration . . . ne peut pas . . . suffire pour imposer la loi aux nations neutres . . .".

In the same sense a case was decided in 1804 by a United States court, under the following opinion, that "the entry of a neutral, after being warned, [is not] a breach of his neutrality, if blockading force be not before the port" (quoted in Jon. Elliot's *American diplomatic code, 1778—1834*, II p. 295 No. 238).

²⁾ For the treaty see chapter V. Article 24 stipulates that all goods may be transported in perfect liberty from and to places belonging to the enemy, "excepting only the places, which, at the same time, shall be besieged, blocked or invested; and those places only shall be held for such, which are surrounded nearly, by some of the belligerent power".

A project treaty draughted by the Dutch government in preparation of negotiations with the United States in 1817 (See chapter XII) contains the stipulation, Art. 15 sub a (*Ec. Hist. Jaarb.* I p. 225): "Seront réputés bloqués les ports, rades, rivières, baies etc. qui sont réellement investis par des vaisseaux de guerre".

³⁾ In 1803 Great Britain had declared "that no blockade would be legal, which was not supported by an adequate force, and that the blockades which it might institute should be supported by an adequate force". (Quoted by Updyke l.c. p. 149 f.)

⁴⁾ Dec. 25 1816, Adams to Chr. Hughes (Writings VI).

rights of trade of neutral nations Vattel observes ¹⁾: „Si elles affectaient de ne me vendre aucun article, en prenant des mesures pour les porter en abondance à mon ennemi, dans la vue manifeste de le favoriser, cette partialité les tirerait de la neutralité”. According to this authoritative quotation the disfavoring attitude of Holland appears to have displayed so much unfriendliness towards the United States as to infringe her neutral position. She had not awaited the practical effects of the blockade proclamation; but had tamely submitted to the British desires and adopted a course which meant in effect a prohibition of the American trade to her subjects.

At the back of all this lay another point of international law. The Dutch-American treaty of 1782 had expressed the rightness of the principle of “free ship free goods” for a mutual intercourse between the two parties in time of war. But that principle had never been recognized by Great-Britain, whose navy confiscated all merchandise belonging to subjects of the enemy even when found on board neutral merchant vessels. In this complicated situation the question of a renewal of American trade by the Dutch left three courses for the Netherlands government to follow: (*a*) to submit completely to the British rule and infringe the old treaty with the United States; (*b*) to enforce vigorously the principle of “free ship free goods” by protecting the cargoes of national merchantmen against all belligerent confiscation; (*c*) to forbid to Dutch subjects all trade with the United States. The second of these courses would have assured to American merchants a safe conveyance of their merchandise. Consul Bourne, supported by suggestions from the merchants of Amsterdam, had already mentioned the possibilities of a neutral trade, profitable on both sides, to be carried on by Dutch vessels between the United States and Europe ²⁾. It was out of the question, however, that Holland could have assured the necessary protection to her merchant marine in the face of the British navy forces. The first course would have meant an open avowal of

¹⁾ E. de Vattel, *Le droit des gens, ou principes de la loi naturelle, appliqués à la conduite et aux affaires des nations et des souverains*, book III chapter VII § 111. (Contemporary editions: Lyon 1802, Paris 1820. English translation: 4th ed. London 1811.)

²⁾ Dec. 23 and 27 1813, Bourne to the Secretary of State (D. o. S. Cons. Desp. Amsterdam).

dependence and have removed even the appearance of neutrality from the Dutch policy; on the other hand it would not in any case have induced American merchants to ship their articles, thus liable to confiscation, in Dutch vessels. Only the third course suited the cautious attitude of a dependent power and was therefore pursued ¹⁾. The presumed effectiveness of the blockade served the government as an argument, though a fairly unsatisfactory one, for explaining this step.

Whether the course of the Dutch government was actually influenced by a hint from London or merely resulted from the general cautious policy of the Netherlands remains uncertain. From an historical point of view it may easily be excused by the domination of Great Britain over the fate and welfare of the country. The United States government were right, however, when they considered it an act of unfairness towards them as a friendly nation. They refrained from diplomatic protests against such partiality and they never afterwards referred to it in their official relations with the Netherlands ²⁾. But a feeling of resentment persisted among them for several years in consequence of this incident ³⁾.

One result of the British blockade — fairly effective, especially on the Central and Northern coast, as it proved to be — was a growing desire on the American side for a termination of the war. It concurred with the depressed financial state of the country as well as with the reestablishment of peace in Europe, which communicated a new stimulus to commercial interests. Almost all countries except England could be expected to open their ports

¹⁾ See Chapter XIV p. 289 f., where the reasons for this course are more fully discussed.

²⁾ The President considered the desirability of acquainting with it the minister sent out to Holland, in 1815: "It may be proper also that he should be apprized of the conscientiousness of the Gov^a. Prince to the British Government in forbidding Dutch vessels to sail for the U. S. as being under a blockade, and of the light in which that fact was viewed here" (March 27 1815, Madison to Monroe, L. o. C. Monroe Papers XV). But this suggestion was not given effect.

³⁾ Compare Adams' exaggerating words (Nov. 6 1817, to Richard Rush, Writings VI): "The maritime nations were . . . so subservient to her [Great Britain's] domination, that in the kingdom of the Netherlands a clearance was actually refused to vessels from thence to a port in the United States, on the avowed ground that their whole coast had been declared by Great Britain to be in a state of blockade; while the British commerce upon every sea was writhing under the torture inflicted by our armed vessels and privateers, issuing from the ports thus pretended to be in blockade".

again to American commerce. Likewise in America expectations had arisen that neutral flags would soon be seen in the harbors again and make possible at least a passive trade for the American merchants¹⁾. On March 31, 1814, while the war was in full swing, the President had recommended to Congress that commerce and trade with nations at peace with the United States should be restored by a repeal of the restrictions formerly enacted against them in consequence of their alliance with France²⁾. And the House Committee on foreign relations, considering that "at present a prospect exists of an extended commercial intercourse with them, highly important to both parties, and which, it may be presumed, they will find an equal interest and disposition to promote", and that "it will considerably augment the publick revenue, and thereby maintain the publick credit"³⁾, and would promote the circulation of American produce, had strongly urged an Act to this effect. At the same time however the observance of the British blockade wholly prevented the enjoyment of these promising prospects.

In economic as well as in other respects this war had become a nuisance. It had never been popular anyway. It had soon been proved that the nation was able, if not to dictate peace at Quebec, then at least to resist the British colonial powers in the interior. Moreover the peace in Europe rendered all previous points of irritation obsolete; only the impressment question remained unsolved from a theoretical point of view. In fact, already by 1813 American peace commissioners had been sent over to Europe⁴⁾.

At the same time the government of England was equally in favor of terminating a war which had become as expensive as it was unsatisfactory. The British people, burdened by the heavy costs of long and extensive warfare, longed for peace and for a restoration of orderly conditions to their commerce and industry. Consequently the same Cabinet meeting at London, December 26, 1813, which had made a decision about the Netherlands, decided: "Great Britain to declare her readiness, should a general

¹⁾ See p. 5 and 69.

²⁾ Wait's State Papers, 2d. ed. (Boston 1817), vol. IX p. 305.

³⁾ Ibid. p. 306.

⁴⁾ Updyke p. 146 f.

peace [in Europe] be signed, to sign a separate peace with the United States of America . . . ”¹⁾.

Castlereagh's attitude in respect to the United States was lenient and reasonable²⁾; from the beginning of the war he was disposed to show a spirit of goodwill and a readiness for settling the controversy. But his established British ideas did not dispose him to consent to treating the American nation jointly and upon the same footing with European countries. There was no sense in denying that the United States were independent. But American questions were still considered as belonging under domestic (colonial) affairs³⁾ rather than under foreign relations; this was entailed by the nature of their trade as well as by their neighborhood to Canada and the West-Indies. The motives for warfare, furthermore, had originated in private disputes between the two parties, in which third powers could not be expected or permitted to be interested. The question of maritime rights struck at the very foundation of Britain's supremacy of the ocean; it could not be submitted to the intervention of any party without infringing upon the high rights of British sovereignty. She refused to be interfered with in her American, domestic policy⁴⁾. These affairs, the continental and the American, were held separate; only in England herself — and to a very small extent in her relation with Holland, as will appear below, — did they meet. When, therefore, in 1813 the czar of Russia offered his mediation for peace⁵⁾,

¹⁾ Colenbrander, Gedenkstukken VII, 1813—1815, No. 12.

²⁾ Webster, British foreign policy I p. 394, ascribes to him a “sense of reality and a certain broadness of view which few of his Tory contemporaries possessed”. Cf. Webster, The foreign policy of Castlereagh, 1815—1822, p. 437; Dexter Perkins, John Quincy Adams, Secretary of State, p. 88.

³⁾ Webster, British foreign policy I p. 531.

⁴⁾ Updyke p. 157 f. For instance July 14 1813, Castlereagh to Cathcart: “It is of great importance to strip any negotiation between America and us even of the *appearance* of foreign intervention”. (British diplomacy 1813—1815, ed. by Webster, p. 14.)

⁵⁾ The grounds which led Russia to make this offer are viewed differently by different writers. Some understand it to follow from fears that, if no peace were concluded, England would defeat her competitor and maritime rival, and become the absolute master of the ocean. It was the Russian commercial interest to promote a reestablishment of peace which would open the trade of both powers. A contemporary opinion of the Dutch minister in America e.g. (Oct. 23 1814, R. A. B. Z. 1: bur. I. S. 1814 No. 782) observes as follows the Russian attitude: “il est certain que cet Empire souffrant infiniment par l'interruption de son commerce directe avec l'Amérique qui dans ces derniers tems avait été porté à une grande latitude, doit désirer instamment la paix et croira devoir user de toute son influence pour en provoquer la conclusion”.

Most modern historians however, see it as an expression of the wish to enable England to devote all her attention to the war against Napoleon (Pratt l.c. p. 266), and to pre-

planning a conference at Gothenburg, it was, though accepted by the United States, rejected outright by the British government. The latter was equally decided upon refusing any discussion of the American question in the general congress of European powers that was to be held at Vienna in the ensuing year ¹⁾. The negotiations finally entered upon at Ghent ²⁾ between the American and British commissioners had nothing to do, in a direct sense, with the diplomatic conferences going on in other parts of Europe at the same time.

On the 24th of December 1814 a treaty of peace was concluded which settled almost nothing, but was "a diplomatic defeat", as Webster calls it ³⁾, of the British negotiators. So little satisfaction had this war given to either party that the termination of it met with expressions of joy and relief in both countries ⁴⁾. Especially the merchants were delighted. The blockade was lifted. The bulk of British articles which had been stored in the warehouses could now flood the United States; and the ocean was again open to American exports and commercial enterprise.

In order to understand the trends of American economic life in the years after the Peace of Ghent we must survey its development during the preceding decade.

Navigation and the shipping trade ⁵⁾ had grown rapidly in consequence of the almost continuous hostilities between France and Great Britain. The enormous contest of commercial warfare of these two powers had left to the United States the function of

vent an alliance between the United States and France (J. C. Hildt, *Early diplomatic negotiations of the United States with Russia*, Chapter IV, *The Russian offer of mediation*, and p. 193). Cf. also B. P. Thomas, *Russo-American relations 1815—1867*, p. 11 f. The best account is given by Updyke l.c. p. 143 f.

¹⁾ W. Dökert, *Die englische Politik auf dem Wiener Kongress*, p. 69. Cf. Castle-reagh's correspondence as published in: *British diplomacy 1813—1815* (select documents ed. by C. K. Webster), p. 9 f., 14, 16, 31 f.

²⁾ Before they started Gallatin, one of the American commissioners, tried another interview with Czar Alexander, "who told him he could give no help. 'England will not admit a third party to interfere in her disputes with you' and he intimated that this was on account of 'the former Colonial relations'." (Webster in *British foreign policy I* p. 534; quoted from the *Diary of James Gallatin*, A great peace-maker, p. 25.)

³⁾ *Ibid.* p. 535.

⁴⁾ *Ibid.* p. 523, 542. Updyke p. 363 f.

⁵⁾ A survey in E. R. Johnson et al., *History of domestic and foreign commerce of the United States*, II p. 14—30. A good recent treatise: Anna C. Clauder, *American commerce as affected by the wars of the French revolution and Napoleon, 1793—1812* (1932).

meeting the exchange needs of almost all foreign nations. The commercial relations with the Netherlands in this situation have been described in our second chapter. American merchants had taken up many of the services performed by the Dutch themselves in earlier centuries, and had become the trade carriers of the world, in heavy competition with the established British supremacy of the ocean. Owing to their almost unique position as a neutral maritime nation they had been admitted eagerly to all ports — neutral, belligerent or colonial — where because ordinary commercial intercourse had been checked merchandise lay stored for transportation or demands for import articles waited to be satisfied. They established the connections of colonial trade between France, Spain, Holland and their respective possessions, separated as these were by British naval forces. The Indies, East and West, all the French ¹⁾ and most of the British colonies had been opened by force to their vessels, for the sake of provisions and for exportation of the colonial products. The latter were taken by them to the European markets, either directly or indirectly via the United States — in order to neutralize the voyage and cargo ²⁾ — and, usually very much in demand, were sold at high prices.

What meant commercial ruin to the European merchant and shipowner thus became a source of great profit to American enterprise. A contemporary communication describes this as follows:

“C'est avec une extrême habileté que les négocians Américains ont su profiter de leur neutralité; leur prodigieuse activité, la hardiesse de leurs Navigateurs, la perfection de leurs batimens fins voiliers, la nécessité où s'est trouvée l'Angleterre de les admettre à partager le commerce des deux Indes, tout a concouru à les rendre pour un tems les seuls possesseurs du commerce interlope entre les Puissances belligérantes” ³⁾.

Another Dutch contemporary report ⁴⁾ states: „Le commerce et la

¹⁾ In 1793 the National Convention had declared the ports of the French colonies open to American vessels upon the same conditions as the national navigation (Clauder p. 28).

²⁾ This accounts for the enormous amounts of so-called “foreign exports”, entitled to drawback of duties, in the statistical quotations of the period (Cf. Heckscher l.c. p. 104, 107). A valuable account of this trade in Clauder p. 67 f., 79 f., 132 f. Cf. our chapter II.

³⁾ Report from the Dutch legation in the United States, Aug. 12 1815 (R. A. B. Z. 2: bur. I. S. 1815 No. 1545), published in Econ. Hist. Jaarboek I p. 210 f.

⁴⁾ Aug. 7 1810, by Gogel, minister of the finances (Colenbrander, Gedenkstukken VI, 1810—1813 II No. 1691).

navigation des Américains portait aux marchés d'Europe les produits de son propre territoire, les café, sucre et autres objets de l'île de Java, les thés de Chine, les cafés et sucres de Saint Domingue, les produits du Brésil, de la Havane et autres possessions espagnoles, . . . et enfin tout ce que le commerce d'échange ou même de contrebande lui faisait parvenir des colonies anglaises dans les deux Indes".

The main part of capital and enterprise and of economic life in general, apart from agriculture, was almost monopolized in the United States during these years by shipbuilding, the carrying trade, overseas commerce, foreign import and export. In 1807, 92 % of the total value and tonnage of foreign trade was conducted under the American flag ¹⁾. It was mainly British shipping which was supplanted ²⁾. More than ever the country carried on continuous exchange with other parts of the world; it exported its bulky articles of domestic agriculture and forestry and imported colonial produce and European manufactures. This accentuated the American dependence upon foreign industry; or rather, upon the industrial predominance of Great Britain alone, by the long credit through which her merchants maintained their hold on American consumption ³⁾. It prolonged into the 19th century the "colonial" economic system which the War of Independence had not broken up.

At the end of 1807 a great change was effected. Whereas earlier a neutral trade, especially to the continent of Western Europe, then occupied by France and her allies, had been, though reluctantly, admitted by the belligerents ⁴⁾, the aggravated hostilities now resulted in heavy retaliations ⁵⁾. The Berlin and Milan decrees of Napoleon (1806, 1807) closed the Continent to all intercourse with and all goods from Great Britain, whereas England proclaimed a blockade of the coasts under French power and influence except for neutral vessels clearing from a British port under certain regulations (Order in Council of Nov.

¹⁾ Keiler p. 36, Johnson et al. p. 28, 29: In 1807 the deep sea tonnage of the American flag was greater than it was in 1907.

²⁾ Clauder p. 25.

³⁾ Buck l.c. p. 112 f. The ordinary credit given was 12 months and more, "from crop to crop". The accumulated capital of Great Britain enabled her merchants more easily than those of any other country to grant this.

⁴⁾ Acknowledged for instance in the so-called Fox blockade, of May 16 1806, by which Great Britain admitted under limitations neutral trade on the North sea (Clauder p. 58, 90).

⁵⁾ Cf. Clauder p. 92 f.

11, 1807 ¹⁾). Jointly these measures of the belligerents excluded the neutral trade entirely. They tended even to force those neutrals who would not retire from the scene to take part in the controversy for the protection of their interests. The United States experienced this and tried in vain to withdraw. American merchants who suffered heavy vexations, frequent seizure of vessels and sequestration of cargoes, preferred to stand the risks for the sake of the rich profits which a successful disposal of their wares would yield. On both sides the gaps in the prohibitive systems were many, and an extensive smuggling trade was incessantly carried on. Besides, they moved their ports of debarkation gradually more eastward to regions where the British blockade did not apply and Napoleon's long arm did not reach, to Holstein, Schleswig (Tonningen) and later on to the Baltic. From there their importations reached the markets in Central and even in Western Europe. President Jefferson wanted nonetheless to avoid the dangers of European intricacies, for the sake of political independence as well as for what he considered to be the interests of commerce. And Congress decided, accordingly, in the Embargo Act of December 22, 1807, to secure these interests completely by forbidding all foreign trade by the United States. The Act kept all vessels inside; it tended to choke trade in order the better to protect it, said the merchants, who therefore violated it whenever they could ²⁾).

Although both belligerents moderated their blockades to some extent by a license system which left certain possibilities to neutral trade, and although the Embargo was replaced in March 1809 by a Non-Intercourse Act prohibiting intercourse only with France and Great Britain — which incidentally gave rise to an unprecedented liveliness of American trade in the neutral Northern European ports, in the Baltic and Russia, and even in the White Sea at Archangel ³⁾ —, the situation still hampered American commercial activity so much that all the statistics show a sudden fall in 1808 and a continued decline in the ensuing years ⁴⁾).

¹⁾ Clauder p. 116.

²⁾ Clauder p. 134 f.

³⁾ Clauder p. 159 f., 188 f., 217 f. In 1811 139 American vessels visited the port of Cronstadt alone.

⁴⁾ See the table in Chapter II; Pitkin passim (graphic charts of American exports of coffee, sugar, cocoa and pepper in Clauder p. 73, 74).

Overseas trade proved to be too vital an interest in the United States for it to be completely checked or left unprotected. This meant however, that by 1810 the United States had become definitively entangled in the European controversy ¹⁾. An active policy could no longer be avoided ²⁾. A wave, especially in the South and West, of Republican indignation over the continuous offences perpetrated on the neutral rights and the national honor was directed, through the deceitful policy of Napoleon about the repeal of his decrees, against Great Britain's arbitrariness alone ³⁾ and finally led the United States into the war of 1812. It was deeply regretted by a great Federalist minority of merchants and shipping interests, who heretofore had had nothing but gain from the profitable aspects of neutrality. Henceforward the British navy vessels on the high seas and the final blockade of the American coast were as ruinous to commerce and trade as the preceding Embargo had been ⁴⁾. In 1814 the total tonnage employed was only one tenth of what it had been in 1807, and almost one half of it was carried by foreign flags ⁵⁾. Apart from exceptional clearances or entries commerce and shipping trade were dead, or waiting.

American industry, on the other hand, derived from this situation, which tended to an exclusion of foreign imports, from 1808 to 1814, the most efficient protective conditions ⁶⁾. The same circumstances which almost starved Europe and made American foodstuffs accumulate in their seaports caused Britain to swell with manufactures and forced the United States to turn to their home industry for the production of these wares. No efficient legislative aid had ever been accorded to it before, tariff acts having been primarily intended to raise national revenue. This situation meant, therefore, the first actual protection which industry had ever received against the influx of British merchandise; besides, the war caused a sudden demand for textiles and

¹⁾ The Macon bill of May 1810 was a sure sign hereof.

²⁾ For a detailed exposition of the pre-war diplomacy we refer again to Clauder, Chapters VI, VII and VIII.

³⁾ By a reestablishment in February 1811 of the Non-Intercourse with Great Britain, which had been repealed together with that with France in May 1810. It aimed at a repeal of the Orders in Council.

⁴⁾ Cf. Keiler p. 44 f.

⁵⁾ Pitkin (1835) p. 363.

⁶⁾ Cf. Johnson et al. p. 15.

ammunition. The manufactures of cottons and woollens, of iron, glass, pottery, etc., rose up everywhere¹⁾. Thus, as a unique neutrality, determined by external political conditions, had brought the great rise of commerce and trade, once more external circumstances, namely the embargo and the British war, now forced the United States towards industrial development and economic independence. This was one of the most important results of the "second war of independence"²⁾ and therefore, retrospectively, one of its justifications. The war maintained the cause of the United States against the power which was their most feared rival on the ocean and on the continent of North America, and it freed them from the domination which this power had from of old exercised upon a considerable part of their economic existence. Thus it appears that the demands of the war party had been more "modern" in stressing the needs of the general national welfare than had been the opposing neutrality platform of the Federalists in favor of the special interest of an extraordinary commerce.

By accentuating the new tendencies developing in the United States the British war ushered in a new era of American history. At the same time it marks the end of the Napoleonic period, which had been so extremely favorable to all features of American economy. The establishment of general peace in the world in 1815 restored ordinary conditions as they had been in the 18th century. It did away with the special advantages to American trade by a general backsliding of the nations into mercantilistic systems and discriminative policies with regard to all foreign enterprise.

The United States started with an energetic resumption of the export business and overseas commerce. The produce of two harvests had been stored in anticipation of peace. Vessels in the ports of New York, Boston, Philadelphia, Baltimore, Charleston, Savannah and New Orleans had been loaded for expedition³⁾.

¹⁾ Taussig (8th. ed.) p. 17. Cf. W. Smart, *Economic annals of the nineteenth century I, 1801—1820*, (London 1910) p. 495.

²⁾ Victor S. Clark, in his able *History of Manufactures in the United States I (1929)* p. 234, contends that 1815 rather than the American revolution was a landmark in the development of industrial history.

³⁾ Johnson et al. p. 33.

They now poured out their cargoes on Europe ¹). At the same time a contraflood of British manufactures came in, almost drowning American industry ²), which soon started crying for protection. It was but one portion of this bulk that reached the United States; others portions were, in the mean time, streaming into Europe. The whole ended in a crash, on both sides of the Atlantic, the panic and crisis of 1818 and 1819 ³).

In the course of the years around 1820 (1815—1825) the material change in the economic system of the United States continued. As Europe was again competing in foreign markets and putting heavy restrictions on American trade with her colonies, a part of the attention of the nation was forced away from navigation and commerce to the interior of their own continent ⁴). The American System was proclaimed. Domestic industry was duly protected and in the Middle West the settlement of the Mississippi valley disclosed an enormous field for agricultural activity. Foreign affairs were no longer a predominant factor in the government of the Union. Commerce, while remaining an important interest, was equalled in time by industry and the Western movement.

A contemporary report, drawn up in Holland, gives the following interesting illustration of the American economic situation:

“The enormous richness of produce, from agriculture, from the vast woods, and from the fisheries, of the United States of North America

¹) McMaster IV p. 321. The monthly export-average reached 5 millions of dollars; even in the great years before 1808 it had not been more than 4 millions.

²) A. Gallatin to Eustis: “We have been overwhelmed with importations of foreign linens and cloth and cotton goods to the destruction of many of our own new manufactures” (Oct. 9 1817, L. o. C. Eustis Papers).

³) A recent social study of this depression in *The American Historical Review* of Oct. 1933, vol. 39 p. 28 f., by Samuel Rezneck.

⁴) Cleverly noticed by Bourne, the consul at Amsterdam, in 1816: “the peculiar state of Europe, for many years amid disorder and convulsions, gave to the U. States an undue and extraordinary share of the trade of the world and naturally brought forward into the commercial line a much greater number of persons and amount of capital than can possibly be employed to advantage in ordinary times and when our trade is reduced to its integral portion in the general commerce of Nations of course many in the commercial community *must* retire from the scene that offers no further employ for their talents or money, and turn their views to other occupations. This is a process however that requires time and will inevitably incur great losses and sufferings; but the aggregate view of the U. States in all branches of industry and means of employ which lead to the happiness and prosperity of a nation has to me nothing in it of a desponding character” (D. o. S. Cons. Desp. Amsterdam).

Niles' constant advice to the American people was, writes Stone (Hezekiah Niles as an economist, p. 114), “to found a home market and to forego the uncertainty of European trade”.

enable these to keep a favorable balance of trade; whereas industry increases continuously, so that imports of goods from foreign factories and manufactures are diminishing more and more. The Southern States, e.g. Louisiana, Georgia, the two Carolina's, produce manifold articles specific to warmer regions, for example sugar, cotton, indigo, etc. The states farther North, like Virginia and Maryland, produce tobacco, in demand everywhere, and besides this they are rich in cereals, which also form the most important article of the Northern states. Furthermore forests give wood and pearl- and potashes in abundance, and peck and tar; the iron mines are worked industriously. What are still lacking, and therefore are imported from elsewhere, are largely articles of luxury and taste, finer manufactures of wool, cotton and silk, fine linens, etc. These articles are mostly imported from England and France; the linens however, come from Ireland and Germany" ¹⁾).

Both branches of business which had developed in the preceding period, the shipping trade and industry, received protection according to their wants. As in the Netherlands, however, a certain preparation of mind was necessary to obtain this. Only in the 1820ies did it reach full realization. From the high rate of wages and the high cost of living in general in America industry offered only a weak resistance to the British competition of cheap manufactures. All of a sudden it was deprived of its hothouse situation after the peace and started a general movement for protection ²⁾). During the war the duties on imports had been doubled

¹⁾ Translated from memoranda to a treaty-project (in Dutch) drawn up at the end of the year 1815 (R. A. Coll. Goldberg No. 210). See p. 245.

²⁾ Taussig, *The Tariff history of the United States* (8th ed. 1931, p. 17 f., 68 f.), places the starting point of the protective movement in the years after 1819, in consequence of the crisis: "After the crash of 1819 a movement in favor of protection set in, which was backed by a strong popular feeling such as had been absent in the earlier years", etc. Since the tariff of 1816 had only the temporary purpose of meeting the after-war conditions, he places it in a series of earlier legislation. He agrees, however, that it does in a way reflect the spirit of a new attitude. Although intended to be of a provisional nature, — to aid the country in financial-fiscal, but also in commercial, respects through the painful situation resulting from the aftermath of the war —, its provisions were continued and emphasized by the succeeding tariff acts of 1818, 1824, 1828, 1832. Industry, deprived of its wartime protection, needed more than temporary aid to enable it to exist. Already in the beginning of 1816 Niles in his *Weekly Register* demanded the adoption of consistent protection to manufactures (Stone l.c. p. 62). Not the crash of 1819 was the real cause of the protective movement, therefore, but the industrial development during the Napoleonic period, and the political events which had brought about a change of conditions in 1815. The question at what time this movement became conscious with the people, is of relative, not of principal value. The provisional act of 1816 is but a natural connection between the restrictions which had hatched industry and the general demand for protection which found expression after these restrictions had fallen away, or rather after their falling away had proved, by the crisis of 1819, to be detrimental to the welfare of the country. As such the act belonged to a new period of economic ideas.

Cf. Edward Stanwood's clever work, *American tariff controversies in the nineteenth*

for the sake of revenue for the national treasury ¹⁾. The duration of this exceptional tariff had been limited to one year after the conclusion of peace ²⁾. A preliminary tariff-act of April 27, 1816 reëstablished the pre-war duties at a slightly higher rate, with the purpose of backing the national industries of iron, woollen and cotton manufactures. As it proved insufficient ³⁾, these branches obtained an increase of protection by a special Act of April 1818 ⁴⁾. But only in 1824 did a new tariff of generally higher rates finally replace the old one.

Commerce and navigation, on the other hand, wanted the restoration, after the peace, of a still earlier stage of economic activity, namely of the situation before 1807 when they had thriven by the openness of almost all foreign ports. The American merchant marine was at the pinnacle of its capacity and demanded to be admitted only on the footing of reciprocal advantages in order to be able to compete. Upon its instigation the government adopted in the foreign relations a reciprocity policy which would tend to equalize for Americans and foreigners the conditions of trade. This principle of trade reciprocity became for two decades one of the most important preoccupations of American foreign policy. To understand it will be one of the main objects of the present study.

century (Boston-New York 1903, 2 vols.), chapters V, VI, who contends (p. 6) that the same statesmen who had led the United States into the British war, Clay and Calhoun, now urged a continuation of the wartime tendencies by securing to the nation a perfect economic independence.

¹⁾ The customs provided in 1812 80% of the federal revenue. See Stanwood p. 163 footnote.

²⁾ Stanwood p. 138.

³⁾ Stanwood p. 155 f. Cf. Stone p. 64 f.; this tariff, said Niles, was only an acknowledgement of the principle of protection (p. 71).

⁴⁾ Stanwood p. 175 f. Taussig p. 24, 51.

V. THE TREATY OF 1782

THE CONTENTS OF THE TREATY. — WAS IT IN FORCE DURING
THE YEARS FROM 1813 TO 1818?

Since 1782 the basis of Dutch-American political intercourse had been the treaty of amity and commerce concluded on October 8th of that year between the States-General of the United Netherlands and the United States of America, represented by their envoy and minister plenipotentiary John Adams. This was the second treaty which the American belligerent states had concluded with a foreign power. The first one, made in 1778 with France in connection with a treaty of alliance against Great Britain ¹⁾, had obtained in many respects the virtue of a precedent. It is the first open denial of the principle that overseas countries had to be governed from Europe. As such it had for the first time formally expressed most of the motives of American foreign policy, laid down in 1776 by a committee of the Congress in a general plan of treaties ²⁾. An important part of it was a new regulation of the rights of neutrals, which proclaimed, in opposition to the British rules of 1756, the most liberal principles for neutral trade: e.g. that free ships would make free goods. The French treaty had thus become a true example for all subsequent treaty negotiations of the United States. Also the Dutch convention followed its provisions closely. The project treaty which Adams offered on April 22, 1782 to the government at The Hague had been forwarded to him with his instructions from home. It had been drawn up according to the same general plan; and the treaty finally concluded, though amended at

¹⁾ See for instance: The treaties of 1778 and allied documents, edited by G. Chinard (Baltimore 1928).

²⁾ On the merits of the preamble to the treaty see chapter IX.

several points during the conferences of negotiation, did not deviate materially from this ¹⁾).

The treaty did *not* create an alliance between both parties in their respective British wars ²⁾. Although some articles ³⁾ allude to, and provide for, the possibility of a common enemy, none refers to the *existing* war situation. The interests by which the treaty was dictated were of a less temporary nature. The object had been, as stated in Adams' instructions, a convention of amity and commerce. By the very fact of its conclusion the recognition by the Netherlands of the United States as an equal and independent nation ⁴⁾ was of course once more, but implicitly, avowed. The treaty as such, however, was void of political concerns.

Adams' correspondence ⁵⁾ communicates no details of the negotiations, and does not enable us therefore to learn the special motives which led the parties to adopt each stipulation ⁶⁾. But the preamble of the treaty gives clear evidence of the general principles upon which it was founded ⁷⁾:

¹⁾ Ratifications were exchanged on June 23 1783. For the progress of the negotiations see Edler p. 230, 231, and Van Wijk, p. 168—173.

²⁾ Although it should be noticed that such an alliance, including France, had been resolved upon in the Congress of the United States, Aug. 16 1781 (The revolutionary diplomatic correspondence IV p. 636), and proposed on the Dutch side in the province of Friesland (Edler p. 223, Van Wijk p. 156, De Jong Hzn. p. 462).

³⁾ E.g. art. 5; in articles 8 and 10 the word "Confederate" (Dutch: *bondgenoot*; French translation: *allié*) is used in the sense of "one of the contracting parties". The same occurs in the Swedish-American treaty of amity and commerce of April 3 1783 (art. 17).

⁴⁾ By admitting the American diplomatic representative in his official character of minister plenipotentiary, April 19 1782 (Edler p. 225—228, Van Wijk p. 161—164). See p. 16.

⁵⁾ The works of John Adams, ed. by his grandson Charles Francis Adams; neither Adams' diary (vol. III) nor his correspondence (vol. VII) during the months of negotiation give information about the contents of the conferences. In his report home he explains his intention *not* to send with the treaty copy all documents concerning the material progress of the negotiations. They "make a large bundle, and after all, they contain nothing worth transmitting to Congress. To copy them would be an immense labor to no purpose, and to send the originals at once, would expose them to loss" (Oct. 8 1782, to Livingston). *Ibid.* VII p. 646; The revolutionary diplomatic correspondence of the United States (ed. Wharton) V p. 804; The diplomatic correspondence of the American Revolution (ed. Sparks) VI p. 432. Neither of the latter publications gives more extensive information.

⁶⁾ The Dutch archives have not been investigated for this purpose. A survey based upon the contents of the secret resolutions of the States General may be found in E. J. Kiehl, *Ons verdrag met Amerika* ('s-Gravenhage 1863), p. 26.

⁷⁾ The treaty is to be found in W. M. MALLOY, *Treaties, Conventions . . . between the United States of America and other powers, 1776—1909*. 2 vols. Washington 1910 (60th Congress, 2d Session, Senate document, 357); in *Treaties and other international*

Their High Mightinesses the States General of the United Netherlands, and the United States of America . . . , desiring to ascertain, *in a permanent and equitable manner*¹⁾, the rules to be observed, relative to the commerce and correspondence which they intend to establish, between their respective states, countries and inhabitants, have judged, that the said end cannot be better obtained than by establishing *the most perfect equality and reciprocity*¹⁾, for the basis of their agreement and by avoiding all those burthensome preferences, which are usually the sources of debate, embarrassment and discontent; by leaving also each party at liberty to make respecting commerce and navigation, such ulterious regulations as it shall find most convenient to itself; and by founding the advantages of commerce, solely, upon reciprocal utility, and the just rules of free intercourse: reserving withall, to each party the liberty of admitting at its pleasure other nations to a participation of the same advantages.

From this it appears that the treaty was intended to be a *permanent* and settled relationship between the two parties, and it explains the fact that no stipulation was made about its termination or duration²⁾. The regulation of their mutual relations for the future had been the purpose with which the parties concluded it. They found no reasons for not believing in the permanence of their attitude or of the desirability of this instrument. Besides, the nature of its contents was not really such as to admit fears of unpleasant, unexpected consequences.

Further consideration of the above quotation explains that the so called "most perfect equality and reciprocity" in regard to mutual relations were judged to be inherent in the respective policies of the parties. Both expressed these in the spirit of the period by stipulating a most-favored-nation treatment. Articles 1, 2 and 3 are:

ARTICLE 1: There shall be a firm, inviolable and universal peace and sincere friendship between their High Mightinesses, the Lords the States-General of the United Netherlands and the United States of America; and between the subjects and inhabitants of the said parties, and between the countries, islands, cities and places, situated under the jurisdiction of the said United Netherlands and the said United-States of America, their subjects and inhabitants, of every degree, without exception of persons or places.

acts of the United States of America, ed. by HUNTER MILLER (Washington 1931), vol. II; in G. F. DE MARTENS, etc.: *Recueil des traités des puissances et états de l'Europe 1761—1900*, 2d ed., vol. III. Further in Kiehl p. 28 etc.; and in *Nieuwe Nederlandsche Jaerboeken*, 1782 p. 1161—1180.

¹⁾ The italics are mine.

²⁾ The French preamble used exactly the same terms. But these were confirmed by the words in Art. 1 that "the terms herein after mentioned shall be perpetual".

ARTICLE 2: The subjects of the said States-General of the United Netherlands shall pay in the ports, havens, roads, countries, islands, cities or places, of the United-States of America or any of them, no other nor greater duties or imposts of whatever nature or denomination they may be, than those which the nations, the most favoured are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce, which the said nations do or shall enjoy, whether, in passing from one port to another in the said states, or in going from any of those ports to any foreign port of the world, or from any foreign port of the world to any of those ports.

ARTICLE 3: The subjects and inhabitants of the said United States of America shall pay in the ports, havens, roads, countries, islands, cities or places of the said United Netherlands or any of them, no other nor greater duties or imposts of what ever nature or denomination they may be, than those which the nations the most favoured are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce, which the said nations do or shall enjoy, whether in passing from one port to another in the said states, or from anyone of those ports, from or to any foreign port of the world. And the United States of America with their subjects and inhabitants shall leave to those of Their High Mightinesses the peacable enjoyment of their rights, in the countries, islands and seas in the East- and West-Indies, without any hindrance or molestation.

It should be observed that these articles do *not* explicitly stipulate a conditional or restricted most-favored-nation clause such as had been inserted for the first time in the French treaty of 1778¹⁾. The purport of such a clause was that only those favors granted to third powers could be rightfully enjoyed by the other party as had been freely granted; if the concessions had been conditional, this party could only obtain them for itself by allowing a similar or at least an equivalent compensation. It was not the concession which was subject to a

¹⁾ Art. 2. "The most Christian King, and the United States engage mutually not to grant any particular favour to other nations in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favour, *freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional*". See chapter IX p. 161.

Vernon G. Setser in a recent article in *The Journal of modern history* vol. V 1933 p. 319 f. ("Did Americans originate the conditional most-favored-nation clause?") contends that it was not the United States but France who invented the "conditional" principle for this particular case. Only later on would it have become a fixed point in American policy. This may account for the fact that it was not inserted in the treaty with Holland.

most-favored-nation treatment, in this interpretation, but the agreement from which the concession resulted.

The reasons which induced the American plenipotentiary to accept in his negotiations with the Netherlands a treaty without an explicit stipulation of the conditional most-favored-nation treatment do not become evident. It would need a special investigation — though this might prove abortive — to discover his motives and also to find the arguments which led his government to accept them ¹⁾. It is certain, however, that whenever a question on this head might arise in the following years, the United States were prepared to adhere to their general and openly acknowledged policy. In 1787, the Dutch minister having put the case, John Jay, Secretary for the Department of Foreign Affairs, reported to Congress his opinion about article 2 of the treaty with the Netherlands. He stated that although this article did not provide for cases where compensation was granted for privileges, “reason and equity” would supply this deficiency, and contended that “where the privilege is *not* gratuitous, but rests on *compact*, in such case the favor, if any there be, does not consist in the *privilege* yielded, but in the *consent* to make the contract by which it is yielded; for bargains may, from their objects and circumstances, be sometimes so made as that the *consent* to make them may be deemed a favor”. “*The favor, therefore, of being admitted to make a similar bargain, is all that in such cases can reasonably be demanded under the article* ²⁾); besides, it would certainly be inconsistent with the most obvious principles of justice and fair construction that, because France purchases *at a great price* a privilege of the United States, therefore the Dutch shall immediately insist, not on having the like privilege at the like price, *but without any price at all*”. ³⁾

This rule of the conditional most-favored-nation treatment

¹⁾ See, however, the footnote on p. 85.

²⁾ These italics are mine.

³⁾ Reported to Congress March 14, 1787. In: The diplomatic correspondence of the United States of America from the signing of the definitive treaty of Peace, 10 September, 1783, to the adoption of the Constitution, March 4, 1789, (Washington 1837) III, p. 439 f. See also Samuel B. Crandall, *Treaties, their making and enforcement* (2d ed. Washington 1916), p. 404, 405, who quotes from Secret Journals of the Continental Congress IV, p. 409; and refers to a passage on the same subject in Jefferson, *Writings*, ed. by P. L. Ford, IV (New York 1894) p. 19 (Dec. 10 1784, Jefferson to Monroe), and in *Writings of Monroe* I p. 36.

has since been regularly maintained by the United States government ¹⁾. We may abstain from further considering its rightness, also with respect to the nature of the most-favored-nation clause itself as it dated from the commercial policies of late-medieval towns and as it developed in European states during the 17th and 18th centuries; no question concerning it is to come within the scope of our study ²⁾.

Another point which should be noticed is that no special description was given of the extent of the jurisdiction of the States-General, and that no statement was made about whether or not the Dutch colonies were to be included with the regular area of the Netherlands, i.e. under the provisions of the treaty. Article 3, however, shows that they were not. Although the regulation of the most-favored-nation treatment with regard to the Netherlands had expressly not been limited to Europe only ³⁾, the last sentence of this article considers the possessions in the East- and West-Indies not as a country "situated under the jurisdiction of the said United-Netherlands", which was the definition used in Article 1, but as a separate region subject to *rights* exercised by the States-General. Nor therefore did it view the inhabitants of these colonies as equals of the citizens of the

¹⁾ In the years after 1815 France fought a hard diplomatic fight against the American interpretation of the most-favored-nation treatment article in their treaty of 1803, where likewise the conditional nature of this clause had not been expressly stipulated. She had no success at all. ("Reciprocity" treaties; favored nation clauses. 62d Congress, 1st Session, Senate Document 29, May 16 1911.)

It is noteworthy that the treaty concluded June 15 1827 between the Netherlands and Mexico (Lagemans II p. 191 No. 116), contains for the first time an acknowledgment of the American standpoint by the Dutch colonial policy, in art. 3 stipulating a conditional most-favored-nation treatment for Mexican subjects in the Dutch overseas possessions.

²⁾ Some books and articles may be referred to here, besides Crandall above mentioned:

Jacob Viner, The most-favored-nation clause in American commercial treaties. In the Journal of political economy, published by the University of Chicago, Vol. 32, February 1924, p. 101 f. (p. 103, 104).

H. H. Sillevius Smitt, De meestbegünstigingsclausule in handelsverdragen (Amsterdam 1929), p. 50—52.

J. Kulischer, Die Meistbegünstigung in den Handelsverträgen im Wandel der Zeiten (p. 549) in Zeitschrift für die gesamte Staatswissenschaft, 1930, vol. 89, p. 540 f. (Kulischer gives here, p. 540, 541 footnote 1, a supplement to the list of "Völkerrechtliche Literatur über die Frage der Meistbegünstigung", compiled by Hans Wehberg, in Weltwirtschaftliches Archiv, Bnd 26, 1927 II, p. 127**). In this survey Kulischer treats mostly the development in the 19th and 20th centuries. A complement to it is his article: Les traités de commerce et la clause de la nation la plus favorisée du XVIIe au XVIIIe siècle, in Revue d'histoire moderne, 1931, p. 3—29.

For the rest see the bibliographies contained in these works.

³⁾ Aug. 8 1782, Van Berckel to Adams (Works VII, p. 604).

Dutch Republic. Adams accepted this special stipulation ¹⁾, which reserves to the Dutch their colonial rights, although he was averse to it "as implying a jealousy of us". He seemed not to object to the opinion that these rights were monopolies, to the profit of the mother country alone and to the eventual exclusion of all foreign countries ²⁾. Evidently ³⁾ also his government accepted the assumption that colonies were not parts of the mother country. This is remarkable because in future years the United States were to take a quite different attitude towards colonial mercantilism. No longer would they be willing to acquiesce in the monopolizing system of mother-countries as in a *right*, derived from the mere possession of colonies. Already in 1783 the question was raised whether the Dutch would be willing to open their colonies freely to American trade ⁴⁾ but it had to be answered in the negative, except for the West-Indian islands. In 1794 the United States encountered "the wrong" officially. The treaty was interpreted, wrote Secretary of State Randolph to J. Q. Adams ⁵⁾, as "not to suffer American consuls to be introduced into the Dutch Islands in our vicinity". This was a generally accepted consequence of the old mercantilistic maxim about the value of colonies ⁶⁾. The American opposition to it will form an important subject of our investigation.

The next articles of the treaty, from 4 to 29, regulate questions of international understanding such as might arise in times of peace and war and as were doubtful in the international law of that age. Concurrent with the interests and ideas of both the United States and Holland, they were of a decidedly liberal

¹⁾ Compare Kiehl p. 116.

²⁾ This becomes remarkable as in his Memorial to the States-General upon the desirability of the conclusion of a treaty, 1781, Adams had hinted at a formal opening of trade between the United States and the West Indian colonies (see p. 22). In his report home of Oct. 8 1782 (see p. 83, footnote 5) he states in this respect: "It seemed at first to be insisted on that we should be confined to the Dutch ports in Europe, but my friend, M. van Berckel, and the merchants of Amsterdam came in aid of me in convincing all that it was their interest to treat us upon the footing *gentis amicissimae*, in all parts of the world". This, in the ideas of the time, did not grant them any *rights* in the colonies, however. And the above stipulation was therefore of no special consequence. Compare upon this head: Van Wijk, p. 172.

³⁾ The French treaty contained no stipulation on this subject.

⁴⁾ July 17 and 23, 1783, Adams to Secretary Livingston (Works VIII p. 103, 110 f.).

⁵⁾ J. Q. Adams, Writings I p. 199. Art. 21 regulated the admission of consuls in the ports of either party.

⁶⁾ How it was abandoned in the extraordinary conditions resulting from the French period has been shown on p. 19, 20.

nature. Articles 10, 11, 24 and 25 put the rights of neutral trade on the principle of "free ship free goods"¹⁾, except for contraband, which was expressly specified, and except when going to places effectively "beseiged, blocked or invested". On two different occasions the Dutch-American relations after 1813 have come in contact with their provisions²⁾.

As we have pointed out, the treaty, intended to be a permanent organ for the regulation of mutual relations, contained no stipulation about expiration or conditions for termination. Editors or authors of later years may mention it with a dry remark as having been abrogated by the loss of independence of Holland in 1810, or by the overthrow of the Dutch government in 1795, but these have no regard to the struggle fought for its recognition during more than sixty years.

Previous to 1813 no special acts or decrees were issued about its eventual abrogation or reinforcement³⁾. After the overthrow of the old government of the Republic in 1795 the new one had stated their resolution to adhere "religiously" to the obligations of the treaty with the United States⁴⁾. The policy of the latter power was to acknowledge every government, ruling de facto and recognized by the nation⁵⁾. During the partial independence

¹⁾ Art. 11: "... free vessels shall assure the liberty of the effects, with which they shall be loaded".

²⁾ Chapter IV, p. 68; VI, p. 99, footnote 1. Chapter XIV, p. 290.

³⁾ The "permanent" French treaty had been annulled by an Act of Congress of July 7 1798 (French translation in De Martens, Recueil, 2d ed. VI, p. 465). It had been succeeded by a new convention of peace, commerce and navigation, concluded at Paris in 1800, which expired, according to the stipulations of its ratification, in 1809 (Malloy I, p. 496, Hunter Miller II).

The Swedish treaty of 1783 expired in 1798 in consequence of the stipulation which it contained about its duration, till 15 years after the exchange of ratifications (Hovde, Diplomatic relations of the United States with Sweden and Norway, p. 10, 11).

The treaty with Prussia of 1785 expired likewise, in 1796, in accordance with its 27th article.

⁴⁾ Febr. 5 1795, J. Q. Adams to the Secretary of State (Writings I, p. 275), reporting on his conversation with Paulus, the President of the Assembly of Provisional Representatives of the People of Holland. Upon art. 8 of the treaty the American minister based his protests against the holding of American vessels in Dutch ports, in the same year (Van Winter II p. 76). The instructions to Van Polanen, May 2 1796, give no clear evidence of the wishes of the Dutch government. They are extremely vague and hint only at the desirability of the conclusion of a new and closer convention (R. A., Legation Archives America, Port. "R. G. van Polanen").

⁵⁾ Crandall, l.c. p. 423, for instance: "A treaty is a compact between states, not organs of government. Consequently its obligation is not, in general, dependent upon the continuance of the particular form of government under which it happened to be concluded".

of Holland in the first years of the 19th century, consequently, the treaty was, for the most part tacitly, considered to be in force, notwithstanding the several changes in government undergone by the Netherlands. Schimmelpenninck, the Dutch ambassador at Paris, used its most-favored-nation clause in order to point out to the French government, in 1803, the rightness of a demand of the United States to be open for Dutch cheese exportations as long as these were permitted to France and Spain ¹⁾. The same clause was again referred to in a Memorandum on the transit trade to North-America, made by Gogel in the summer of 1808 ²⁾. The period of annexation to France, 1810—1813, however, brought absolute silence and darkness in the political intercourse with the United States. There was no reason for considering the question whether a treaty could exist or not. No cases occurred to draw attention to it; it was in fact no question at all.

Thus, when in 1814 Holland had regained her independence, as the Kingdom of the Netherlands, no evidence was available as to whether or not the treaty was still in force. The fact that the country had been for some time a part of the French empire made it dubious whether her present government could be viewed as one of a continuous series since the conclusion of the treaty in 1782. King William was inclined to consider his reign — as did the Bourbons in France — as directly succeeding the former Republic, thus bridging over the gap of 18 years during which he and his family had been abroad. Consistent with this attitude was his refusal to accept any obligations arising from events during the illegal regime of the French intruder ³⁾. What had happened in those years — this was the crux of his argument — was of no consequence and involved no rights.

International law provided no solution. William's attitude was not in agreement, however, with political thought in the United States. The Dutch nation had continued to exist after the flight of the Orange-family; it had stopped being formally independent

¹⁾ Hoekstra, l.c. p. 25. This is the only allusion to the treaty noticed in his investigation of the years from 1803 to 1813.

²⁾ Colenbrander, *Gedenkstukken V, II*, p. 676 f.

³⁾ He refused to be troubled by American spoliation claims dating from 1809 and 1810. See p. 155 footnote 1.

only during the three years of French annexation. To the advanced American views this fact gave the norm for future policy. The United States dealt with the Dutch nation as such, and consequently with any government which this nation might choose to accept, if not absolutely forced to do so. They held Holland responsible for everything that had occurred at the time of its formal independence. Consequently the treaty of 1782 had been in force also in the period of the Kingdom of Louis Bonaparte.

It still remained to be doubted whether the years 1810—1813 according to the American, or 1795—1813 according to the Orangist point of view, should be entirely overlooked, as a mere gap in a political existence, or whether from 1813 onwards a different period, with new conditions and new obligations, should be considered as having started. The attempts of the Dutch government to obtain a recognition by other powers suggested the latter. And this was indeed their attitude in the first months. When Consul Bourne asked for the opinion of the Provisional Government about the value of the American treaty, in the first week of December 1813 ¹⁾, Van Hogendorp appeared not to know of even the existence of this treaty, but, upon advice from London, replied that before official relations between the American and the Dutch governments had been reestablished, no definite attitude could be decided upon ²⁾.

A particular not to be overlooked in the shaping of this attitude was that Van Hogendorp and the British government, whose advice was requested, appear to have been under the impression that the treaty in question dated from 1802 ³⁾. Only Fagel in London knew the actual year of its conclusion, even though he reasoned that it should be considered “comme annullé de fait” ⁴⁾.

¹⁾ Amsterdam, Dec. 7 1813, Bourne to Van Hogendorp (R.A.B.Z. No. 1755, “Oud-dossier A No. 12”, exh. 9 Dec. 1813 No. 3): „Le traité d’amitié fait entre la Hollande et les Etats-Unis d’Amérique le huit d’Octobre 1782, est-il considéré d’être en pleine force maintenant?” Cf. Dec. 10 1813, Bourne to the Secretary of State (D. o. S. Cons. Desp. Amsterdam). Bourne’s opinion was that all that had passed since 1795 would be considered as “un espace d’Interregnum”, and that therefore the treaty would resume its full force from the moment this interregnum had ended (to Van Hogendorp, Dec. 28 1813. R. A. B. Z. 2: bur. I. S. No 71 A). Cf. Cons. Desp. Amsterdam, Dec. 27 1813 (D. o. S.).

²⁾ Dec. 26 1813, The Hague, Van Hogendorp to Bourne (D. o. S. Cons. Desp. Amsterdam). For a more extensive account of Bourne’s action at this juncture see Chapter VI.

³⁾ Conceivably they have taken “eighty two” for “eighteen two”.

⁴⁾ Dec. 19 1813, Fagel to Van der Duyn (R. A. B. Z. 1: bur. I. S., No. 4).

But Castlereagh considered that there was no doubt but that "the dissolution of the late Government of Holland and the restoration of the Prince of Orange" rendered such a treaty "of 1802" void ¹⁾, like all agreements made by the revolutionary governments. This opinion was stated by Clancarty to Van Hogendorp ²⁾. The latter reasoned that the treaty should not be considered in force, because it was "unsuitable with the present conditions" ³⁾ as having been founded upon hostilities with England ⁴⁾. At the end of December the misunderstanding still existed, as is evident from Clancarty's despatch of the 29th ⁵⁾. It was Fagel who corrected the error in the first days of January. The fact that the treaty dated from the years of the old Republic rendered the question less easy to solve, of course. In principle, however, in view of the subsequent changes in Holland, he arrived at the same conclusion as the British officials. Although the government of the Republic had been not revolutionary but absolutely legitimate, and although the fact that in 1782 the United States had not yet been recognized by Great Britain had no weight, there remained no doubt in international law, wrote Fagel, about the reply to the question "si un traité conclu par notre Gouvernement en 1782 n'avait pas été annullé *de fait* par les événemens arrivés depuis lors en Hollande" ⁶⁾.

Thus, the Dutch and British officials all agreed that the treaty had been annulled. It became necessary therefore either that both parties officially declare the treaty to be in force, as was done in 1817 with the convention of 1701 between Holland and Denmark ⁷⁾, or that they conclude a new treaty. For this purpose, among other things, a Dutch minister, Changuion, was sent to America in 1814. How he tried unsuccessfully to start negotiations on the subject will be seen in chapter VIII; it is sufficient

¹⁾ Dec. 21 1813, Castlereagh to Clancarty (F. O. 37/65).

²⁾ Dec. 26 1813, Van Hogendorp to Fagel, No. 19 C (R. A. B. Z. 1: bur. U. S.).

³⁾ Brieven en Ged. V, p. 216, (to the Prince Sovereign, Jan. 1 1814).

⁴⁾ Ibid. p. 77: „alzo het op de toenmalige vijandschap met Engeland gegrond geworden was". (This remark was written by him at least 3 years afterwards.)

⁵⁾ Dec. 29 1813, Clancarty to Castlereagh (F. O. 37/65).

⁶⁾ London, Jan. 2 1814, Fagel to Van Hogendorp (R. A. B. Z. No. 747: Correspondence of Dutch diplomats 1813—1828). His opinion was recognized at the end of the century as the only just one.

⁷⁾ Declaration of July 10 1817 (Lagemans I No. 60). It states explicitly that the Danish subjects whose rights, as regulated by the old treaty, were extended with respect to the Southern Netherlands, had never stopped enjoying these rights in the Northern Netherlands („où ils n'ont point cessé d'en jouir").

here to find the American government, i.e. Secretary Monroe, acquiescing in the desire of the Sovereign of the Netherlands "that the ancient treaty . . . is considered terminated" ¹⁾. In August 1816 Monroe again declared that the United States had agreed to the opinion "that the Treaty of 1782 was to be considered in consequence of the events which had occurred in Holland, as no longer in force" ²⁾. "It is presumed", he added, "that the former Treaty cannot be revived, without being again ratified and exchanged".

It would seem that thus on both sides an agreement had been obtained. Shortly after his arrival at the Hague in 1815, however, Eustis, the new American minister, had an interview with Van Nagell, during which both came to the conclusion that existing treaties cannot be affected by a succession or change in the government of a country. From this the American derived the idea that a recognition of the old treaty might easily be obtained in the Netherlands ³⁾, which proved the lack of certainty which still existed about the expiration of the convention. The more settled and the less dependent upon the attitude of other powers became the Kingdom of the Netherlands, the stronger became the desire of its government, expressed by the attitude of the Minister of Foreign Affairs, to carry its foundations farther back into history than merely to the date of its revival. A tendency arose to reestablish the conditions of the former century. In December 1815 Van Nagell stated that „ . . . ce Traité n'a pas été une simple convention temporaire, mais à la lettre un Traité destiné à rester fixe et stable; et auquel l'intention du Roi est de continuer à adhérer, . . . " ⁴⁾. When the Dutch chargé d'affaires carried out his instructions to acquaint the government at Washington with this attitude, he received, however, Monroe's above quoted dissentient but definite reply, based upon Changuion's earlier intimations.

Even then the question remained unsettled. Although — or, perhaps, because — no enforcement of any of its provisions was ever claimed in practice during these years between 1815 and

¹⁾ April 12 1815, Monroe to Changuion (D. o. S. Notes to foreign legations, vol. 2).

²⁾ Washington, Aug. 16 1816, Monroe to Ten Cate (R. A. B. Z. 2: bur. I. S. enclosure with No. 3776; also in D. o. S. Notes to foreign legations).

³⁾ Aug. 11 1815, Eustis to Monroe (D. o. S. Desp. Netherlands).

⁴⁾ R. A. B. Z. No. 1743 "Instructiën", Dec. 6 1815.

'20, a vague possibility of the existence of the treaty was evident in remarks, notes and correspondence. The negotiations of 1817 were based on the desirability of renewing it; and when these had been suspended, belief that the treaty was still in force gradually grew stronger. The more people became accustomed to the present state of affairs, the more they tended, also in America, to view it as a continuation of the past and the less they noticed the sudden break, which had been felt so strongly after 1813.

On the whole the Dutch attitude lacked conviction. In July 1817 the chargé d'affaires in America stated that this treaty was "still in full force and effect" ¹⁾. But the government in Europe remained uncertain ²⁾.

In the United States opinion changed entirely during 1817. As successor to Monroe, who became President, John Quincy Adams became Secretary of State. Only after six or seven months, in the fall of this year, however, did he enter upon his duties. A lack of continuity resulted from this as well as from the new policy which he constructed. In respect to the Dutch relations he chose to base his attitude upon the negotiations held in September 1817, and upon what the American commissioners, Gallatin and Eustis, reported about them. From the standpoint of these two respectable diplomats, who, however, had accepted without reservations the assumption that the treaty was to be considered as still in force ³⁾, Adams derived his own impression and opinion of the question. On the 4th of April 1818, he informed the Dutch chargé d'affaires that in expectation of the conclusion of a new treaty the President considered the old one as being still in force ⁴⁾. And, in a message and report transmitted to Congress on March 19, 1818 ⁵⁾, he stated that the Dutch-American negotiations of 1817 had been started "with a view

¹⁾ Philadelphia July 31 1817, Ten Cate to Moses Myers, Consul at Norfolk (R. A. B. Z. XXI Legation Washington, No. 51 Letterbook). This opinion was founded upon his instructions of December 1815.

²⁾ As is shown for instance by Falck's words, June 1818, to the American chargé d'affaires ad interim. See p. 321. (Memorandum from Mr. Appleton, enclosed with Gallatin's despatch, Paris July 31 1818, D. o. S. Despatches France, vol. 18.)

³⁾ See chapter XV.

⁴⁾ R. A. B. Z. I. S. 1818 No. 2248: "qu'en attendant le président considèrait celui de 1782 comme toujours subsistant".

⁵⁾ American State Papers, Foreign Relations IV p. 172. See chapter XVI.

to the revisal and modification of the commercial treaty *existing*¹⁾ between the two countries, adapted to their present circumstances". This was a rather inaccurate statement, but it implied a political aboutface of the President. For here was openly disavowed what less than two years ago Monroe himself had announced as the American attitude: adherence to the assertion of the treaty's abrogation. The government, led by Adams, was now turned definitely in favor of its enforcement. When in August 1818 the Secretary of State had to send instructions to the new chargé d'affaires to the Netherlands ²⁾, he assumed again the official acknowledgment of the treaty by the King of the Netherlands ³⁾; it enabled him to continue with the following remarkable statement:

"No principle of international Law, can be more clearly established than this, — That the *Rights* and the *Obligations* of a Nation in regard to other States are independent of its internal Revolutions of Government. It extends even to the case of conquest. The Conqueror who reduces a Nation to his subjection, receives it subject to all its engagements and duties towards others, the fulfilment of which then becomes his own duty. However frequent the instances of departure from this principle may be in point of fact, it cannot with any colour of reason be contested on the ground of Right. On what other ground is it indeed, that both the Governments of the Netherlands and of the United States now admit that they are still reciprocally bound by the engagements, and entitled to claim from each other the benefits of the Treaty between the United States and the United Provinces of 1782? If the Nations are respectively bound to the stipulations of that Treaty now, they were equally bound to them in 1810".

Thus building up the treaty-theme to a general maxim of the rights of Nations and of the superiority of the people to their government, from what he presumes to have been the historical course of events, he extends this self-made conviction to such a point that he assumes the treaty to have been in force even after the French annexation of Holland, a thing never claimed by

¹⁾ The italics are mine.

²⁾ D. o. S. Instructions to U. S. Ministers, VIII, Aug. 10 1818, Adams to A. H. Everett.

³⁾ "A Treaty of Amity and Commerce, concluded in the year 1782 with the then United Provinces of the Netherlands, is acknowledged by both Governments to be still in force, so far as it is adopted to the present circumstances of the two Nations, both of which have since its conclusion undergone Revolutions of Government, and obtained acquisitions of Territory to which the engagements of the Treaty are understood to extend."

either party. The exposition of his arguments is as thorough as usual, but the arguments themselves appear to be ill-founded. The theory thus formulated had the practical purpose, however, of supporting the American spoliation claims for the reimbursement of confiscations made in Holland in 1809 and 1810, which claims were still pending in 1818 and had to be put forward again by the new chargé ¹⁾. This may serve as an explanation — if not as an excuse — for the excessiveness of its formulation. No subsequent event has ever justified it.

An unfortunate result of the firm conviction on the part of the United States government was that they again deemed it unnecessary to communicate their opinion to the Dutch government, which was still in uncertainty. The problem, pending since 1813, thus remained unsolved in practice for lack of a mutual agreement. It was a question of an international relation; a joint, bilateral declaration was needed to settle it.

From the preceding survey of the history of the treaty ²⁾ we may conclude, however, that for the period between 1813 and 1820 it did not perform any material function in the relations between the two parties. No practical occasions arose for testing its force. It was of only theoretical value, in the correspondence about its eventual enforcement as well as in the discussions for a new conventional agreement. Even as such it had not the importance of an exemplary precedent. The economic policies of the Netherlands and of the United States in their attempts to meet more closely aimed beyond the agreements of the 18th century.

¹⁾ We refer this part to Hoekstra's book, chapter VI.

²⁾ Continued in the supplementary chapter at the end of this book.

VI. RESUMPTION OF OFFICIAL RELATIONS BETWEEN
THE NETHERLANDS AND THE UNITED STATES.
CONSUL BOURNE

BOURNE'S CORRESPONDENCE IN 1813 WITH THE DUTCH GOVERNMENT. — HIS RECOGNITION AS CONSUL OF THE UNITED STATES; THE QUESTION OF THE RELATIONS WITH THE UNITED STATES IN VIEW OF THE ATTITUDE OF GREAT BRITAIN. — BOURNE'S FURTHER CORRESPONDENCE, 1814—1817

From the moment of the restoration of the independence of Holland the situation allowed a resumption of her official relations with other countries; diplomatic representatives were soon commissioned and accredited by the provisional government. For the reestablishment of diplomatic relations with the United States, however, no qualified person was available on either side of the Ocean who could act as the first intermediary. Sylvanus Bourne, the able consul at Amsterdam, undertook this function of his own accord as a duty coming as a matter of course within the competence of his office. Having no instructions from home on the subject, nor even experienced compatriots in the country with whom he could hold counsel, his own ambition and intelligence were the only guides to direct his steps.

Bourne was in a peculiarly solitary position. The Dutch being engaged in a final campaign against the retreating French army forces and Great Britain, their ally, being at the same time at war with the United States, the character of his office depended entirely upon the attitudes which British policy happened to take in regard to each of these two wars. Although fighting the same enemy the Americans were the allies of France neither in their own opinion nor, and this was more important, in the eyes of Great Britain herself. As a result the consul could not be considered as residing on hostile ground. This was recognized in due time by the governments of both England and Holland.

The fact that the Amsterdam authorities at first failed to acknowledge his official quality caused Bourne no slight disappointment. He was excluded from the ceremonies which celebrated the entrance of the Prince of Orange to Amsterdam, on the 2d of December, and informally notified that his functions as Consul General of the United States had ceased ¹). The arguments which led the municipal government to take this measure are explainable by the general spirit of eagerness to break off all relations dating from the French period, rather than by conscious anti-American feelings resulting from the Dutch alliance with Great Britain ²). This soon became evident.

Bourne did not hesitate to address Kemper and Scholten, the representatives at Amsterdam of the Provisional Government of Holland, on the subject of the "marks of coolness and neglect from the authorities". He requested their intermediation for consulting with the Prince Sovereign upon the "merits" of his position at Amsterdam ³). The next day, the 7th of December, he asked Scholten to lay before the government two questions regarding the validity of the treaty of 1782 and its application to the present international situation, and requested to be granted an audience with the Prince Sovereign ⁴). Being informed later on during that same day, however, of the nomination of a Cabinet at the Hague, he promptly seized the opportunity for direct correspondence and wrote to Van Hogendorp. Enclosing the two letters which he had written to Kemper and Scholten, he addressed to the Minister the same questions with regard to the treaty ⁵). They run as follows:

„Le traité d'amitié fait entre la Hollande et les Etats-Unis

¹) Dec. 3 1813, Bourne to G. Beasley (D. o. S. Cons. Desp. Amsterdam). John Q. Adams' statement (Jan. 24 1814, to T. B. Adams, Writings V, p. 9), that this notification was "one of the first acts of the government formed under the Prince's authority" proves to be exaggerated and his presumption that "it may be principally a matter of form or an expedient to obtain a recognition of the new government!" is groundless. The exclusion was due only, as the following will prove, to an untimely measure of the provisional city authorities of Amsterdam, soon disavowed by the government at The Hague.

²) Adams (Ibid.): "There is certainly among the people of Holland no disposition unfriendly to America, and I can suppose none in the Prince".

³) Dec. 6 1813, Bourne to Kemper and Scholten (R. A. B. Z. No. 1755, "Oud-Dossier A No. 12").

⁴) Dec. 7 1813, Bourne to Scholten (Ibid.).

⁵) Dec. 7 1813, Bourne to Van Hogendorp (Ibid.).

d'Amérique le huit d'octobre 1782, est-il considéré d'être en pleine force maintenant?

Les négociants des Etats-Unis, sont-ils libres à présent de traffiquer avec la Hollande sous la foi & conforme aux conditions dudit traité?"

The merits of and the replies to these two questions have been duly discussed in the preceding chapters ¹⁾.

Bourne's letter was the first note from an American agent to the new Dutch government, and one of the first documents received by the office of Foreign Relations on the whole. Although the American consul had no powers at all from the government at Washington for his conduct and acted consequently on his own account, his step was never disavowed by the Secretary of State and must be considered therefore as having been tacitly approved.

Van der Duyn van Maasdam, in charge of the foreign affairs during the illness of Van Hogendorp, composed the provisional reply ²⁾. He promised Bourne that due attention would be given to his note, and expressed the expectation that harmony would be maintained in future between the interests of both countries. The matter was left to „discussions *diplomatiques*” ³⁾, which showed that the government did not consider the present notes as diplomatic communications. But Bourne was addressed by this letter in his official quality as „Consul Général”, and the attitude of the Amsterdam authorities was thus openly disavowed. Hence we may state that by this correspondence the official relations between the United States and Holland were resumed, and given Bourne the credit therefor.

The purpose of the Dutch government in postponing a definite reply to Bourne's questions lay — except for the circumstance that it was extremely difficult to shape a policy at so early a date and in so intricate a situation — in the necessity for seeking:

¹⁾ The former question was treated in chapter V. The latter was of special importance with regard to an eventual establishment of Dutch-American trade on the conditions of a “free ship free goods” principle, as stipulated in the treaty. It would have accorded to American merchants a conveyance of their articles safe from confiscation by the British. The possibility of such trade was in time checked, however, as was described in the fourth chapter, by the Dutch government, which forbade all intercourse with the United States to its subjects on account of the British blockade.

²⁾ Dec. 9 1813, Van der Duyn to Bourne (R. A. B. Z. 2: bur. “Register van afgezonden brieven”).

³⁾ The italics are mine.

British advice. As the United States were an enemy of Great Britain, it would have been most unwise of the Dutch to act upon their own account. Although the other allies of Britain against Napoleon had remained neutral in the American war, it was not yet certain whether the British government would allow to Dutch interests the benefits of neutrality¹⁾, nor, in fact, to what extent it would desire to keep Holland in a state of dependence. On the 14th of December Van der Duyn communicated the particulars of Bourne's questions to Fagel, ambassador at London. It was clear as regarded the country's own interest, he wrote, what reply should be given, especially to the question concerning a reestablishment of trade with the United States; „mais nos rapports actuels avec l'Angleterre & la guerre entre cette Puissance & les Etats Unis, concourent à rendre l'affaire scabreuse". Although by the blockade of the American coast no commerce of any value could as yet be expected, urgent reasons existed for immediately settling upon an attitude, in case an American vessel should arrive in Holland. It would be most favorable to this country, Van der Duyn pointed out, if Great Britain would allow her the same neutral position already adopted by Sweden, Austria and Russia. Besides, the great interests which the Dutch possessed in America in the form of investments of capital should be taken into consideration, as they gave profits to the people of Holland too valuable to render wise any policy which would deprive them thereof. Furthermore Van der Duyn ventured to give a gentle hint with regard to the question of Holland's independence: „n'importe-t-il pas extrêmement d'inspirer dès les premiers momens de l'exercice de la Souveraineté de S.A.R., la confiance intérieure et la considération au dehors, en fixant l'opinion des Hollandais et de l'Europe sur l'étendue et la réalité de notre indépendance?"²⁾

It was for Fagel to state these arguments to Lord Castlereagh in delicate terms. On the 18th of December they had an interview in which the latter expressed his opinion that it was in no way the purpose of his government, not being its interest either,

¹⁾ Also J. Q. Adams expressed speculations on this point, Jan. 24 1814 to T. B. Adams (Writings V p. 9).

²⁾ Dec. 14 1813, Van der Duyn to Fagel (R. A. B. Z. 1: bur. U. S. No. 12 "Secret", and "Register der Uitgaande Brieven").

to involve Holland in their hostilities with the United States¹⁾. Their American policy, it has been stated before, was inclined toward peace; besides, they were keeping it a private affair. He readily shared Van der Duyn's opinion of the importance of a rapid recognition of the independence of Holland by foreign powers; no step would be really favorable to British policy "which could call into doubt that independence"²⁾.

A Cabinet meeting considered the question. On the 20th Castlereagh informed Fagel that the other members agreed with his own opinion³⁾. He added however that the present state of war would necessarily raise obstacles to commerce between Holland and the United States. Clancarty, the British ambassador at The Hague, who was charged with an official communication of these observations⁴⁾, called on Van Hogendorp a few days later and explained the contents of his instructions⁵⁾ on this point⁶⁾. It was not the desire of Great Britain that Holland should jeopardize the acknowledgment of her independence by going into war for the sake of her ally. Instead, he stated, it was

¹⁾ Dec. 19 1813, Fagel to Van der Duyn (R. A. B. Z. 1: bur. I. S. No. 4).

²⁾ Dec. 21 1813, Castlereagh to Clancarty (Foreign Office 37/65).

³⁾ Dec. 19 1813, Fagel to Van der Duyn (R. A. B. Z. 1: bur. I. S. No. 4): Post Scriptum. At the same time Fagel expresses here his opinion that the treaty of 1782 must be considered as being annulled de facto, from recognized principles of international law (See Chapter V).

⁴⁾ Dec. 21 1813, Fagel to Van der Duyn (Ibid. No. 5).

⁵⁾ Dec. 21 1813, Castlereagh to Clancarty (F. O. 37/65).

⁶⁾ Reported by Van Hogendorp, Dec. 26 1813, to Fagel (R. A. B. Z. 1: bur. U. S. No. 19 C).

Renier l.c. p. 154 gives a wrong representation of this interview when stating that: "It was . . . not as a result of Bourne's overture that Clancarty broached the subject" (of American relations). He bases this conclusion upon one single sentence written by Van Hogendorp in his secret notes ("Geheime Aanteekeningen", Brieven en Gedenkschriften V p. 76 f.), at least three years after the conference took place, between 1817 and 1820. That sentence commences with the following words: "Lord Clancarty informed me in the first weeks, that England . . ." (etc.). From these Renier derives the idea that the interview was held in the beginning of December. Van Hogendorp's account itself however leaves no doubt but that it deals with the conversation mentioned above in the text. ("Lord Clancarty gaf mij in de eerste weken te kennen, dat Engeland niet begeerde, dat wij om zijnentwil kwade vrienden met de Amerikanen waren, en dat wij eenen gezant konden benoemen".) Evidently, if the Minister's memory for the date may be trusted at all after the three years' interval, *the first weeks* must be taken as meaning from his appointment to the Department of Foreign Affairs, December 6th, onward and not, as Renier presumes, from the Restoration of Dutch independence.

In this conversation it was indeed Clancarty who broached the subject; but the question had *not* been started by the British government. Clancarty had been instructed by Castlereagh, Castlereagh addressed by Fagel, Fagel instructed by Van der Duyn, and Van der Duyn (or Van Hogendorp) had been addressed by consul Bourne in the first instance. *His* overtures form the beginning of all subsequent discussions.

a matter of necessity that a diplomatic representative be sent to the United States, in order to sound the American attitude with regard to the new independence of the country and the return of William of Orange as Prince Sovereign ¹⁾. Subsequently this idea was much stressed by the British government, as will be discussed in the next chapter.

As to Bourne, Castlereagh was of opinion that the consul's commission, like the treaty between the United States and Holland, had been annulled by the change of government: "A new treaty must be made with the U.S., and new agents re-accredited on both sides before the relations of amity, though not interrupted in practice, can be restored in form" ²⁾. To Van Hogendorp's question about recognizing the American agent as consul with a view to renewing commercial and, in general, friendly relations between the two nations, Clancarty replied that only a provisional recognition would seem suitable and in accordance with the dignity of the Prince Sovereign as long as he himself was not certain of recognition by the United States.

Such, at least, is Clancarty's report of the interview ³⁾. Van Hogendorp's impression of the conversation, described in a letter to Fagel ⁴⁾, is different. He finds the stress in the Englishman's declaration not on "provisional" but on "recognition": „il désire, que nous reconnaissions le Consul Américain établi à Amsterdam, comme nous avons fait tous les autres Consuls, moyennant quoi, nous renouons d'abord les relations commerciales". — Accordingly, Consul Bourne received the final reply that he was recognized in his quality of consul „sur le même pied, que tous les autres Consuls"; that an official notification would be given to the American government of the change in the Dutch State, and that before this had been duly recognized, no definite steps could be taken with regard to the treaty and the commercial relations between the two countries ⁵⁾. It was a considered confirmation of Van der Duyn's earlier note.

¹⁾ Dec. 29 1813, Clancarty to Castlereagh (F. O. 37/65).

²⁾ Dec. 21 1813, Castlereagh to Clancarty (F. O. 37/65).

³⁾ Dec. 29 1813, Clancarty to Castlereagh (Ibid.).

⁴⁾ Dec. 26 1813 (R. A. B. Z. 1: bur. U. S. No. 19 C).

⁵⁾ Dec. 26 1813, Van Hogendorp to Bourne, asking at the same time a copy of the treaty in question, for examination, (R. A. B. Z. 2: bur. U. S. No. 33; also D. o. S. Consular Despatches Amsterdam, enclosure with Dec. 27 1813, Bourne to the Sec. of State).

In the busy days at the turn of the year, with their many political problems, in the Netherlands as well as in Europe, this first instance of the question of the American relations, „le point délicat des Etats-Unis”, as Van Hogendorp called it ¹⁾, was thus settled. The circumstance that both the Netherlands and the United States needed recognition and wanted commercial relations, together with the necessary condition of Castlereagh's good will made possible this early result. Bourne's report to the government at Washington ²⁾ evinces a much relieved mood: he has been recognized as consul of the United States; his previous apprehensions of a change in the attitude of Holland have been removed; “assurances seem to be given . . . that our property arriving here will be safe and respected”. And the Amsterdam merchants, with whom he appears to have been *persona grata*, received the news with gratitude and joy ³⁾.

Afterwards the consul grasped every occasion to enter into correspondence with the Foreign Department at The Hague. Van Hogendorp showed a friendly disposition. The good wishes which Bourne offered him with the New Year were promptly reciprocated ⁴⁾. But a few weeks later, the mingling of the consul in matters politic caused a slight disturbance. Unofficially, as he expressly stated, yet apparently impressed by the semi-diplomatic nature of his position at this early moment of international relations, he addressed two letters to Van Hogendorp about an establishment of peace between Great Britain and the United States ⁵⁾. Convinced of the advantages of such peace to Dutch interests, he suggested that the government of the Netherlands perform the mediation and that The Hague be chosen as the place for negotiations. It is evident that

¹⁾ Dec. 24 1813, to Fagel (R. A. B. Z. 1: bur. U. S. No. 18 B “Secret”).

²⁾ Dec. 27 1813, Bourne to the S. o. S. (D. o. S. Cons. Desp. A'dam).

³⁾ B. C. E. Zwart, *De Kamer van Koophandel en Fabrieken te Amsterdam, 1811—1911*, p. 58.

⁴⁾ Jan. 1 1814, Bourne to Van Hogendorp (R. A. B. Z. 2: bur. I. S. 1814 No. 1); and Jan. 2 1814, Van Hogendorp to Bourne (*Ibid.* U. S. 1814 No. 2). The latter note ends with the following friendly promise: “Si . . . l'occasion se présente de rendre quelque service à vos compatriotes, ou de contribuer à la renaissance du commerce entre nos deux pays, vous pouvez toujours, Monsieur, disposer librement de moi”.

⁵⁾ Jan. 14 and 15 1814.

Bourne, who acted again without instructions ¹⁾, was greatly mistaken when taking this step. Great Britain was not willing, as we stated in chapter IV, to accept the mediation of any third power. And the Dutch were far too much concerned with their own affairs to have aspirations of a wider political range. Van Hogendorp himself saw no prospects in the suggestion. Clancarty, to whom he read the letters confidentially, at once rebuffed the matter by stating that "upon such an avowedly unofficial communication, from a person only provisionally admitted here as an inferior commercial agent", it would be utterly inadvisable to take any step whatever. Again the ambassador emphasized the fact that the United States had as yet no official relations with the Dutch government, and "could have none till its present form had been previously acknowledged" by them. Without objections the Dutch minister acquiesced in this attitude. No answer from him to the consul's letters has been found.

This is, after all, the only occasion on which Bourne's ambition induced him to perpetrate a heavy blunder; he took good care that it remained unknown. His activity did not decline. In August next, Van Nagell having succeeded Van Hogendorp in Foreign Affairs, we find Bourne asking for information from the government at The Hague about Dutch measures with regard to the blockade „pour en instruire le mien" ²⁾. When in March 1815, however, he again addressed the Department on a point of small importance ³⁾, he received a rather grim reply and a severe blow to his prestige. The government of the Prince Sovereign, it said, could not actually recognize him in his official character, since his position had never been legitimated by a new commission of his government ⁴⁾. „Le gouvernement n'a pas hésité d'entrer en correspondance avec vous, comme ancien

¹⁾ Not even reports about it from himself are found in the Washington archives (Cf. Hoekstra p. 114); a sure evidence of his failure! Also Dutch archives do not contain these letters. Van Hogendorp understood both their importunity and their unofficial character. The only source which informs us about their contents are Clancarty's two reports to Castlereagh, Jan. 16 1814, one of which is "Private" (F. O. 37/67).

²⁾ Aug. 19 1814, Bourne to Van Nagell (R. A. B. Z. 2: bur. I. S. 1814 No. 1000). See chapter IV.

³⁾ A request for assistance from the authorities in the performing of his duties with regard to unwilling American shipmasters, March 4 1815 (Ibid. I. S. 1815 No. 414).

⁴⁾ March 7 1815 (R. A. B. Z. 2: bur. U. S. 1815 No. 344). It is probable that Van Zuylen van Nyevelt, secretary of the Department, and not Van Nagell, was the author of this letter.

consul des Etats Unis, croyant que bientôt vous seriez en état de vous légitimer". A blow, not justified, but to which he responded very meekly¹⁾. From Van Hogendorp's letter of December 26, 1813 — which indeed suggests this — he had inferred complete recognition. His impression had been, as becomes evident from a despatch to the Secretary of State²⁾, that he had been admitted again upon his old commission of 20 years since. Not having understood the words „sur le même pied que de tous les autres consuls" as involving only a provisional recognition, he had failed to ask for a new commission. But the Minister, who had no reason in fact for this sudden unfriendliness, climbed down from his haughty tone and terminated the incident: Bourne has misunderstood his note; „il n'y a aucun inconvénient à ce que vous continuez à remplir vos anciennes fonctions, *en attendant votre confirmation*"³⁾.

Bourne accepted this as an encouragement. He informs Van Nagell of the ratification by Congress of the peace of Ghent, March 17th⁴⁾. In the following June he is engaged in procuring particulars about the position of American trade after the tariff law of May 27th⁵⁾ in order to keep his government constantly⁶⁾ informed of all that is happening in the Netherlands regarding the interests of the United States. In July 1815 he communicates to Van Nagell the arrival of Eustis, the new American minister, at Flushing⁷⁾. The latter brought him the commission desired for the function of Consul General of the United States in the Netherlands; a new exequatur was transmitted on the 25th of October⁸⁾. By that time diplomatic intercourse was passing entirely through the hands of the minister at The Hague. Bourne's functions, though perfectly well recognized, remained strictly limited to his consular competence.

If during the preceding two years, 1813—1815, he had acted with success and to the advantage of his country, only his own qualities are responsible. The Department of State never gave him the

¹⁾ March 8 1815 and March 9 1815 (Ibid. I. S. 1815 Nos. 434, 445).

²⁾ Dec. 27 1813, Bourne to the Secretary of State (D. o. S. Cons. Desp. A'dam).

³⁾ March 10 1815 (R. A. B. Z. 2: bur. U. S. 1815 No. 363).

⁴⁾ R. A. B. Z. 2: bur. I. S. 1815 No. 491.

⁵⁾ See chapter IX.

⁶⁾ His despatches (D. o. S. Despatches from Consuls, Amsterdam), passim.

⁷⁾ R. A. B. Z. 2: bur. I. S. 1815 No. 1366.

⁸⁾ Ibid. U. S. 1815 No. 1708.

slightest lead ¹⁾). It was his own understanding of their policy that led him to his well-approved course. How much, after all, his action has been appreciated in Holland may be shown by Van Nagell's writing that notwithstanding the presence of an American minister, „je serai toujours charmé de vous recevoir toutes les fois que vos intérêts vous appelleraient dans la Résidence” ²⁾).

The recognition of Bourne's services by the government at Washington took much longer. As soon as the possibility of a diplomatic appointment to The Hague had appeared, he had left no stone unturned to impress the American government with the desirability of selecting him for that post. More than once in 1814 he eagerly declares himself willing to accept the appointment of minister, in return for the Dutch mission of Changuion to the United States ³⁾; and in 1815, after the early return of the latter, he wishes to be made chargé d'affaires in reciprocation of the rank of Changuion's successor ⁴⁾. His 25 years in office and his good name might have given him a chance. But the mission was considered of too great importance by the Executive; a more conspicuous person, Eustis, was chosen to represent the United States.

From then on along with Bourne's increasing eagerness to improve his position goes a gradual decline of his situation. Contrary to his expectations no better conditions had resulted for him from the reestablishment of trade; compared with earlier years American arrivals at Amsterdam were few and infrequent ⁵⁾. In 1815 he planned an American trip to make new connections, especially in the Southern States ⁶⁾, but never carried out this intention. Although the consul appointed to Rotterdam, preferring to stay in London, had left him all the resources and income of that agency ⁷⁾, Bourne's conditions grew worse, and his letters

¹⁾ Instructions are neither found in the volume of Despatches to Consuls (D. o. S.) nor mentioned in Bourne's despatches to the Secretary of State (Cons. Desp. A'dam). On the contrary, his letters often complain that no word from the government ever reaches him.

²⁾ Aug. 14 1815 (R. A. B. Z. 2: bur. U. S. 1815 No. 1294).

³⁾ D. o. S. Cons. Desp. Amsterdam.

⁴⁾ "If a chargé is to be left at The Hague Mr. Bourne expects it". Eustis to Madison, Aug. 18 1815 (L. o. C. Madison Papers LVI).

⁵⁾ Williams to Bourne, January 16 1816: "The American trade cannot I think grow better with you" (L. o. C. Bourne Papers 34).

⁶⁾ Bourne to Taylor, Oct. 1815 (Ibid.). Compare p. 349.

⁷⁾ London, May 21 1817, George Joy to Eustis: about his consulate for the port of Rotterdam, "the emoluments of which I have left at the hands of poor Bourne" (L. o. C. Eustis Papers vol. 3).

became one long complaint ¹⁾. It is rather pitiful to read them. In 1816 he was forced to move to very modest apartments, where he continued the performance of his consular duties. The reaction and the bitter request for relief appear in his despatches and private notes to the Secretary of State and to the President ²⁾. With them, however, he could find no sympathy. Many times before Bourne had already complained to them and had threatened to resign his office without doing so. In his present letters they found only the dog with the bad name and no sufficient reason to consider his case with due attention. Bourne never even received a reply.

Besides, they had not the power to improve the position of this consul, even if they had wanted to. The general consular system of the United States did not provide for it. From many other posts similar complaints reached them. American consuls had no fixed salaries ³⁾; their income consisted of the consular fees, which they were allowed to exact from services rendered. Thus they were dependent upon the movement of American trade at their ports, and generally, if they did not want this dependence to cause their ruin ⁴⁾, they were forced to be in trade on their own account. This, however, tended to place them in an unfavorable light with other American merchants, about whose dealings they got more information than seemed desirable and right ⁵⁾. The whole was a matter for congressional action, so that little could be done by the President himself. Monroe had tried in vain to bring about some changes for the better ⁶⁾. It was not until 1856

¹⁾ D. o. S. Consular Despatches Amsterdam vol. 2, passim.

²⁾ Also in letters to Eustis (L. o. C. Eustis Papers vol. 2 and 3).

³⁾ A few special posts, like those in the Barbary States, excepted.

⁴⁾ Compare J. Q. Adams to Eustis: "Colonel Aspinwall arrived here a few days ago with the commission of consul for the port of London, which will be much more likely to ruin than to make his fortune" (Adams, Writings V p. 423).

⁵⁾ Oct. 20 1815, Bourne to the Secretary of State: "Our consuls are often shunned by their countrymen, and regarded by them rather as inquisitive spies on their conduct, than as the friends and guardians of their interests". (Enclosed with Despatch of Oct. 17 1815, from Eustis. D. o. S. Desp. Neth.)

See: Chester Lloyd Jones, The consular service of the United States; its history and activities, p. 5, 10, 11, 24. Jones' statement that consuls at the time were chiefly "men in business to whom the duties of the office were only incidental to their commercial interests" (p. 61) is not applicable to Bourne's case.

On the same subject see for instance letters by J. Q. Adams to Bourne, Aug. 15 1795 (Writings I p. 390) and to the Secretary of State, Aug. 20 1795 (Ibid. p. 392).

⁶⁾ Jones l.c. p. 20.

that Congress decided upon an extensive improvement of the consular system ¹⁾.

By 1817 bad news from Holland reached the government ²⁾. Bourne was suffering from constant illness in "this inhospitable climate" ³⁾ and a trip to Aix-la-Chapelle in July and August 1816 had not helped to cure him. Then, at last, the American Secretary of State ad interim, Richard Rush, found a way out. Bourne was appointed agent of the government for the management of the claims of indemnification for spoliations and sequestrations, committed in Holland in 1809 and '10, and for the aid of American distressed seamen in Holland; a salary fixed at \$ 2000 was allowed to him ⁴⁾. It meant in fact no new task laid upon him, for he could do nothing more in this function than he had done before. But it was a final compensation for his faith and troubles.

The good news left the Department on the 19th of April 1817. But it never reached *Bourne*. Only six days later — a dramatic note in a prosaic story — he died from "an apoplectick fit" ⁵⁾, at the age of 56 years, "a sacrifice", as one of his American friends wrote ⁶⁾, "to his inability, from poverty, to change the climate!" He was buried at Amsterdam, and the minister of the English Reformed Church made an address at the interment ⁷⁾. At the same time Eustis gave him full credit with the President when he described him as: "A man of liberal education, of honor & integrity, having habits of business, a knowledge of different languages, and well acquainted with the customs and manners of the country" ⁸⁾.

¹⁾ Ibid. p. 12, 13.

²⁾ March 8 1817, Eustis to Monroe (Private, L. o. C. Eustis Papers vol. 3).

³⁾ June 27 1815 (D. o. S. Cons. Desp. Amsterdam). Also April 13 1817, Bourne to Eustis: "Why should I bury myself in the fogs and damps of Holland?" (L. o. C. Eustis Papers vol. 3).

⁴⁾ April 19 1817 (Enclosed with July 10 1817, D. o. S. Desp. Neth. Also with April 21 1817, Rush to Eustis, L. o. C. Eustis Papers vol. 4). The agency was placed under the supervision of the minister at The Hague. It was discontinued the next year (May 29 1818, Adams to Rush; Adams, Writings VI p. 339).

⁵⁾ April 25 1817, Parker to Eustis (L. o. C. Eustis Papers vol. 3).

⁶⁾ June 17 1817, Joy to Madison (L. o. C. Madison Papers LX).

⁷⁾ Printed at Haarlem, Enschedé & Zn., 1817. (A copy enclosed with July 10 1817, Eustis to Secretary of State, D. o. S. Desp. Neth.)

⁸⁾ March 8 1817, Eustis to Monroe (L. o. C. Eustis Papers vol. 3).

VII. THE MISSION OF CHANGUION 1814—1815. PREPARATIONS IN HOLLAND

THE GENERAL CIRCUMSTANCES. — THE CHARACTER OF THE MISSION ITSELF

In both interviews at the end of December 1813, between Fagel and Castlereagh and between Clancarty and Van Hogendorp, about the American question, the English statesmen had expressed Great Britain's wish that Holland should be on good terms with the United States. It was to her own interest, they said, to obtain a rapid acknowledgment of her independence and to establish commercial connections which would strengthen her economic position.

As regards British policy, definitively shaped in the Cabinet meeting of December 26th, we observed in Chapters III and IV: 1° that it was pacific, as well in Europe, after Napoleon's decisive defeat, as in America, 2° that in the American war situation it maintained an exclusive attitude, purporting to negotiate peace directly only and with the United States alone, and 3° that one of its chief aims in Europe was a firm settlement of the new state of the Netherlands which England was protecting on the other side of the North Sea. Van der Duyn had foreseen the last factor, and Castlereagh had readily expressed it: "The P. of O. will I presume, not delay to require from the U.S. as early an acknowledgment of the new form of gov't as time and distance will allow" ¹⁾. In exchange for a renewal of the treaty, which Bourne had tried to secure for his government, Holland might well obtain the recognition of her new authorities. „C'est une occasion favorable d'obtenir cette reconnaissance qu'on ne laissera probablement pas échapper" ²⁾. Clancarty, in his interview with the

¹⁾ Dec. 21 1813 Castlereagh to Clancarty (F. O. 37/65).

²⁾ Dec. 19 1813 Fagel to Van der Duyn (R. A. B. Z. 1: bur. I. S. 1813 No. 4).

Dutch Minister, had consequently advised sending a representative to America, just as representatives had already been sent to the principal courts in Europe ¹⁾, in order to ascertain “the sentiments of that State upon the recent events which had occurred respecting the change of government here, and whether that state was immediately prepared to recognize His Royal Highness the Prince of Orange as Prince Sovereign of the United Provinces of the Low Countries” ²⁾.

Different guesses have been made, at the time and since, concerning the real motives which induced the British government to advocate thus strongly the sending of a Dutch minister to Washington. Frequent speculations were expressed that Great Britain wished to make peace by the intermediation of her ally. On the American side suspicions arose that the mission would prove to be a British attempt to get in touch with the internal party controversies in the United States, which had increased heavily during the war and through which the enemy might be enabled more quickly to break down further resistance. None of these guesses appears to have struck home. The only aspect which remains understandable from the special characteristics of British policy above enumerated is that a certain anxiety was still entertained in London as to the obtaining of a general recognition for the new state of the Netherlands. Clancarty’s words above quoted show clearly that the British wanted to find out the American attitude in respect to this creation — as they considered it — of British foreign policy, a cornerstone of the situation projected in Europe. The circumstance that at the time Great Britain herself had no regular diplomatic intercourse with the United States may merely have emphasized her desire that Holland, a neutral, should enter upon these relations on her own account.

Although Van Hogendorp had without delay brought the subject of a mission under the consideration of the Prince Sovereign ³⁾, the British ambassador kept urging the matter with unexpected force. Another call of Clancarty induced the Minister to write to Amsterdam for information as to whether a capable

¹⁾ Dec. 26 1813 Van Hogendorp to Fagel (Ibid. U. S. 1813 No. 747).

²⁾ Dec. 29 1813 Clancarty to Castlereagh (F. O. 37/65).

³⁾ Dec. 29 1813 Clancarty to Castlereagh (F. O. 37/65).

person could be found there to perform the task of such a mission¹).

Van Hogendorp, however, felt rather embarrassed. Always amicably disposed towards America and deeply convinced of the important place which commerce ought to take in the foreign policy of Holland ²), he himself was inclined to favor any measure for the reestablishment of relations with the United States. But he did not understand this insistence of Great Britain. His first impression was that she wanted to make peace through Dutch intermediation. Clancarty could deny this most honestly. It was not until several years afterwards that Van Hogendorp arrived at the conclusion that the British government was driven by a great desire "that we become generally known, and that they did not expect this easily from the Americans" ³).

Consul Bourne showed suspicions. Although convinced that the friendly dispositions of the Dutch towards the United States "flow from pure motives, and that they wish nothing more sincerely than to see the renewal of the commerce between the two countries on correct and proper principles, and greatly regret the political embarrassments which have so long opposed it", he had difficulty, he wrote home ⁴), "in comprehending the precise motives which should have induced this mission at so early a stage of the existence of the actual government of this country and in a state yet so unsettled of its general relations political and commercial, and of those of the United States with Great Britain; these motives will become more fully developed in the course of his [the minister's] communications with our government, which will be thereby enabled to judge of the propriety and expediency of reciprocating the mission . . .".

It would however take several months more before even the Dutch government themselves would be able to judge of the real character of the mission. For the time being Clancarty's continued interest in the proceedings of nominating a minister kept both the Prince Sovereign and Van Hogendorp active ⁵). The latter had obtained no satisfactory suggestion in reply to his inquiry about

¹) Dec. 29 1813 Van Hogendorp to the Prince Sovereign (Brieven en Ged. V p. 212).

²) Brieven en Ged. V p. 70, 71: „Ons aandeel in de politiek dient te strekken ter bevordering van onzen handel". See p. 44.

³) Ibid. p. 76, 77: „dat zij grooten prijs stelden dat wij algemeen bekend werden, en dat zij dit niet ligt tegemoet zagen van de Amerikanen".

⁴) Febr. 28 1814 (D. o. S. Cons. Desp. Amsterdam).

⁵) Jan. 9 1814, Willem to Van Hogendorp (Brieven en Ged. V p. 230).

a suitable person from among his Amsterdam connections. The merchants, although pleased by this attention shown to their class, appeared to have too little spirit of statesmanship to present one. Only one name was given, of C. I. Temminck, in former times auctioneer at Amsterdam ¹⁾. Soon after, Van Hogendorp had had four other persons presented to him, of whom William May was thought the most capable ²⁾. Willing to be sent abroad, he declined, however, a mission to America. Then, in the middle of January, Changuion, a friend of Van Hogendorp, was found ready to go ³⁾.

François Daniel Changuion was of French Protestant extraction, his ancestors having come from Champagne and settled in Holland about 1700 ⁴⁾. Born in 1766 in Demerary ⁵⁾, then a Dutch colony, on the South-American continent, he came to Holland and studied law at the University of Leyden. After finishing his studies, he was a member of the council of this town until 1795. In that year the revolution in the Republic under the influence of France pushed him, like most of the regents, aside. He married Henriette Wilhelmina Hartingh in 1800, and had

¹⁾ „Afslager”; Dec. 30 1813, A. van der Hoop to Van Hogendorp (R. A. B. Z. 2: bur. I. S. 1814 No. 18).

²⁾ He was a brother of Job May, who became well known by his action at Amsterdam in November 1813. He had been obliged to fly from Amsterdam in Sept. 1797 because of extreme Orangist sentiments, and had founded in London the commercial house of Donaldson, Glenny & May (London, Oct. 30 1799, W. May to William of Orange, in Archives of the Royal House, Reg. 19: King William I, No. 104). In later years he was the head of the house of May & Alewijn at London (Colenbrander, *Inlijving en Opstand, Amsterdam 1913*, p. 192), but failed and was appointed consul-general for England in Febr. 1814.

³⁾ Correspondence on this subject between the Prince and Van Hogendorp, Jan. 2—14 1814, is to be found in *Brieven en Ged.* V p. 217—240.

⁴⁾ For the following particulars see the short sketch of his life by W. H. de Savornin Lohman, François Daniel Changuion (16 Febr. 1766—15 Juni 1850), in *Bijdragen voor Vaderlandsche geschiedenis en oudheidkunde* 5e Reeks IV (1917), p. 108 f. Also: *Wittert van Hoogland, De Nederlandsche Adel* ('s-Gravenhage 1913) p. 512; *De Nederlandsche Adel (historisch gedeelte)*, 2d ed. ('s-Gravenhage 1930) p. 42; and references.

A François Changuion, probably his grandfather, is found in Amsterdam (Kalverstraat) between 1724 and 1752 as a bookseller and editor, a D. J. Changuion between 1772 and 1797 in the same trade (Ledeboer, *De boekdrukkers, boekverkoopers en uitgevers in Noord-Nederland, Deventer 1872*, in voce).

⁵⁾ Daniel Changuion was in 1769 the director of a money negotiation contracted at Amsterdam, by which 400.000 guilders were provided for 10 years to several planters in “Rio Essequibo en Rio Demmerary” (the transaction published by W. W. van der Meulen in *Bijdragen en Mededeelingen van het Historisch Genootschap* XXV p. 547). The same Daniel, probably, is found at Amsterdam in 1787, dealing in the coffee trade (Archives of Amsterdam, Price currents of the coffee), and as a member of the firm of Couderc, Brants & Changuion, founded in 1789 (Van Winter II p. 335). Cf. Colenbrander, *Gedenkstukken* VI (1810—1813), I p. 40, 192, 528.

several children by her. While his cousin, Pierre Jean Changuion, was governor of Curaçoa from 1804 to 1807 ¹⁾, François Daniel was out of office all during the French period, being a faithful, though not prominent, member of the conservative Orangist party, which refused to agree with the new governments and the influence of France. He lived from the revenue of his plantations in the South-American colonies. In the years about 1800 he stayed in England ²⁾, from where the contact with his estates could more easily be maintained. Occasionally he was charged with the delivery of letters for the Prince of Orange abroad ³⁾. Since 1803 he had lived at The Hague.

Gradually he came to number among Van Hogendorp's most intimate and reliable friends, and was one of the few to whom the latter communicated in December 1812 his projects for the preparation of a revolution for the independence of Holland. Van Hogendorp appreciated him as a ready partisan to this plotting, and trusted him with special missions for keeping in contact with Amsterdam, whither Changuion's connections provided an easy pretence for going often and unnoticed ⁴⁾. From the first moment of revolutionary action in the third week of November 1813, he participated in the execution of their plans. His name is signed under many of the joint decisions and declarations which were made in the early days of provisional government after the French had left. He was not one of the leaders of this movement, but remained in the background, a faithful second and executer of their directions. And he acted as the general secretary of the provisional government, from November 17th to 29th, before Falck, a more marked and capable person, assumed these functions. On the 14th of December the Prince Sovereign appointed him Commissioner-general to the British armed forces in the Netherlands ⁵⁾, on the 18th of January 1814 Envoy to the United States of America. A Royal Decree of September 30, 1815 raised him to the noble title of „Jonkheer”, on account of his

¹⁾ He was afterwards secretary of the Court of Justice in Surinam, 1815—1820 (C. P. Amelunxen, *De geschiedenis van Curaçao*, 1929, p. 159).

²⁾ For instance in 1799 and 1800 (R. A. B. Z. I. S. 1819 No. 4950).

³⁾ For instance Oct. 9 and 16 1801, F. D. Changuion to the Prince, on the transmission of letters from London to Berlin, where the Prince stayed at the time (Archives of the Royal House, Reg. 19, No. 104).

⁴⁾ Colenbrander, *Inlijving en Opstand* p. 189.

⁵⁾ Decree of the Prince Sovereign, Dec. 14 1813 No. 3.

services in the restoration of Holland, and by December 1816 he was appointed to knighthood, "Ridder in de Orde van den Nederlandschen Leeuw" ¹).

Van Hogendorp invoked Clancarty's consent to the nomination by describing the appointee as a man "attaché à la maison d'Orange, et au système d'alliance avec l'Angleterre" ²). As regards Changuion's faith and industry for the sake of his Sovereign and of the Minister of Foreign Affairs, there is no reason to doubt the propriety of the choice. The good relation which he maintained with Van Hogendorp actually directed the appointment. The latter knew him as a reliable and able assistant ³). Yet, that in the first instance May had been thought to be a better candidate shows that even Van Hogendorp was not convinced that the mission quite suited the character of Changuion. Changuion was easy to please by kindness, and by respect paid to his personality or quality. Although he had been capable of carefully carrying out his instructions, he was not prominent for more substantial qualities. He had never proved able to act on his own account in important affairs. Also he lacked experience in the diplomatic service. An appointment to a place nearer by, a less plenipotentiary mission, might have been safer for him as well as for the government.

Aside from Van Hogendorp, who knew his ambitious industry, not many valued him highly. Bourne describes him as: "An intelligent amiable man, plain in his manners, without pretensions and in general esteem here" ⁴); and in 1815 Eustis reports: "He is held in very considerable estimation here, principally, I believe, for the part he took in the revolution of last year, when he proved himself one of the most zealous and active partisans of the Orange Family" ⁵). But not much of this esteem is to be found in the accounts of Dutch officials. Falck shows disdainful

¹) See also Van der Aa, Biographisch woordenboek der Nederlanden, and the article by W. H. de Savornin Lohman in Nieuw Nederlandsch Biografisch Woordenboek IV (1918), in voce. His portrait, after a drawing by Caspari, is to be found in H. Bosscha, *Geschiedenis der staatsomwenteling in Nederland in het jaar 1813* (Amsterdam 1817) II p. 1, and in Joh. W. A. Naber, *Overheersching en vrijwording; geschiedenis van Nederland tijdens de inlijving bij Frankrijk, Juli 1810—Nov. 1813* (Haarlem 1913) p. 286.

²) Jan. 18 1814 (R. A. B. Z. 2: bur. U. S. 1814 No. 42).

³) „Uwe Koninklijke Hoogheid kan op dien door en door beproefden man in alle omstandigheden rekenen als op zich zelven" (Brieven en Ged. IV p. 394).

⁴) Febr. 28 1814, to the Secretary of State (D. o. S. Cons. Desp. Amsterdam).

⁵) Aug. 11 1815 (D. o. S. Desp. Neth.).

discontent with Changuion's management of affairs as Secretary ad interim of the provisional government ¹). Equally little attachment to his merits, and a want of trust in his ability is evidenced by the attitude which he encountered from the government in the ensuing years.

After Changuion had consented to go on the mission, the Prince at once hurried on with further arrangements. He may be appointed envoy extraordinary, he writes on January 17th ²), but he is not to deliver his credentials to the American government before the latter has shown a friendly disposition. On the 18th Van Hogendorp transmitted the concept-decree of the appointment to the Sovereign, who signed it that very day ³). It instructs Changuion to get ready to depart immediately for his destination. The rank is fixed at that of Envoy Extraordinary and Minister Plenipotentiary, the salary at 15,000 guilders and the amount for equipment and travelling at 10,000 guilders.

At the same time it appeared desirable to appoint a Secretary of legation who might act as chargé d'affaires in case the minister should be recalled ⁴). A decree of March 4th appointed to this function Jan Willem Ten Cate ⁵), who was instructed to wait for orders from the Envoy ⁶). About his life little can be ascertained. Supposedly he was from mercantile circles ⁷), and a friend of, or an acquaintance recommended to, Changuion. In 1816, after one year of court information, Eustis is able to state thus the inside nature of Changuion's mission: "He was the protégé of Count Hogendorp, as Mr. Ten Kate was his" ⁸).

A correspondence between the Prince Sovereign and Van Hogendorp on the question of the minister's salary took up the second half of January ⁹). The latter knew from experience that

¹) Gedenkschriften van Anton Reinhard Falck, ed. by Colenbrander (R. G. P. Kleine Serie No. 13), p. 113: „Naar de papieren die ik vond, te oordeelen kan de dienst dien hij mij zoodoende bewees, hem niet veel moeite gekost hebben”.

²) To Van Hogendorp (Brieven en Ged. V p. 249).

³) R. A. B. Z. 1: bur. I. S. 1814 No. 17.

⁴) Jan. 19 1814, Willem to Van Hogendorp (Brieven en Ged. V p. 251).

⁵) Decree No. 54 (R. A. B. Z. 2: bur. I. S. 1814 No. 260).

⁶) March 9 1814 (R. A. B. Z. 2: bur. U. S. 1814 No. 165).

⁷) Connected probably with the merchant firm of Ten Cate & Vollenhove, which is found dealing with American affairs previous to 1813, but encountered difficulties in its land speculation transactions during the French regime, Evans p. 20. Van Winter II p. 331 f. (also: index!).

⁸) Oct. 6 1816, to Monroe (D. o. S. Desp. Neth.).

⁹) Brieven en Ged. V p. 257—280.

the country of destination was even more expensive than England¹). They agreed finally that the amounts fixed were by no means sufficient for the expenses involved by the rank of envoy²). Considering the dearness of life in America, and the costs of a voyage which in the present conditions would be safe only via England and New Scotland, a decree of the 28th of January added 15,000 guilders to the minister's salary and 14,000 to the amount appropriated for travel costs³). The Prince would not ask more from the national treasury. But he expressed a willingness to pay a thousand pounds sterling (12,000 guilders) out of his own means, in case even this should not be sufficient. "The main thing is that he sets out via London for his destination very soon"⁴).

The first object of the mission being to obtain a speedy recognition of the state of the Netherlands from the American government, the appointment decree of January 18th stated: "He will expedite his departure as much as possible". That same day already Van Hogendorp requested Clancarty to procure the means of passing to the United States through England and Nova Scotia as far as Halifax⁵). This appeared to be the only route for a safe voyage⁶), the American coast being blockaded and infested by war. He would have to travel via England since only there could a passage be had for the British possessions in North-America; from these the minister might then more easily find a possibility of entering the United States. Clancarty duly forwarded this request to his government. He took care to state again, as the acknowledged aim of the mission, "that the sentiments of the United States should be ascertained at an early period, with reference to the late events which have occurred, more especially in the United Provinces", laying moreover particular stress on the matter by the assertion that this would be important "not

¹) One dollar equals one guilder, he said.

²) Van Berckel, minister plenipotentiary in 1783, had received 20.000 guilders salary and the same for representation (Van Winter I p. 179. Cf. J. de Hullu, in *Bijdragen tot de taal-, land- en volkenkunde van Ned.-Indië*, 75, p. 281).

³) R. A. B. Z. 2: bur. I. S. 1814 No. 103.

⁴) Jan. 31 1814, Willem to Van Hogendorp (*Brieven en Ged. V p. 279*): „De hoofzaak is, dat hij zig spoedig over Londen nae zijne destinatie begeeve”.

⁵) Jan. 18 1814, Van Hogendorp to Clancarty (R. A. B. Z. 2: bur. U. S. 1814 No. 42).

⁶) Jan. 29 1814, Van Hogendorp to the Prince Sovereign (*Brieven en Ged. V p. 269*): „de noodzakelijkheid, dat hij over Halifax ga”.

only with a view to the interests of this state, but also to those of His Majesty's government" ¹⁾).

While Changuion was obtaining information in Amsterdam on the subject of the American commercial relations, the news about his travel-route reached this city and caused no slight embarrassment. Consul Bourne at once proclaimed the desirability of enabling the minister to reach the United States in a direct way, from a Dutch port; "de pouvoir y arriver *sous pavilion Hollandais* ne peut manquer d'avoir un bon effet" ²⁾). Also the Amsterdam merchant firms appeared to be aware of the feelings of hostility and uneasiness toward Great Britain, which prevailed among the American government and people: the minister should not therefore accept the opportunity of traveling under the British flag ³⁾). This argument duly impressed the Prince Sovereign. His recognition by the United States depended on the general sentiment roused by the mission. An effect of distrust would be the result if it were going to arrive there from the midst of the enemy's forces, via Halifax, by a special passport. „Il inspireroit de la défiance et des préventions, qui nuirraient à l'objet de sa mission" ⁴⁾). William proposed therefore that a small war vessel be used for the voyage, to set out as soon as the waters were free from ice ⁵⁾).

At first uncertainty prevailed regarding the attitude of the British government. Clancarty, with whom Van Hogendorp had treated the whole affair of this mission "avec le plus parfait concert", wrote home to ask their views. Also Fagel was instructed to explain the new difficulties ⁶⁾). But again the attitude of England proved to be sensible. Wishing to favor this mission in all its attendant particulars, she duly offered to procure a passport for the Dutch vessels to pass through the British blockade cruisers. The Foreign Office thus appeared to be readily concurrent. But — even if ice had retained the mission, as Van

¹⁾ Jan. 19 1814, Clancarty to Castlereagh (F. O. 37/67).

²⁾ Febr. 4 1814, Bourne to Van Hogendorp (R. A. B. Z. 1: bur. I. S. 1814 No. 57).

³⁾ Febr. 5 1814, Van Hogendorp to the Prince Sovereign (Brieven en Ged. V p. 297).

⁴⁾ Febr. 11 1814, Van Hogendorp to Fagel (R. A. B. Z. 1: bur. U. S. 1814 No. 30).

⁵⁾ Febr. 6 1814, the Prince Sovereign to Van Hogendorp (Brieven en Ged. V p. 298).

⁶⁾ Febr. 11 1814, Van Hogendorp to Fagel (R. A. B. Z. 1: bur. U. S. 1814 No. 30), whence also the above particulars.

Hogendorp notes in his memoirs ¹⁾, — objections from the British war administration now came to cause delay. Two ships had been fitted out: one the “Prins van Oranje”, a merchant vessel, of 200 tons, to carry Mr. Changuion and his family, and servants, and the Secretary of Legation, their luggage, etc.; the other one a man-of-war, “Ajax”, a “corvette” to protect the former in case of hostilities. The difficulties of procuring a passport for these ships arose from the exaggerated fear of the British authorities that a cargo of merchandise might be smuggled through to the blockaded ports. The Ambassador Fagel had to carry on a manifold correspondence occupying more than the month of April ²⁾ before he could forward the desired document to The Hague, at the beginning of May.

Soon after all this the mission was ready to embark. On the 22nd of May the two vessels sailed out from the roads of Hellevoetsluis, outpost of Rotterdam.

In the next days, however, they met with such heavy storms in the Channel that the “Ajax”, badly damaged, had to put into the harbor of Portsmouth for necessary repairs. Changuion took the opportunity to visit London for a few days. He presented his compliments to the Prince Hereditary of Orange, who was there at the time in the most promising days of his unsuccessful engagement to the ill-fated Princess Charlotte ³⁾; and also to the Ambassador Fagel. For the rest he observed the utmost incognito, in conformity with the wishes of his government ⁴⁾. It clearly shows the independent character of this mission that the very minister whom the British Foreign Office had vehemently urged sending out abstained at this juncture from even secretly calling on it.

On the 5th of June, six days after the first peace of Paris, the mission set out again for America.

¹⁾ Brieven en Ged. V p. 77: he wrote them several years after. Hoekstra (l.c. p. 115) who relies mainly on American sources for the treatment of this chapter, follows his views. It is evident, however, that ice never was responsible to any considerable extent for the delay in Changuion's departure.

²⁾ April 6 1814, Van Hogendorp to Fagel (R. A. B. Z. Embassy at London No. 1); April 12, 14, 26, May 3, 4, from Fagel; April 19, 22, May 10, to Fagel; (R. A. B. Z. 1: bur. I. S. 1814 Nos. 214, 224, 279, 316, 317 and U. S. 1814 Nos. 125, 131, 178).

³⁾ Renier l.c. p. 179.

⁴⁾ May 31 1814, Fagel to Van Nagell, and Changuion to Van Nagell (R. A. B. Z. 1: bur. I. S. 1814 Nos. 406, 407).

Before we engage in welcoming it there, we must investigate the final character given to the mission during its preparations. The first purpose being to obtain the recognition of the Prince Sovereign and of the independence of the country, Changuion was to deliver his credentials, i.e. act in his official character, only after he should have been assured of a friendly reception by the American government ¹⁾. We have stated also that from the very first moment the Prince Sovereign considered the possibility of recalling the minister after his task had been fulfilled, in which case the secretary of the legation would become chargé d'affaires ²⁾. In this sense Van Hogendorp drew up the first articles of the decree containing Changuion's appointment; these would serve him as a preliminary instruction ³⁾. Having arrived at his destination he should in private acquaint the authorities with his task of communicating to the United States the successful revolution of the Dutch against the French domination and the Prince's elevation to the Sovereignty, by the general will of the nation (Art. 3). Also he should show, in strict confidence, a draught of the constitution which it was the Prince's intention to lay before an assembly of notable inhabitants ⁴⁾ (Art. 4). Having secured sufficient certainty that the recognition desired would be granted by the American government, the minister should deliver his credentials and disclose his official character (Art. 5). He should then assure them of the Prince's willingness to draw closer the ties of amity between the two countries, and to promote their commercial relations (Art. 6).

In December 1813, when considering the merits of Bourne's questions, treated in the preceding chapter, the British authorities had suggested granting, in exchange for recognition, a revival of the treaty of 1782, as a "concession" to the United States ⁵⁾. Van Hogendorp did not view the subject as a matter of exchange,

¹⁾ Jan. 17 1814, the Prince to Van Hogendorp (Brieven en Ged. V p. 249).

²⁾ Jan. 19 1814, idem (Ibid. p. 251).

³⁾ Jan. 18 1814 (R. A. B. Z. 1: bur. I. S. 1814 No. 17).

⁴⁾ This „Vergadering van Notabelen" actually expressed, on March 29 1814, its consent to the constitution.

⁵⁾ Dec. 19 1813, Fagel to Van der Duyn (R. A. B. Z. 1: bur. I. S. 1813 No. 4): "Il appartient au Gouvernement de S. A. R. d'examiner s'il sera de sa convenance de renouveler, en tout ou en partie, les stipulations de ce Traité. Cette question étant décidée affirmativement, on croira probablement chez vous pouvoir attacher à cette concession faite à l'Amérique Unie, la condition, de la part de cette République, de reconnaître S. A. R. notre Souverain, dans sa nouvelle qualité".

nor the treaty as a concession. But, well aware of the importance of commercial relations, which he did not omit to mention in prefatory considerations to the decree, and of the fact that no other relations would ever be of real interest between the two countries ¹⁾, he readily accepted the possibility of such a treaty, as it had been broached by Bourne. He stipulated (Articles 7 and 8) that in case the American government should show itself willing to conclude a treaty of amity and commerce, the minister must express his readiness for negotiations and ask for further instructions..

Thus, besides the first purpose of obtaining recognition, the mission had got a second although less definitive aim, namely that of settling the regulation of mutual intercourse. In fact, Van Hogendorp had already sent out Changuion on a visit to the merchants of Holland in order to learn their wishes with regard to the relations with America ²⁾. In the last days of January the new minister visited Amsterdam, Rotterdam and Dordrecht ³⁾. Here he had met with the disapproval of his proposed way of travelling above described, as a result of which he had been retained in the country for several months longer.

Meanwhile the Foreign Department was occupied with draughting his instructions and framing memoranda on the purpose of his mission. C. van Zuylen van Nyevelt, secretary, requested Fagel to inform him about the conference which was expected to be held at Gothenburg for negotiations between England and the United States through Russian intermediation so that he could know the particulars of British-American relations and might use them for the final instructions to the mission ⁴⁾. At the end of February he made the project of an address which Changuion was to deliver at his first audience in order to communicate to the President the restoration of Holland and the return of the House of Orange ⁵⁾. The contents of this draught were, as may be expected from Van Zuylen, a man about

¹⁾ See chapter I.

²⁾ Jan. 18 1814, Van Hogendorp to the Prince Sovereign (Brieven en Ged. V p. 250).

³⁾ Jan. 29 1814, *idem* (Ibid. p. 269); Febr. 11 1814, Van Hogendorp to Fagel (R. A. B. Z. 1: bur. U. S. 1814 No. 30).

⁴⁾ Febr. 23 1814 (R. A. B. Z. 1: bur. U. S. 1814 No. 40).

⁵⁾ R. A. B. Z. 1: bur. U. S. 1814 No. 49. To be found also in the archives of the legation (B XXI No. 37).

whose incapability his contemporaries particularly agree¹⁾, hollow and boasting of tone and unjustifiably rhetorical of style. Opening with the words: "La Hollande cette terre sacrée", and imbued with a spirit of little esteem for the American state and people, it was not at all suited to the existing conditions. Changuion took the document with him to America, but never used it.

From the 7th of March 1814 dates a memorandum, drawn up also by Van Zuylen, concerning the course to be pursued by the minister after his arrival in America²⁾. At this date, it appears, the Prince did not consider his Sovereignty to be dependent any longer upon the sentiment of foreign countries. The most important powers of Europe had already sent their diplomatic representatives to The Hague, and thus evinced recognition. What interest could be found in the question whether such recognition was to be given or not by a far away country like the United States? The answer to this question is clearly evident in the present memorandum. It does not even mention the necessity of a speedy recognition. And likewise it no longer considers the desirability of showing to the American government the project-constitution of the country.

The purpose of the mission had changed. Only one point was left. „Le but principal . . . [est] . . . de tâcher de conclure un traité de commerce", or to effect at least a sound establishment of commercial relations.

First the document considers what attitude the minister should most properly assume: A. should the British war still continue: what party he must favor, and whether his neutrality might give him the opportunity to offer his services for inter-mediation between the belligerents; B. should peace be concluded: what general directive should be given for his conduct. National obligations towards England might authorize him to ally himself with the British party. But this must not lead him to

¹⁾ Fagel (Colenbrander Gedenkstukken VII 1813—1815, p. 831), Falck (Gedenkschriften p. 123) on C. van Zuylen van Nyevelt. A decree of March 3 1814, No. 12, appointed him officially secretary of the Department, but previously he had already been working there. He occupied this position in 1815 also („Staatsalmanak" for 1815), but the next year (idem 1816) saw him safely stowed away: „Thesaurier van de Orde van de Nederlandsche Leeuw".

²⁾ „Eenige consideratiën over het gedrag welke de Ambassadeur bij de Staten van Noord-Amerika bij zijn aankomst aldaar zoude moeten houden" (R. A. B. Z. U. S. 1814 No. 59. Also in the legation archives, B XXI No. 37). The title is in Dutch, but the text is in French.

degrade his position in the eyes of the American people, and thus to prejudice their disposition for granting commercial favors.

These items were of hypothetical value only. Politically they were not to the point as no real reasons existed either for offering peace mediation or for joining an internal American party. But they show what questions were adherent to the mission: it had both to spare American feelings and to avoid British jealousy.

As for its commercial object, under these conditions, the document suggests that some mercantile advantages might be offered, which would be of no interest to England but would show to the United States the friendly disposition of the Netherlands. It was to be left to the minister to decide upon the most suitable course in this respect: „ . . . il pouvait être laissé au discernement du Ministre à se concerter sur les liens mêmes avec le gouvernement américain pour se décider sur les immunités qui sans froisser les intérêts de la Grande Bretagne, il pourrait proposer à S.A.R. d'accorder aux Etats Unis de l'Amérique". The following are five points suggested for discussion:

- a.* the establishment of a fixed rate of exchange between the two countries;
- b.* the foundation of a regular packetboat service;
- c.* a stipulation concerning the claims of American citizens for indemnification for their losses of vessels and cargoes sequestered in Holland in the Napoleonic period;
- d.* the Dutch desire to obtain from the United States the management of their financial operations in Europe;
- e.* the admittance of American trade to the Dutch colonies.

The settlement of these points would precede the negotiation of a treaty; they were to be viewed as its "avantcoureurs". It is evident, however, that at least *d.* would have roused strong British jealousy.

It appears that most of these points were suggested by a memorandum from Rotterdam merchants, which is found in the archives of the mission ¹⁾. This memorandum states the advantages of Dutch markets to American commerce, and urges that the United States favor the trade to these markets:

- 1° by regularly providing them with American products, to the consignment of Dutch firms;

¹⁾ R. A. B. Z. B XXI No. 37, without date.

- 2° by treating Dutch vessels in American ports on the most-favored-nation footing, which treatment would be granted in return to American vessels by Holland;
- 3° by taking for return-cargoes from Dutch ports merchandise produced in Holland, or such other merchandise as was usually shipped from the Dutch ports and produced in countries usually buying American products in the Dutch markets;
- 4° by starting a regular bill-brokerage ¹⁾, at least with Amsterdam; and
- 5° by establishing a monthly or semi-monthly packetboat service for mail and passengers between the two countries.

It is remarkable how much they dared to expect from American enterprise for the revival of their own business, and how many things they wanted to settle by diplomatic understanding which in fact were matters depending only upon commercial transaction. About points 1, 3 and 4, the secretary of legation later on remarked that these could never be agreed upon by convention since they were subject only to private enterprise ²⁾. The same may be said of points *a* and *d* of Van Zuylen's memorandum. Also the establishment of a packetboat service (*b* and 5) must at least be started by private enterprise; this point did not come into serious consideration until several decades afterwards, in the middle of the 19th century.

Only the questions of the claims, of colonial trade and of the most-favored-nation clause were matters of diplomatic concern. The first was not to be entered upon by a Dutch representative. The two others remained for several years the most important subjects of discussion between the two countries. As yet, however, neither the department's nor the merchants' memorandum gave the minister sufficient information about the merits of these points.

The preparations dragged on. Van Hogendorp's dismissal as Minister of Foreign Affairs in March, Jacob Fagel's ³⁾ interim direction of the department, and finally Van Nagell's entering

¹⁾ „Wisselhandel”.

²⁾ In his notes added to these points. As to point 4, the demand for a direct exchange, Changuion noticed during his residence in America, that one existed already between Holland and the United States, independent from London firms, to whose mediating management the Dutch here objected.

³⁾ He was a brother of the Ambassador at London.

upon his duties at the end of April, must have caused a lack of continuity in the proceedings. At the same time the Union with Belgium and the restoration of the colonies were subjects of immediate political concern, to which American relations were only second in rank.

Almost all of the regular commercial intercourse with America was brought to Changuion's attention in these months. At the end of April he received two memoranda from representatives of industrial interests¹⁾. In one the gin distillers at Schiedam requested him, through Mr. Fannius Scholten, to urge a reduction of American import duties on their Holland gin to the same level as in the 18th century. The exportation of their article to America had to be established anew. They also wanted Changuion to effect an equalization of tariff duties on goods imported and exported in American and in Dutch vessels. In the other memorandum Mr. Pieter de Haan Pzn., at Leiden, pointed out the qualities of Dutch cloth and the considerable part which its export used to take in the commercial relations with the United States. Wishing to revive this trade, he made it clear to Changuion that Dutch cloth ought not to be charged more heavily in America than other foreign cloth.

From the merchants also Changuion received information. At the main ports of Holland he had discussed their American interests. In Amsterdam his attention had been drawn especially to the American loans and land speculations, financed by firms of this city, so that he should know which interests might need special care²⁾.

At the eleventh hour³⁾ the Amsterdam Chamber of Commerce had informed Falck, acting Secretary of State for commerce and the colonies, about their wishes and views in regard to instructions for the mission⁴⁾. They appeared to be of a general nature and nearly equal to those expressed before: moderate tariff

¹⁾ Both dated April 28 1814 (Archives legation, R. A. B. Z. B XXI No. 37).

²⁾ May 17 1814, Falck to the Department of Foreign Affairs (R. A. B. Z. 1: bur. I. S. 1814 No. 520).

³⁾ After a last visit of Changuion to Amsterdam. On May 8th a dinner was offered him on this occasion by the merchants dealing with American trade. Consul Bourne attended it, as well as other Americans staying there. (De Amsterdamsche Courant of May 12, 1814.)

⁴⁾ April 14 the Department of Foreign Affairs had required information from Falck on this subject (R. A. B. Z. 2: bur. U. S. 1814 No. 247). Cf. Zwart, *De Kamer van Koophandel en Fabrieken te Amsterdam, 1811—1911*, p. 60.

duties on goods of Dutch produce, and the most-favored-nation treatment¹⁾. As regards the former it must be stated here in advance that the desire to secure a reduction of the tariff from those in charge of the foreign relations of the United States could in practice never be fulfilled because, according to the American system of governmental institutions, the regulation of the tariff belonged only to the Legislative Power. Tariff duties had a general bearing and could not be a point of special diplomatic negotiations; the Cabinet had to accept them as they had been fixed by Congress. Most of the Dutch complaints with regard to these duties are based on the erroneous belief that the high tariff rates could be reduced by a single act of a decreeing authority²⁾.

Falck transmitted these representations to Van Nagell, adding his agreement with their contents³⁾, and the Foreign Department at once forwarded them to Changuion with the statement that he should consider them a principal part of his instructions⁴⁾; they stressed again the commercial character of the mission. For nearly two weeks, then, Changuion had had his final instructions, containing the definite task which the Department had decided to lay upon him.

In the last days of April one more document had been drawn up, presumably under Van Nagell's direction, entitled „Observations sur le but de la mission de M. de Changuion en Amérique”⁵⁾. Its spirit resembles that of the document of March 7th: it takes recognition for granted. Also it suggests, while acknowledging the jealousy of Great Britain, the possibility of eluding this, to the advantage of national trade; but it is considerably more determined hereon than the preceding paper. By the observation that only after having regained her forces by trade

¹⁾ May 10 1814, the members of the Chamber (Severijn president) to the Secretary of State for commerce and the colonies (Archives Chamber of Commerce at Amsterdam, Letterbook 1811—1815).

²⁾ At about the same time informal complaints had been made by Amsterdam merchants to Bourne that “the articles of importations generally from this country . . . should be subject to such high duties in the United States”. He had replied that they were equal to those for all foreign nations, and that they originated in the war period, leaving to them the suggestion of a change in case of peace (May 20 1814, Bourne to the Secretary of State, D. o. S. Cons. Desp. Amsterdam).

³⁾ May 17 1814, Falck to Van Nagell (R. A. B. Z. 1: bur. I. S. 1814 No. 520).

⁴⁾ May 17 1814, Van Zuylen van Nyevelt to Changuion (R. A. B. Z. 2: bur. U. S. 1814 No. 326)

⁵⁾ R. A. B. Z. 1: bur. U. S. 1814 No. 157.

can the country reprehend her political power in Europe, it points out that reestablishment of the commercial relations with the United States is the principal purpose of the mission and advises the minister to take advantage of the present interruption in the commercial relations between the United States and England, „ . . . notre position présente comportant que nous profitons avec adresse de l'interruption qui subsiste naturellement en ce moment dans le commerce de l'Amérique avec l'Angleterre". This is a spirit of enterprise in competition with British interests which suddenly reminds us of the situation during the American War of Independence. The neutral position must be cleverly utilized. In order to inform them of all possibilities for commerce and trade, Changuion should keep in steady correspondence with the Dutch merchants and be aware of their wishes at every moment. Also he must enter into an intimate connection with prominent persons in the United States, thus finding opportunities for interchanging mutual interests to mutual advantage. After that it was left to his own judgement to catch the right moment for the conclusion of a treaty of commerce; but, as this depended entirely upon the general political situation in Europe and in America, he had to be aware of the speculative nature of such a step. „Sa correspondance aura donc pour but principal de nous tenir au courant de tous les intérêts divers de commerce que les deux nations Hollandaises et Américaines pourroient désirer d'établir entre elles".

This task may be considered the secret part of his mission; it intended to establish commercial and financial connections, to the detriment mostly of British interests. Even a treaty appeared not to be necessary for this purpose; it was too official, too openly an expression of policy to be entered upon except with the utmost prudence. Secret understanding, private intercourse, were the ways for him to obtain results in this country which, far away from the European scene, was une „Réunion de Commerçants" rather than „une Puissance politique" ¹⁾. „Il est donc d'autant plus intéressé de s'appliquer à entretenir des connexions amicales parmi la classe des négocians, qu'il lui sera par là d'autant plus facile de soutenir son caractère de représentant d'une puissance

¹⁾ The lack of insight into American conditions evinced by this statement has been treated in Chapter I.

neutre". His task, in this respect, was that more of a consular agent than of a diplomatic envoy.

A different attitude was traced out for him in his official character. The author of the document is well aware of the political implications of such a fact as the dependence of Holland upon the power of England. In the present conditions, to remain on good terms with Great Britain was all important for a sensible policy. Not to give offence to the ally was, although a negative, the only absolute requirement stipulated in the minister's instructions. „Les liens étroits d'amitié et d'intérêt, qui nous unissent à l'Angleterre, doivent l'engager à une conduite politique aussi franche que loyale, et bien qu'il trouvera en Amérique prédominant un parti prononcé contre l'Angleterre, il ne peut, ni ne doit jamais oublier à quel point tous nos intérêts sont liés à ceux de l'Angleterre". A mere suggestion is given in the paper with respect to proper attempts to be made by him, in his character of representative of a neutral power, for a mediation in the British-American war. It wisely recommends the utmost care and merely advises him to influence the situation in such a manner as to render it better suited for the possibilities of peace. This paragraph represents only a vague wish of the Dutch Minister of Foreign Affairs concerning the question of mediation; it deserves no more credit than the actual course of events, with Changuion's coöperation, gave by neglecting it entirely.

The recommendations set forth above may be regarded as secret instructions, showing the essential task laid upon the minister ¹⁾. The founding of commercial connections, a revival of the good reputation of the Dutch nation with the American people, the avoidance of prejudicing British influence, and *no* request for recognition, are their most striking points. These are largely reflected in the final instructions, as they came out, dated the 9th of May 1814 ²⁾.

Upon arrival in America the first thing for the minister to do would be to communicate *privately* the object of his mission, i.e.

¹⁾ There is no reason to presume that he was not made acquainted with them. No copy is to be found among the Papers of his legation. But none of his final instructions is among them, either.

²⁾ Together with his credentials, the Prince Sovereign to the President of the United States (R. A. B. Z. 1: bur. U. S. 1814 Nos. 175, 176).

to notify the authorities of the advent of the Prince to the Sovereignty of the United Provinces of the Netherlands. As there were no reasons to doubt a due recognition by the American government, he must then prepare a proper reception in accordance with his official character, if the circumstances should permit this, and assure the President of the friendly intentions of his Sovereign for a perfect understanding between the two countries (Articles 2 and 3 of the instructions). The principal aim of the mission was definitively described to be the establishment of commercial connections between them (art. 5). He might attempt „par des moyens de persuasion de pacifier les esprits” of the belligerents, but he should avoid „toute démarche prononcée et le rôle de médiateur” (Art. 6). In case of the conclusion of peace he must try to obtain information about its stipulations and especially see to it that the most-favored-nation treatment be maintained for Dutch subjects, i.e. that no special privileges be granted to another country (Art. 7). He should collect news concerning the United States and their government (Art. 8), but avoid mingling in internal party politics. While keeping on good terms with all foreign diplomats, he must maintain the most confidential relations with the British representatives: „en particulier il entretiendra toujours le concert, et les communications les plus confidentielles avec les ministres d’Angleterre” (art. 9). This was the expression of the dependence of the country upon her ally and protector ¹). Articles 10 and 11 instruct him to promote commercial interests and to inform American merchants of the possibilities offered by the Dutch colonies; and to protect the subjects of the Netherlands.

His course in regard to the preparation of negotiations for a treaty of amity and commerce is carefully traced out. He must, vaguely, propose an understanding thereon with a view to strengthening the commercial relations. It should be based on the principles of the most perfect equality, and be adapted both to the actual circumstances in Europe and to the intimate relations existing between Holland and Great Britain. Any offensive, defensive or exclusive provision should therefore be avoided. The utmost prudence was urged upon him for choosing

¹) More extensively treated in chapter III, p. 47.

the proper moment for such a proposition, „en évitant avec un discernement délicat de compromettre en aucune manière son gouvernement, par des démarches intempestives ou prématurées”. Also he was left at liberty to postpone the whole matter until a definite peace had been concluded between England and the United States (Art. 12). The cautious wording of this article shows clearly how well the government was aware of the delicacy of this policy, to attempt treaty negotiations with a power enemy to Great Britain. It was mentioned as a mere possibility, partly as something desirable for Dutch interests, partly as an answer to Bourne’s openings, which had not failed to leave the opinion that such a treaty was requested by United States authorities. But in any case British jealousy must not be offended. After the draught treaty had been formulated by mutual agreement, Changuion should send it home for approval and await further definite instructions (art. 13) ¹⁾.

From the preceding it appears that the minister received no official power for negotiating a treaty. He was instructed only for provisional discussions. The Department avoided trusting him with full power. On the other hand Van Nagell’s ideas about the government of the United States and about the American state in general induced him to believe that any invitation from his side to enter upon an understanding would be gladly accepted. As to this he was decidedly in the wrong. It was no longer up to the Netherlands, as it might have been thirty years earlier, to dictate a diplomatic course in America. The United States had political ideas of their own; they had become a power certainly not less important in matters of world concern than was Holland, even with her colonies and united with Belgium. Changuion would duly find this out. The main error of his instructions is that they value the country where he was to reside much less highly than the facts required. Most of the unfortunate effects of the mission which the department later on experienced result from this misunderstanding. Besides, it remains a question whether Changuion was the right man to be charged with a task which was heavy because of its responsibility and not quite

¹⁾ The following articles contain general regulations for the ministers and legations of the country. The instructions given to the secretary of legation, Ten Cate, contain nothing of interest; they define his administrative duties. (To be found in R. A. B. Z. No. 1743, a portfolio entitled “Instructiën”.)

definitely shaped because of its delicacy. A full power, more sharply outlined, even if wider of range, would have better suited his character.

We are not certain whether Clancarty inspected these instructions before they left the country¹⁾. They are marked „secret”, but considering his influence this was no obstacle. Their careful wording shows that the possibility had been foreseen. With regard to the document described by us as the really secret instructions, we must assume that it passed unnoticed by British eyes. It concealed, under the attitude of controlled dependency, officially acknowledged, a spirit of commercial enterprise which defied even British supremacy. If ever the mission had a secret purpose in addition to the official objects, this was not to aid English interests by influencing American internal party politics, nor to try to mediate for peace, but, on the contrary, to foster Dutch connections in the present war conditions to the detriment of the British. At the same time it had to spare American resentment in its official proceedings by not too openly acknowledging the political connection with Britain.

This was sufficient reason, indeed, for Changuion to keep his incognito while staying in London before he continued his voyage.

¹⁾ That he was at The Hague during the last months of preparation, is easily ascertained from his correspondence, as published in Colenbrander's *Gedenkstukken VII* (1813—1815) p. 108—136

VIII. THE MISSION OF CHANGUION 1814—1815. PROCEEDINGS IN THE UNITED STATES

HIS RECEPTION IN AMERICA. — HIS TREATY PROPOSITIONS AND THE AMERICAN REFUSAL. — THE IMPRESSION IN HOLLAND, RESULTING IN HIS RECALL. — OTHER SUBJECTS DEALT WITH BY CHANGUION IN AMERICA. — RECIPROCATATION BY THE UNITED STATES: WILLIAM EUSTIS MINISTER TO THE NETHERLANDS

Changuion left Portsmouth on the 6th of June, and arrived at the coast of New England off Marblehead on the 28th of July. The slowness of the convoying man-of-war in a stormy ocean was responsible for this prolonged voyage. Politely permitted to pass through the British navy force stationed there, he debarked at Boston on the first day of August ¹⁾, and took the earliest occasion to announce his arrival to Mr. Monroe, the Secretary of State.

A quick enthusiasm arose with the New England population. They prepared a reception gratifying to the minister as well, he said, as to his Sovereign. The city of Boston arranged an official escorte of militia to accompany him to a „collation”, and the president of a special committee of the citizens made a speech which expressed their hope of a rapid revival of commerce and trade ²⁾. When he visited the Navy Yard at Charlestown, Mass., he was “saluted by a federal discharge from the battery” ³⁾. At Springfield, on his way to New York, a garde d’honneur ⁴⁾ accompanied him, under the cries of “Hurra” and “Orange Boven” ⁵⁾. Newspapers praised his “excellent mien” and „reputed eminent personal character”, his “accomplished manners”.

¹⁾ Boston, Aug. 4 1814, Changuion to Van Nagell (R. A. B. Z. 1: bur. I. S. 1814 No. 635).

²⁾ Poulson's American Daily Advertiser (Philadelphia) of Aug. 6 and 8, 1814. Cf. De Savornin Lohman l.c. p. 110 f.

³⁾ Same of Aug. 12 1814.

⁴⁾ Aug. 26 1814, Changuion to Van Hogendorp (R. A. Coll. Van Hogendorp No. 99).

⁵⁾ Aug. 28 1814, to Van Nagell (R. A. B. Z. 1: bur. I. S. 1814 No. 636).

They expressed sympathy with the liberation of the Netherlands and enthusiasm for its Sovereign ¹); „une amitié sincère pour la Nation hollandaise”, writes Changuion, „et une vénération particulière pour la maison de notre auguste Souverain” ²). He could not help taking these expressions with hazardous seriousness.

He himself, however, had not intentionally roused such excitement. Only when arriving in Boston harbor did he wear „in his hat the Orange ribbon, with the motto “Oranje Boven”” ³); in his response to the citizens' reception he touched no more than the general disposition of friendship and esteem which existed between the two countries ⁴).

But this mission came from a country which had always been on friendly terms with the United States; it appeared in America at a moment when all intercourse with Europe was checked, foreboding, it seemed, a change to the good. Federalist New England was decidedly opposed to the Republicans' war against Great Britain. Her population was from self-interest pro-British ⁵). The blockade prevented them from trade and business. They longed for peace ⁶). On every occasion they showed their abhorrence of this war and of Bonaparte. The fact that Holland was an ally of England did not escape their attention. All over New England the speeches of reception sounded with eager hopes for peace and for a revival of the intercourse with overseas countries. Changuion was received as the bringer of peace, his mission as the final intermediary to negotiations. Even the calmer Middle States reflect this opinion. “This mission looks pacific”, states *The War* ⁷), a weekly of New York; and *Niles' Weekly Register* ⁸), of Baltimore, notices that with a view to the British permit to Changuion for passing the blockade, “some consider the arrival of this minister as having a pacific appearance”.

¹) Poulson's American Daily Advertiser of Aug. 5 1814.

²) Aug. 4 1814 (R. A. B. Z. *ibid.* No. 635).

³) Poulson's Am. D. Adv. of Aug. 5 1814.

⁴) Aug. 4 1814, Changuion to Van Nagell (R. A. B. Z. *ibid.* No. 635).

⁵) Aug. 26 1814, Changuion's impressions, to Van Hogendorp (R. A. Coll. Van Hogendorp No. 99): “ils détestent cette guerre-ci et le gouvernement qui en est cause; depuis Boston jusqu'à New York il n'y a qu'une voix, qu'une opinion, la *Paix et le rétablissement des relations de commerce avec la Hollande*” (sic!).

⁶) “Assez partisans de la paix pour l'obtenir à tout prix”, (*Ibid.*).

⁷) Aug. 9 1814.

⁸) Aug. 6 1814. Also the *New York Herald*, of Aug. 3 1814.

In order to check these undue expectations Changuion deemed it expedient to insert an article in the newspapers by which he stated that the only purpose of his mission was to renew commercial relations, implying that it had no peace-making intention whatsoever ¹⁾. When this assertion had finally penetrated the public's consciousness, and when the papers had assured their readers of the mistake of considering the arrival of Changuion as an indication of peace ²⁾, the wave of enthusiasm soon died away, in as American a fashion as it had arisen.

Being anxious to preserve strictly the character which had been defined by his instructions, the minister thus freely gave away the trump honors laid in his hands by the people of America. Had he been more of a statesman he would have utilized them on his own account for the fulfillment of his task. But he knew only the direct course stipulated by his government. It was to be a much more obscure way, as he soon found out, than the honorable one he had pursued in his first American days. Just a casual mention of his arrival in one place or another, hardly noticed, is for months all that the papers record about his doings.

At the end of August he arrived in New York, and found a friendly disposition, though no loud enthusiasm. War, more threatening than before, took the general attention ³⁾. In these very days, August 24th, Washington was captured by British troops, which set fire to the White House and other buildings. Changuion then became in the public eye what he actually was, the representative — even not yet officially acknowledged — of a foreign power, not able to give the country the assistance it needed at present. He was not more than the representatives of Sweden and Russia, who were looking on, almost passively, at Philadelphia ⁴⁾. “The measure of sending him out”, wrote John Quincy Adams ⁵⁾, “was a manifestation of a friendly disposition towards us at a critical moment, and as such was estimated by

¹⁾ “The American” (Baltimore), in *Niles' Weekly Register*, Aug. 13 1814, (Aug. 4 1814, Changuion to Van Nagell).

²⁾ *Poulson's Advertiser*, Aug. 4; *New York Herald*, Aug. 10; *Columbian Centinel*, Aug. 3 1814.

³⁾ Aug. 28 1814, Changuion to Van Nagell (R. A. B. Z. 1: bur. I. S. 1814 No. 636).

⁴⁾ De Kantzow for Sweden, since 1812 (Hovde p. 16); Daschkov, consul-general, at the same time chargé d'affaires, for Russia, since 1808 (B. P. Thomas, *Russo-American relations 1815—1867*, Baltimore 1930, p. 10).

⁵⁾ Nov. 29 1814, to Louisa Catherine Adams (Writings V p. 218).

our country But as in the actual state of things our country has the most decisive proof at what value she is to estimate the friendship of *Europe*, so I trust that with the blessing of God she will prove herself competent to her own defense, without needing the aid of that friendship for any part of her support”.

Changuion's ensuing despatches ¹⁾ reflect the state of war: a sharpening of the blockade, expeditions of the enemy on the lakes from the North, which alarmed New York, and the capture of the Federal city. „Confusion et consternation sont à l'ordre du jour, les fédéralistes lèvent la tête, les Démocrates [i.e. the Democratic Republicans], partisans du Président Maddison, sont humiliés de voir leurs chefs s'enfuir” ²⁾. The government seemed in disgrace.

Under these circumstances he deemed it unsafe to proceed on his way to the Capital. The city had soon been evacuated by the British forces, but was still exposed to hostilities and disorder, and the government would not be able to receive him „avec la solennité et la publicité qu'il me paraît important d'y mettre” ³⁾. Besides, the government's political position looked uncertain under the weight of an ever increasing opposition. Upon consultation with the Russian and Swedish ministers he decided to refrain from official action till the next meeting of Congress, which would perhaps give to the Executive „cette Unité et cet accord qui de jour en jour paraissent s'en éloigner davantage” (September 7) ⁴⁾.

Soon the situation took a radical turn ⁵⁾: American attempts from Fort Erie into Canada were succesful, the enemy's lake flotilla, on expedition with Wellingtonian army forces in New York State, was badly beaten (Plattsburg Sept. 11), and a British attack on Baltimore failed (Sept. 12). When Congress assembled

¹⁾ Nos. 2, 3, 4 of Aug. 28, Sept. 2 and 7 1814 (R. A. B. Z. 1: bur. I. S. 1814 Nos. 636, 686, 736).

²⁾ Aug. 28 1814, Changuion to Van Nagell, private (R. A. B. Z. No. 747, „Brieven van Nederlandsche diplomatieke ambtenaren, 1813—1828”).

³⁾ Desp. No. 2.

⁴⁾ Desp. No. 4.

⁵⁾ Desp. No. 5, New York Oct. 10 1814 (R. A. B. Z. A No. 747, and B XXI No. 50, letterbook of Changuion). It reports on the minister's course described in the following paragraphs.

at Washington on the 19th of September, the President's address could be favorably hopeful; the government course was again accepted and the opposition had lost considerably. Upon this news Changuion made for the Capital. On the 24th of September he delivered his credentials to the President, pronouncing a short speech about the relations between both countries, and expressing a hope that in commercial respects these would be founded on the principles of reciprocity ¹⁾. Also here he adhered conscientiously to the object of his mission, „négociations d'amitié et d'intelligence commerciale". The President's answer was composed on the same general and favorable terms. He also wished to have revived the relations of amity and commerce which had proved so advantageous to the two nations.

This expression of friendly disposition was repeated in the President's reply to the letter of Notification from William of Orange communicating his acceptance of the Sovereignty of the Netherlands. Changuion interpreted it in its most literal sense and easily drew from this the conclusion that the American government was ready to negotiate a commercial treaty. He was furthermore guided by the assumption that the present critical state of the country would render the American government much more willing to grant favors to Dutch commerce than any eventual future circumstances ²⁾. Anxious to grasp this opportunity, he acted on the instant, called on the Secretary of State the next day and informed him of the desire of his Sovereign that the commercial relations between the two countries be strengthened by a treaty founded upon a perfect reciprocity of mutual favors. Monroe — it was Changuion's impression — received this opening „avec empressement" ³⁾. He replied that the proposition was extremely agreeable to his country, and that the President would before long appoint a minister plenipotentiary to the court of the Netherlands. Changuion, pleased, proposed not to delay the making of further overtures, and it was agreed that on both sides preliminary articles should be drawn up as the substance of

¹⁾ The speech is to be found in R. A. B. Z. B XXI No. 37. It should be noted here that the minister had made no use whatever of the draught drawn up by Van Zuylen.

²⁾ Desp. No. 5: "l'induction . . . que dans l'état de crise où se trouve actuellement le gouvernement des Etats Unis, il se prêterait plus que dans tout autre tems à des stipulations avantageuses à notre commerce".

³⁾ Ibid.

a treaty, which articles would then be sent home for examination, in accordance with the minister's instructions. Such, at least, is the report contained in his despatch. From his own words the eagerness with which he acted becomes clearly evident. If the memorandum on the subject of his mission, which we called his "secret instructions", had told him no more than to utilize the rather critical situation which was a consequence of the English war, no fault could have been found with his policy. But it likewise advised him to be careful in his proceedings with regard to a treaty. Even article 12 of his official instructions said that he should choose with extreme prudence the moment for making propositions and that he should by all means avoid taking untimely steps. Not to take even one day at Washington for scouting the field was anything but observing this article. The attitude which he met with on the American side, and which, quite sensibly, was obviously evasive, will show how far his course was wrong, and premature.

The American government understood perfectly well, both from their own representatives abroad ¹⁾ and from public opinion as apparent from periodicals and newspapers, that Holland was a dependent ally of England and that no aid was to be expected on her part in their British war. The situation was essentially different from the one of about 1780 when the Dutch Republic had been a competitor to Great Britain. Changuion's earlier publication had proved this clearly. To what end then should the United States conclude a treaty which could not help their present position and which would only regulate commercial relations belonging to the future? The expressions of goodwill of Madison and Monroe, accepted by Changuion as „*facilités de négociation*" ²⁾, in no way intended to promise any particular attitude. Their former commercial policy had been checked by the war. A new one was not yet even in the making.

On the 30th of September Changuion left Washington for New York, where he was at the end of the next month, and returning from there in November he settled down at Philadelphia ³⁾. In former times this city had been the seat of the govern-

¹⁾ Cf. J. B. McMaster IV p. 260.

²⁾ Desp. 5.

³⁾ R. A. B. Z. B XXI Port. 49 "Mission de Mr. ten Cate".

ment. Foreign diplomats still preferred it for residence to the undeveloped state of the new capital ¹).

With the aid of his secretary Changuion prepared the draught of a treaty and awaited word from the American government before making any overtures. This did not come, however. Missing then any instigation from outside, he refrained from action until inducement might turn up to justify a new step.

Even the appointment of a minister to the Netherlands (December 1814) in reciprocation of his mission did not stir his inactivity ²). Lack of new instructions from home, in response to his despatches of September ³), or at least of information about the state of Europe and events in Holland, made him hesitate the more to proceed upon his course. But when the conclusion of peace at Ghent between Great Britain and the United States (Dec. 24) became known in America, and when its ratifications were exchanged at Washington (Febr. 17, 1815) ⁴), he suddenly found an authorization in his instructions to seize this opportunity — the last as it seemed likely to be — to utilize the still existing interruption of British-American commercial relations for an improvement of the connections of his own country. It induced him „à passer par-dessus les considérations [de précaution] qui lui avaient fait différer jusqu'alors l'ouverture des négociations" ⁵). On the 18th of February already he was off to Wash-

¹) The youthfulness of the country was typically reflected in the state of its capital. "Un Purgatoire sous tous les rapports" according to Changuion (April 8 1815, to Van Hogendorp, R. A. Coll. Van Hogendorp, No. 99). His successor writes that "Washington est un commencement de ville", with about 800 houses, and the public office buildings "disséminés dans l'étendue de plan gigantesque donné à cette future métropole"; with bad, long roads, and with great heat in summer and a bad climate, so that foreign Ministers reside there as little as possible (R. A. B. Z. 2: bur. I. S. 1816 Nos. 4846 and 4847: Nov. 5 1816, Ten Cate "Mémoire au Roi", and Oct. 5 1816, Ten Cate to Van Nagell, private).

For a description of Washington in these years: W. B. Bryan, A history of the national capital I (1790—1814), New York 1914; and A. J. Beveridge, The life of John Marshall, III (Boston-New York 1919), p. 1—9.

The British minister took up residence at Washington in 1815. The diplomatic representatives of other powers were requested in 1816 to reside there also (Oct. 26 1816, Monroe to Ten Cate, R. A. B. Z., B XXI Archives of the Legation, No. 21).

²) Although he wrote to Van Nagell (Dec. 20 1814, R. A. B. Z. 1: bur. I. S. 1815 No. 106, Desp. No. 9), that he was looking forward to a change in the weather, which might improve the roads so as to permit a voyage to Washington, to open the negotiations.

³) Desp. No. 7, Nov. 27 1814 (R. A. B. Z. ibid. No. 57 A).

⁴) Desp. No. 10, Philadelphia, Febr. 19 1815, Ten Cate to Van Nagell (Ibid. No. 199).

⁵) Report Ten Cate, Aug. 12 1815 (See footnote 3 on next page).

ington ¹⁾, and on the 24th he addressed to the Secretary of State a note with his preliminary points, carefully named „les premières ouvertures . . . pour préparer les négociations relatives à un traité d'amitié et de commerce à conclure entre les deux Etats" ²⁾.

An official report, made up by Ten Cate, dated August 12, 1815, later informed the home government of the intended object of these propositions ³⁾. Convinced that the conditions of 1782 could be properly used as foundations for a new conventional agreement, Changuion had accepted the treaty of that year as a general basis for negotiations and had added only four supplementary points. Their purpose was to establish greater reciprocity of commercial favors than had formerly existed ⁴⁾. A most-favored-nation clause was proposed as a matter of course. In addition, article 1 stipulated that Dutch vessels be exempt from discriminating duties (in casu those of 10 % on foreign importations) payable in the ports of the United States when importing merchandise produced in Holland or her colonies; in return Article 2 exempted American vessels upon arrival in the Netherlands from extra duties (in casu the "recognition"-duties of 3 or 4 % ad valorem ⁵⁾) in so far as the merchandise they imported should be produce of the United States. Article 3 contained a stipulation about civil law suits between subjects of the parties; and the last article forbade either party, in case of war between it and a third power, to imprison any seamen, subjects of the other, the neutral party, who might be found on captured merchant vessels of the enemy. For all other questions the treaty of 1782 was to be reinforced.

¹⁾ Desp. No. 10, above-mentioned.

²⁾ Washington Febr. 24 1815, Changuion to Monroe (D. o. S. Notes from the Netherlands Legation. A copy in R. A. B. Z. 1: bur. I. S. No. 766).

³⁾ The minister avoided discussing them extensively in his despatches, as he distrusted the safety of the mail service (Desp. No. 11, March 12 1815, R. A. B. Z. 1: bur. I. S. No. 350). He charged Ten Cate with a special mission home to communicate the particulars of his course to the government (see below). The articles proposed are to be found in R. A. B. Z. 1: bur. I. S. 1815 No. 766, enclosed with Desp. No. 13; in R. A. Coll. Goldberg, Port. 205; and in D. o. S. Notes from Neth. Leg. I, enclosed with Febr. 24 1815. Ten Cate's report in originali in R. A. B. Z. Dossier 724. The propositions as well as the report have been published by N. W. Posthumus in Econ. Hist. Jaarboek I (1915) p. 208, 210.

⁴⁾ Desp. No. 11, above-mentioned.

⁵⁾ See chapter IX.

Articles 1 and 2 contained a complete equalization of Dutch and American navigation as far as the importation of merchandise of national produce of either party was concerned. It was the most important deviation from the treaty of 1782. Both the Reciprocity Act of Congress, passed a few days later on March 3, 1815¹⁾, and the subsequent regulations of Dutch commercial policy²⁾, entirely supported it.

It should be noticed that Changuion wisely did not attempt to obtain a reduction of import duties, as urged by the Dutch merchants, but that he stuck to what was within the competence of the Executive. The duties were levied by congressional tariff law and were the same for vessels of all foreign nations. Only in regard to the duty discrimination of 10 % between foreign and national vessels and their importations might an exemption be obtained. The Act of March 3rd, in fact, put its management into the hands of the President¹⁾.

Equally rightly he did not try to stipulate anything about matters of commercial enterprise, which the Dutch memoranda had also advised him to do. These were no subjects for treaty regulations. The providing of Dutch markets with American goods, the foundation of a packet boat service, the arrangement of exchange rates, were to be left to private enterprise and to such semi-official intermediation as he himself might establish³⁾.

The Dutch colonies were mentioned in article 1; but whereas their produce in Dutch vessels was to be exempt from discrimination in United States ports, article 2 did not stipulate the same for American merchandise imported into Dutch colonies by American vessels. This was a true consequence of the colonial system, adhered to by European countries; to Americans it was unjust because the United States were not a colonial power. The resulting controversy will be discussed in Chapter X. The inequality of Changuion's propositions only foreshadows the difficulties

¹⁾ See chapter IX.

²⁾ Ten Cate states in his report, sub 8, that the abolishment of additional duties in this respect had been provided for already by the Dutch Decree of June 21 1814. No such decree had been issued, however. The only acts containing the repeal of the "recognition"-duties, are the law of May 27 1815 and the subsequent decree of May 29 next, which will be discussed in Chapter IX.

³⁾ „Aanmerkingen op de propositiën van Rotterdam . . .” (etc.) written by Ten Cate (R. A. B. Z. B XXI port. 37).

which were to arise on this subject in the following years ¹⁾.

None of the minister's propositions may be said to have been of too far-reaching extent from the Dutch point of view. There was no danger that the American government would accept any of them unconditionally. The Dutch Minister of Foreign Affairs later on disavowed Changuion's course by declaring that, if it were true that the latter had pressed the conclusion of a treaty, they in Holland were not particularly eager about the matter ²⁾. Changuion had, indeed, no special instructions from home on this head. But the bearing of his proposals was entirely within the scope of the policy of his country — as was to be shown in the following years ³⁾ — even if at the moment the government were not yet prepared to concur therein.

He returned to his residence in Philadelphia, in expectation of an early reply. On March 20th he ventured to urge an answer ⁴⁾, and then received it promptly. It contrasted highly, however, with his anticipations. The American government, having started the execution of a new commercial policy, preferred to be very cautious in accepting binding obligations in their foreign relations. Feeling uncertain, evidently, to what extent the Dutch minister had acted upon the authorization of his Sovereign, the Secretary of State declared himself willing to negotiate about a renewal of the treaty of 1782, but only as soon as Changuion should be furnished with the necessary powers ⁵⁾. A reference to the Act of March 3rd was made in addition in order to show that the American government would concur in the most important point proposed, even though for the moment "it is thought improper to enter into any special engagement respecting it until the sense of other powers is, in a certain extent, ascertained".

¹⁾ Ten Cate's report foresees them vaguely, sub (9): "les Etats-Unis formeront quelque prétention à être admis, sinon au commerce, du moins à l'approvisionnement des colonies de S. M. aux deux Indes".

²⁾ Aug. 11 1815, Eustis, the American minister at the Hague, to Monroe (D. o. S. Desp. Neth. IV).

³⁾ The 4th additional article proposed by him was inserted even (Article 15 sub f) in the project treaty upon which were founded in 1817 the preparations on the Dutch side for negotiations of a treaty with the United States (Chapter XII. See Ec. Hist. Jaarboek I p. 225/226).

⁴⁾ March 20 1815, Changuion to Monroe (D. o. S. Notes from Netherlands Legation I. A copy in R. A. B. Z. 1: bur. I. S. 1815 No. 766).

⁵⁾ March 23 1815, Monroe to Changuion (D. o. S. Letterbook of Notes to Foreign Relations II. R. A. B. Z. 1: bur. I. S. 1815 No. 766).

This was a clear and decisive refusal to his opening. Changuion, who from his first impressions at Washington had still expected an eager response and counter-project, did not hide his disappointment. By a letter of March 27th he requested a more explicit statement of the American attitude¹⁾, and this he received within three weeks. The Secretary of State explained again the reluctance of his government to treat the matter within the general scope of their foreign policy. The outline of the system of international relations of the United States, which he gives in this document, is worth quoting extensively²⁾:

“The treaties between the United States and some of the powers of Europe having been annulled by causes proceeding from the state of Europe for some time past, and other treaties having expired, the United States have now to form their system of commercial intercourse, with every power, as it were, at the same time. The first treaty may, in some degree at least, form the basis of their system. It is proper therefore to be attentive to its conditions, to avoid engagements with one power, which might embarrass them with others

You have proposed to form a new treaty. To this the President has readily agreed. Had you the requisite powers, I should be authorized to enter into the negotiation with you immediately, in full confidence of a satisfactory result. But you have not the requisite powers. It is unavoidable therefore that we wait 'till you receive them; and in the mean time, an obvious inconvenience might result to both countries from agreeing to any condition, which could not possibly take effect, 'till some distant day, and which from the difficulty of arranging other points, might even never take effect. Whenever a negotiation is entered into between any two powers, . . . each ought to know distinctly its engagements with other powers; but should either of our governments enter into a negotiation with another power, while so precarious an arrangement existed between them, it would be deprived of that advantage”.

The vagueness of Changuion's instructions, which while they advised him to enter into discussions on a treaty, did not give him explicit authorization to conclude one, was thus decisively corrected by the American government. To the regret, it seems, of neither party; to the great disappointment of only the minister himself. Both Holland and the United States were hesitating

¹⁾ March 27 1815 (D. o. S. Notes from Neth. Leg. I; a copy in R. A. B. Z. 1: bur. I. S. 1815 No. 766).

²⁾ April 12 1815, Monroe to Changuion (D. o. S. Notes to Foreign Relations III and R. A. B. Z. B XXI Port. 19).

over the planning of their foreign policies; and did not quite welcome steps involving possibilities not yet examined. It appeared, however, that the Dutch Department of Foreign Affairs had been in error when it had anticipated an eagerness, or at least a great willingness, on the part of the Americans to enter into negotiations for a convention with Holland. It had overestimated the political position of the Netherlands in respect to the United States. The latter power was not disposed to accept favors where she could demand rights, i.e. of negotiating upon equal conditions.

The United States were building a new system of foreign obligations, and wished to settle these with the most powerful nations first. Negotiations, in fact, were pending for a convention with Great Britain. Though willing to regulate their relations with Holland also, they could not accede to provisional negotiations which stood the chance of being disavowed afterwards. Non-engaging discussions, with the aim „de préparer confidentiellement un projet motivé de traité”¹⁾, would have been quite safe for the Dutch government — especially since Great Britain was still heavily interested —, they would have been inopportune and of no service to the American government. “As M. Changuion had no power to conclude a commercial treaty, it seemed to be useless and might even produce embarrassment to enter into engagements under such circumstances”, was Monroe’s conclusive remark on the subject²⁾.

Having encountered insurmountable difficulties to further steps, Changuion duly got into touch with his own government. He had never received from them even the most necessary news about their present position. Being in need of full powers to continue his negotiations, he wished to have the particulars of his policy extensively explained in a statement, and as he dared not trust it to the mail service he despatched the secretary of the Legation, the only person at hand under his direction, to The Hague. The object of this special mission was to report on the minister’s action and the American attitude, and to obtain in return instructions and full powers, if so desired, for further

¹⁾ Desp. 13, April 8 1815 (R. A. B. Z. 1: bur. I. S. 1815 No. 766).

²⁾ To Eustis, May 9 1815 (D. o. S. Instructions VII).

proceedings¹⁾. It was the only certain way of getting word from the silent Department of Foreign Affairs.

Mr. Ten Cate departed on the 15th of April²⁾, landed at Bordeaux and was detained in France for some time by the renewed state of war during Napoleon's Hundred Days³⁾. Only on the 30th of July did he reach Brussels, a few days later The Hague.

He handed the government a general report, drawn up by himself and dated August 12, 1815, on the commercial relations between America and the Netherlands and on the proceedings of the minister and the considerations which had induced him to make his propositions. The political details of this report have been discussed in the preceding pages, its observations on commerce in Chapter II.

It is a curious coincidence, however, that whereas this document was intended by the author and by his principal at Philadelphia to be the impulse to a new and better defined American policy, it turned out in fact to be only the final report and conclusion of their activities. It marks the end of a short period of Dutch-American relations: the proceedings on which it reported had been transacted by a recalled minister.

While Changuion had been acting in good faith in obeying the instructions of his government, the latter had since long altered their attitude and ordered him to discontinue his course and return home. But the distance between both, long because of the defective means of transoceanic communication, still further prolonged by the incidental circumstances of war-time and winter season, had prevented him from learning this in due time. It was only a sample of the influence of the defectiveness of technical development upon the course of historical events at that time in a greater, extra-European world⁴⁾.

From April 1814 the head of the Foreign Department was Van Nagell. As a nobleman from Guelderland he scorned the idea of giving an important place to matters of commerce in the foreign

¹⁾ April 1 and 8 1815, Desp. 12 and 13 with enclosures (R. A. B. Z. 1: bur. I. S. 1815 Nos. 445 and 766); also April 9 1815, Changuion to Van Nagell (Ibid. No. 767).

²⁾ See R. A. B. Z. B XXI port. 49, "Mission de Mr. ten Cate".

³⁾ Paris July 9 1815, Ten Cate to Van Nagell (R. A. B. Z. 1: bur. I. S. 1815 No. 690).

⁴⁾ The most prominent sample of this influence is that displayed in 1812 by the outbreak of the British-American war.

policy. „De vijandschap van den Heer van Nagell voor den Koophandel zit in zijn bloed” ¹⁾. Besides, his dislike of Americans was great. As much as Van Hogendorp, if continued in charge of foreign affairs, would have supported the designs of Changuion ²⁾, so much was Van Nagell inclined to disavow them. When entering upon his duties he found the mission decided on and therefore could not prevent it from setting out, but he concurred neither with the commercial character which it had developed nor with its present relation to the political situation of the country.

As has already been pointed out in chapter III, this attitude was determined by his Anglomania; as such it was representative of the position of Holland. Foreign diplomats describe him also in later years as “belonging entirely to the British party” in the government of the Netherlands ³⁾. Even with respect to the Anglo-American war, perfectly extraneous though it was, he deemed it expedient to show his favor for the British cause and to express his satisfaction to the ambassador in London on every occasion where England could be congratulated on success ⁴⁾. For the same reason he carefully neglects the correspondence of Changuion. Describing this mission to Fagel as „une des plus onéreuses et la moins utile”, he explains to him why he fails to agree with it ⁵⁾; there are no means of communication for sending despatches, and he has not yet written one line. This statement would have to serve the ambassador, if addressed on the subject, for a pertinent reply. Van Nagell’s great fear still was lest the mission become suspect in British eyes; some English newspapers had hinted already at a correspondence, or relationship, between Holland and the United States, the enemy. It led him to abstain from even trying to send out despatches to America.

Thus, in order to save the Dutch policy from British suspicions, Changuion was left without information and instruction. We find him frequently complaining thereof ⁶⁾.

¹⁾ Van Hogendorp, Brieven en Ged. V p. 70.

²⁾ Ibid. p. 77.

³⁾ July 31 1818, Gallatin to Adams (D. o. S. Desp. France, vol. 18).

⁴⁾ R. A. B. Z. B I (Archives Embassy in Great Britain): port. 25, Oct. 21 1814, Fagel to Van Nagell; port. 2, Sept./Oct. 1814, Van Nagell to Fagel, *passim*.

⁵⁾ Oct. 25 1814, Van Nagell to Fagel (Ibid).

⁶⁾ In his despatches. Also Nov. 27 1814, to Van Nagell, private, “ayant été jusqu’à présent privé de toute communication avec la Hollande comme dans un Exil”, asks for letters (R. A. Coll. Van Nagell). And to Van Hogendorp, April 8 1815 (R. A. Coll.

In this situation the war-vessel "Ajax", which had conducted Changuion over the ocean, returned to the Texel on November 21st ¹⁾ with Despatch No. 5, of October 10, 1814, describing the minister's interviews and overtures at Washington.

Van Nagell's disagreement was a matter of course. Here was one of his ministers acting with such objects as could but give offence to Great Britain! The lack of statesmanship of Changuion, his eagerness for decisive steps, was only too evident. It proved to Van Nagell the rightness of his objections and the necessity of putting an end to the proceedings of the minister. The contents of the despatch were kept in the dark as much as possible: it is not among the ordinary Notes received, at the Archives, but in a special portfolio ²⁾, and the reply was drawn up in cipher, a copy of which was not even preserved in the "Register" of the Secret Service. This reply, dated Dec. 22nd, expressed Van Nagell's astonishment at the news of Changuion's untimely steps: „L'on a été surpris ici de la promptitude avec laquelle vous avez entamé les pourparlers à l'égard du traité de commerce. Je dois vous inviter à relire vos instructions & à ne pas vous laisser entraîner à des démarches intempestives" ³⁾.

In a series of private letters Changuion had declared himself incapable, because of the high costs of living in the United States, of living on his salary without ruining his family; finally he had requested an increase of 20,000 guilders ⁴⁾. This was too much for the state of mind of the Minister of Foreign Affairs: „vous ne

Van Hogendorp Port. 99): "Privé depuis mon départ d'Europe de toute communication avec mon Gouvernement . . ." Again to Van Nagell, private, April 9 1815 (R. A. B. Z. 1: bur. I. S. 1815 No. 767).

¹⁾ Adams, Writings V p. 218.

²⁾ R. A. B. Z. A Port. 747.

³⁾ Dec. 22 1814, Van Nagell to Changuion, in cipher (to be found only in R. A. B. Z. B XXI, Archives of the Legation in America, port. 1). — The "secret instructions" evidently did not count any longer from Van Nagell's point of view.

⁴⁾ Aug. 28 1814 (R. A. B. Z. Port. 747). Also Aug. 26 1814 to Van Hogendorp (R. A. Coll. Van Hogendorp Port. 99), and again Nov. 27 to Van Nagell (R. A. Coll. Van Nagell). Later on, April 8 1815 to Van Hogendorp (R. A. Coll. Van Hogendorp Port. 99) and April 9 to Van Nagell (R. A. B. Z. 1: bur. I. S. 1815 No. 767). In these last letters he expresses the wish that soon after the conclusion of a treaty he may be appointed to a nearer place, for the education of his children.

When returning home he asked passports for his family: "Madame Changuion, 4 enfants, un gouverneur, deux domestiques males, et une fille de char bre" (June 30 1815, to Monroe, D. o. S. Notes from Neth. Leg. I), no simple household it seems. But a friend writes to Eustis on this point: "The state in which Mon. Changuion lived in Philadelphia was such as a prudent man would have adopted" (July 25 1814 (1815), W. N(orth) to Eustis, L. o. C. Eustis Papers, II).

sauriez croire sérieusement, Monsieur, que ce Pays pourroit ou voudroit payer f. 50 m. par an pour la mission en Amérique?" But he readily accepted the alternative, opportune to his own ideas, of recalling the minister; the Sovereign, he intimated, intended to appoint him Ambassador to the Sublime Porte. Changuion had to leave his post at the end of Spring; further instructions and the letters of recall would soon be despatched to him ¹).

This letter took almost five months to reach Changuion. Various accidents retarded the vessel which carried the mail. On the 18th of May only, a duplicate came into his hands ²), about 2 months after he had encountered the declinatory attitude of the American government to his overtures.

On the 28th of February, as a result apparently of Changuion's despatch No. 9, which announced his intention of opening negotiations at Washington and which arrived about the middle of that month, the letter of recall from King William to the President was despatched. Changuion was to present the secretary of legation as his chargé d'affaires and to take leave and start home as soon as possible ³). We understand the surprise in Holland when not he but Mr. Ten Cate actually arrived there in August ⁴).

This second despatch reached Changuion at the beginning of May, a fortnight earlier than the first one sent. It was the first communication which he had received from his government, and it contained his recall.

On May 9th he informed Monroe of this news ⁵) and, rather hindered by several attacks of gout, prepared for his departure ⁶). In the first days of June he still acted in his official character when transmitting a letter of William of Orange to the President, in which the former announced his advent to the throne of the

¹) Dec. 22 1814.

²) Desp. No. 15, May 20 1815 (R. A. B. Z. 1: bur. I. S. 1815 No. 627). The original letter arrived on June 16 only (Desp. No. 16, June 24 1815, Ibid. No. 784).

³) Febr. 27 1815, Guillaume au Président; Febr. 28 1815, Van Nagell to Changuion (R. A. B. Z. U. S. 1: bur. 1815 Nos. 87, 89).

⁴) Compare May 19 1815, Van Zuylen van Nyevelt to Van Nagell, transmitting Desp. No. 12, in which Changuion announced Ten Cate's voyage: "La lettre ci-incluse de M. Changuion ne manquera sans doute pas d'étonner V. E. . . .", (R. A. Coll. Van Nagell).

⁵) May 9 1815, transmitting a copy of the letter of recall (D. o. S. Notes from Neth. Leg. I. Also encl. Desp. No. 14, May 9 1815, R. A. B. Z. 1: bur. I. S. 1815 No. 528).

⁶) Desp. of May 9, June 2 and 24 1815 (R. A. B. Z. 1: bur. I. S. 1815 Nos. 528, 675, 784).

Kingdom of the Netherlands¹). But on the 18th he took his leave, at an audience in the White House. Again he was touched by the friendliness of American official persons; and „partout sur la route je trouvais des habitants rassemblés pour me faire leurs adieux”²). In the place of the chargé d'affaires he left P. G. Lechleitner, the consul at Philadelphia, a Hollander, to perform ad interim the duties of a diplomatic agent; if necessary, Lechleitner was to ask the advice of the representatives of Great Britain and Sweden³).

In July he sailed, with his family, for England⁴). About the first of September he arrived in Holland. As to how he was received, little can be ascertained.

To American officials the reason for his recall was a matter of uncertainty. Consul Bourne, informed of it by the Foreign Department⁵), did not enter into speculations when writing home⁶). Adams, having already heard the rumor at the end of November while he was still at Ghent, shows his understanding: “This incident is of no great importance to us, and perhaps it may be accounted for without recurring to the supposition of any foreign influence upon the councils of the Sovereign Prince”; but he is also aware of the fact that it may cancel some part of the obligation to reciprocate the mission. In his opinion the merits of this mission are much reduced by its early termination⁷).

The question especially intrigued Eustis, the American minister at The Hague. His position, which was a reciprocation of the mission of Changuion, would depend on the rank of the latter's successor and he was therefore anxious to know the actual

¹) June 6 1815 (D. o. S. Notes fr. Neth. Leg. I). Also: March 21 1815, Van Nagell to Changuion (R. A. B. Z. 1: bur. U. S. 1815 No. 123, and R. A. B. Z. B. XXI port. 1).

²) Desp. No. 16, June 24 1815 (R. A. B. Z. etc. No. 784). Monroe communicated to him “the favorable impression” which his conduct had made on the President, and his own satisfaction about Changuion's “frank and conciliatory deportment” during their official intercourse (July 8 1815, D. o. S. Notes to For. Leg. II).

³) June 2 1815, to Van Nagell (R. A. Ibid. No. 675); June 8 1815, to Monroe (D. o. S., Notes from Neth. Leg. I)

⁴) In London he visited Fagel (Adams, Memoirs III p. 261, and Writings V p. 365).

⁵) Dec. 17 1814, Van Zuylen van Nyevelt, cautiously to Bourne: “Il n est pas tout à fait impossible, Monsieur, que les bruits de rappel de Monsieur de Changuion se vérifient, et que ce Ministre sera appelé à d'autres fonctions”, (L. o. C. Sylvanus Bourne Papers, vol. 33).

⁶) Dec. 22 1814, Bourne to Monroe (D. o. S. Cons. Desp. A'dam II).

⁷) Ghent Nov. 29 1814, to L. C. Adams (Writings V p. 218).

reasons which had led to the recall. Though assured by Van Nagell that neither the absence of diplomatic representatives in America, nor, afterwards, the appointment of only a chargé d'affaires were meant to evince any unfriendliness towards his government ¹⁾, he still felt uncertain. Van Nagell explained to him in substance that the King's intention of not again appointing a minister had been guided by the following motives: "that the commercial intercourse (alluding to the number of Dutch vessels) between the Northern Provinces of this country and the United States had not been very considerable; that he had been very desirous of presenting to the States General a budget as little onerous as possible — that Mr. Changuion had received while Minister in America £ 1500 Sterling and had required £ 5000 Sterling per annum —; that in preference to granting him the latter sum, he had been recalled; that when he should be informed of the amount of the trade with the Southern Provinces, he should be able to judge whether it would be justifiable to recommend to His Majesty the appointment of a Minister to the United States" ²⁾. To one who knows the views of Van Nagell and the tendency of his foreign policy, these appear to be good arguments indeed. From the moment that a marked activity on the part of the minister had become undesirable with a view to the jealousy of Great Britain, the costs of the mission were no longer justified. But the official reason given for Changuion's recall had been his intended promotion to the rank of ambassador at Constantinople. The inconsistency of these statements again puzzled Eustis. He wondered whether "some commercial speculations while he was in the U.S., which are publicly spoken of in this country", might also have been a reason for recalling him ³⁾. We find no confirmation of this suspicion ⁴⁾. The war time character of the mission made Eustis finally decide that it had been induced by "other objects than those

¹⁾ Aug. 11 and Nov. 3 1815, to Monroe (D. o. S. Desp. Neth. IV).

²⁾ May 1 1816, Eustis to Monroe (Ibid.). It is to be remembered that the union between the Southern and Northern Netherlands was hardly effected at that time.

³⁾ May 4 1816, private, to Monroe (Ibid.).

⁴⁾ Once a bill of exchange („wissel") written by Changuion was protested for payment at Amsterdam; but this may be easily explained both from the distance of his residence and from his constant want of money. Another time when he tried to have a ship chartered for bringing some furniture to him, and merchandise from Holland to American merchants, the government readily declined this as a mixture of official and commercial enterprise.

of a commercial nature" ¹⁾. With respect to its initial purpose of obtaining recognition for the new state of the Netherlands, he was right, as we know. But if his words are meant to imply that the mission was intended by Great Britain to influence American policy with regard to her war, he was mistaken. Particulars of the recall prove this; it is significant at any rate that the conclusion of peace at Ghent (December 24, 1814) happened only *after* the first and decisive despatch to Changuion had been written at The Hague.

One point of interest is that Changuion never proceeded to his new post. "He remains here, and I hear nothing of his mission to Constantinople" ²⁾, writes Eustis in October 1816. This is simply explained. The question of his promotion had arisen only after his recall had been decided upon. It was not a motive for this recall, but a consequence of the necessity of finding other employment for this officer. Since Van Nagell did not trust him at a post of importance, and since his rank could not be reduced, the embassy at the Porte appeared to be a good way out. Difficulties however had arisen from the fact that this power refused to recognize the Kingdom of the Netherlands. In anticipation, a chargé d'affaires had been sent there ³⁾, and Changuion was obliged to wait until his appointment might be carried into effect ⁴⁾.

He received a monthly salary, by way of halfpay, of / 500 ⁵⁾, to be taken from the amount appropriated for the mission to "the Ottoman Porte" ⁶⁾; in August 1817 this was appropriated under the item of unexpected expenditures ⁷⁾. Changuion lived with his family on this salary, and on the income from a plantation, „La bonne Intention", which he possessed in Demarary. In 1818 he applied to be appointed Governor of Surinam, with a view to establishing business relations in the West Indies. At this time, however, the department of the colonies found him as

¹⁾ Aug. 18 1815, May 4 1816, to Monroe (Ibid.).

²⁾ Oct. 6 1816, private, Eustis to Monroe (Ibid.).

³⁾ Jhr. G. Testa in 1814.

⁴⁾ It was in 1819 only that the Porte deigned to recognize the Netherlands. Jan. 28 1819, Van Nagell to De Quabeck (R. A. B. Z. B XXI Port. 8). In 1825 an ambassador was sent to Constantinople (Staatsalmanak 1826).

⁵⁾ Royal Decree of Sept. 20 1815 (R. A. B. Z. 2: bur. U. S. 1815 No. 1482).

⁶⁾ Idem of Jan. 22 1816 (Ibid. I. S. 1816 No. 297).

⁷⁾ „Onvoorziene Uitgaven" (R. A. B. Z. U. S. 1817 Nos. 1860, 2728, and I. S. 1817 No. 3437).

little suited to an official colonial position as Van Nagell deemed him fitted for a diplomatic function ¹⁾. Upon his own request then his annual halfpay subsidy of *f* 6000, granted, as Van Nagell stated, "because of his spirit of liberty and courageous conduct displayed during the revolution of 1813" ²⁾, was converted into a pension of *f* 3000 ³⁾. This struck out all official recollection of his unfortunate mission. He died at Frankfurt on the 15th of June 1850.

Of the measures taken by him during his mission to the United States, the only one which had permanent consequences was the establishment of a system of consular agencies ⁴⁾. The organization of this service, defective already under the old Dutch Republic, had gradually disappeared in the first decade of the century. Changuion had to build it up all over again. Mr. P. G. Lechleitner, merchant at Philadelphia, assisted him therein. They both acted in expectation of an early revival of trade after the full development of peace conditions. Lechleitner became consul at Philadelphia and later on consul-general for the United States. Commercial agents were appointed at Boston, New York, Baltimore, Alexandria, Norfolk, Va., Charleston and New Orleans, to perform provisionally the office of Dutch consul ⁵⁾. In March 1815 they received their documents and certificates for the commerce and navigation to Holland or her colonies. They were instructed to render assistance to Dutch subjects who might be in need of it.

¹⁾ July 8 1818, Van Nagell to the King (R. A. B. Z. U. S. 1818 No. 1705). Cf. De Savornin Lohman l.c. p. 114 f.

²⁾ Ibid.: „meer bijzonder uit aanmerking van zijn betoonde vrijheidsliefde en moedig gedrag, ter gelegenheid van de omwenteling van 1813”.

³⁾ Royal Decree of July 15 1818 (R. A. B. Z. I. S. 1818 No. 2825). Being wholly at leisure but deprived of sufficient financial and moral support Changuion passed on to evil practices next year, by forging bills of exchange, to an amount of 44.000 guilders. He left the country and travelled under a false name through different states in Germany. When attempts to obtain his delivery had met with no success, the police of the successive states being unable to arrest him, he was condemned by default on February 27 1823, by a judgment entirely dishonoring. (For all this: De Savornin Lohman p. 117 f.; Nieuw Nederlandsch Biographisch Woordenboek IV; R. A. B. Z. I. S. 1819 No. 4950; 1820 Nos. 3401, 3409, 3808, 3877, 4073, 4890 A; 1821 No. 147). His name was stricken out from the Netherlands nobility, July 25 1825 („De Nederlandsche Adel” 1930 p. 42; his children born before Febr. 27 1823 were not included herein). He disappears from further information.

⁴⁾ Correspondence on this subject is to be found in the letterbook of the legation (R. A. B. Z. B XXI No 51).

⁵⁾ Also: Desp. No. 10, March 19 1815 (R. A. B. Z. 1: bur. I. S. 1815 No. 199).

Changuion was under the impression, not gainsaid by Monroe ¹⁾, that a law of the United States forbade American citizens accepting of "any nomination or title of consul under a foreign power". As no Dutch subjects except Lechleitner were at hand to perform consular functions, he solved the problem by appointing commercial agents, who held no official nomination from the Netherlands government but stood in a personal relation only with the minister himself. They received consequently neither the usual exequatur from the American government nor the powers of consular jurisdiction.

This provisional system existed for several years. It was continued by the chargé d'affaires Ten Cate, except that he gave the agents the title of vice-consul ²⁾. When his successor arrived in 1818, he found it in a deplorable state ³⁾. He soon discovered that the law presumed by Changuion had never existed and that therefore, in the absence of such a law, it was possible to reorganize this whole system of personal agents, depending as it did upon an erroneous premise. He recommended that the agents should receive an official appointment and a commission as Dutch consuls. A Royal Decree of 1819 procured these ⁴⁾. Only then of course did this service become established in an ordinary and effective way. But the initiative for its reconstruction belongs to Changuion ⁵⁾.

¹⁾ March 12 1815, Changuion to Van Nagell (R. A. B. Z. 2: bur. I. S. 1815 No. 685)

²⁾ July 10 1816, Ten Cate to Van Nagell (R. A. B. Z. 2: bur. I. S. No. 3485).

³⁾ Oct. 25 1818, De Quabeck to Van Nagell (R. A. B. Z. I. S. 1818 No. 4723), in which letter he speaks already of "une réorganisation complète". Also: March 6 1819 (R. A. "Cabinet des Konings", port. 241).

⁴⁾ May 23 1819 (In R. A. B. Z. B XXI No. 43).

⁵⁾ Verslagen omtrent 's Rijks Oude Archieven, XLI 1918, vol. I p. 464, contains a list of vice-consuls and consuls in the United States in the first half of the 19th century. Appointed were:

for:	consular agent in 1815:	consul in 1819:
Boston	Mr. Winthrop (later on: Manson)	J. F. Mansony.
New York	Mr. Gebhard (see A)	J. C. Zimmermann.
Baltimore	Mr. Mayer	C. J. König.
Alexandria	J. Swift	J. Swift.
Norfolk	M. Myers	M. Myers.
Charleston	Mr. Jerwey	I. Holmes.
Savannah	F. Wright.
New-Orleans	W. Nott	P. Laidlaw.

(A) In 1816 Mr. Zimmermann, of the firm of Ruysch & Zimmermann at Amsterdam, succeeded Mr. Gebhard at New York (July 10 1816, Ten Cate to Van Nagell, R. A. B. Z. 2: bur. I. S. No. 3485).

About his offices as intermediary with regard to commercial connections between the two countries, not much can be stated. They were of slight importance. Only once do we find him entering into official correspondence, upon the example of the French minister, with F. Rotch at New Bedford, Mass., on the subject of the whaleries and the methods used by New England whalers, with a view to aiding the recovery of this branch of trade in Holland ¹). It left no practical results.

In the first part of his residence in the United States the war prevented every commercial enterprise, and during the last months recovery was still so small that a little information about trade opportunities in Holland and about the possibility of a voyage to her — not yet restored — colonies represents all the service he rendered in this respect. It was in the ensuing year only that Lechleitner started on his own account, and mostly, as may be presumed, for his own interest, a correspondence with the Dutch colonial authorities on the opportunities of trade between American ports and these colonies ²). It was continued by Ten Cate, with the approval of the government ³).

An important result of the mission was its reciprocation by the American government. Already on September 28th, as a consequence of Changuion's visit to Washington, the President had draughted a letter to Mr. Eustis: "We have just rec^d, an Envoy from the new Sovereign of the U. Netherlands & wish to cultivate useful relations between the two countries, by a prompt return of the civility", asking his consent to naming him for this function ⁴). But the sending of this letter had been put off "on the calculation that it could be done at any time without in-

¹) Febr. 20 1815, Rotch to Changuion (R. A. B. Z. B XXI, Archives of the Legation, port. 37). A system of premiums for the encouragement of the Greenland and Davis Strait whaleries was established by the Dutch government in 1815, by law of March 19th No. 14 (Staatsblad No. 27*), and continued till 1822. Baasch, *Holländische Wirtschaftsgeschichte* p. 404, 506. For "A history of the American whale fishery" see Walter S. Tower, in *Publ. of the Univ. of Pennsylvania, Series in political economy and public law*, No. 20, 1907.

²) See p. 370.

³) July 26 1816, Van Nagell to Koophandel & Koloniën (R. A. B. Z. U. S. 1816 No. 1859, in Dossier 724).

⁴) Sept. 28 1814, a draught (L. o. C. Madison Papers, Writings of Madison VII).

convenient delay" ¹⁾, and apparently upon the consideration that this was not a matter of immediate concern. In December then Eustis' agreement was actually requested ¹⁾ and his name was sent in to the Senate for approval of the appointment. "Nemine contradicente" ²⁾ this nomination passed, and the appointee from Boston accepted readily ³⁾.

William Eustis, born in Cambridge, Mass. (June 10, 1753), of an old New England family, was a graduate of Harvard University (1772) and had served as an army surgeon during the War of Independence. From 1801 to 1805 he had been a member of Congress, as an anti-Federalist; from 1807 tot 1812 Secretary of War under Presidents Jefferson and Madison. He resigned this office, December 3, 1812, because of defeats of the American army forces in the British war, for which he felt — and was — responsible ⁴⁾. Although a firm partisan of the Jeffersonian administrations, he was not possessed of an aggressive spirit like that of the leaders from the West. Exaggeration was not in his nature; a lack of imagination rather more prevailed. He was calm and quiet, as may be expected of a physician. Though not in all respects an able man, he did have the merits of a good power of observation and of composedly treating matters which were not beyond his scope. "I am a minute man", he said of himself; "his mind was serious", was said afterwards ⁵⁾. Changuion reports: "il est un des meilleurs médecins des Etats Unis; . . . dans sa dernière place de Secrétaire de Guerre il a déployé si peu de talens et d'habileté qu'il a été obligé de donner sa démission; du reste il paraît être d'un caractère tranquile et studieux" ⁶⁾.

¹⁾ Dec. 15 1814, Madison to Eustis (Ibid.).

²⁾ Dec. 17 1814, Charles Cutts to Eustis (L. o. C. Eustis Papers II).

³⁾ Dec. 21 1814, Eustis to Madison (L. o. C. Madison Papers Writings to M. LIV). Also Dec. 21 1814, Monroe to Eustis (D. o. S. Instructions VII) and Dec. 29 1814, Eustis to Monroe (Desp. Neth. IV).

⁴⁾ J. B. McMaster, I. c. IV p. 28.

After his mission to Holland, 1814—1818, Eustis was from 1821 in Congress again; after 1823 he was Governor of Massachusetts, in which function he "closed his public career with the most apt felicity" as ex-president Madison had wished for him (Dec. 28 1820, to Monroe, L. o. C. Monroe Papers XIX). He died at Boston on February 6 1825.

About him: The National Cyclopaedia of American biography V p. 372, Dictionary of American biography VI p. 193; and two sermons on his death and funeral, by Thomas Gray and Daniel Sharp, preached respectively on Febr. 13 and 11 1825 (both Boston 1825).

⁵⁾ By Thomas Gray in a sermon on his death (see footnote 4).

⁶⁾ Desp. No. 9, Dec. 20 1814 (R. A. B. Z. 1: bur. I. S. 1815 No. 106).

The appointment to the Netherlands provided a good employment for this dignified adherent of the party in office. During the preparation of his mission the reputation of cherishing French sympathies, which the Republicans had had, was again displayed in internal politics. Departure had to be postponed because a conveyance could not be found ¹⁾ as long as the news of the conclusion of peace had not been received. Napoleon's return to France in March induced "jacobin incantors" to start the rumor that the minister would not leave for Holland "lest Bonaparte might be displeased!" ²⁾. Neither Eustis, however, nor the party in office, which had never identified their own with the Napoleonic cause anyway, showed susceptibility to such fears. On the contrary, as soon as Eustis learned of the event and that it might cause changes in Europe, he suggested that "expedition in the mission to Holland [might be] expedient and desirable" ³⁾, and asked for his instructions.

These were dated the 9th of May ⁴⁾ and readily sent to him. They reflect the government's attitude in respect to the relations with the Netherlands. "The appointment by their Sovereign of a Minister to the United States, among the first acts of his administration, was considered a proof of his disposition to cultivate commercial and friendly relations with them". They state the declinatory reply to Changuion's propositions, a consequence of his lack of sufficient powers to conclude a treaty, and the government's desire to make this treaty a part of a general system with the powers of Europe, especially in so far as it would deal with a mutual abolishment of discriminating duties. Since because of the bulk of the export products of America, greatly surpassing the few articles imported from most countries, an equalization of trade would be one of the principal advantages "which the United States have to offer", it was deemed expedient to reserve a proposition to this end primarily for inducing other powers to open their colonies to American commerce; that is: it should "be taken advantage of more particularly with Great

¹⁾ Febr. 4 1815, Eustis to Monroe, declares he is ready to go at the first occasion available (D. o. S. Desp. Neth. IV).

²⁾ Niles' Weekly Register (Baltimore) of June 17 1815.

³⁾ April 30 1815, Eustis to Monroe (D. o. S. Desp. Neth. IV).

⁴⁾ May 9 1815 (D. o. S. Instructions VII).

Britain and France, whose colonial system is a system of monopoly". But it was still the President's desire that a treaty of commerce, "on just and fair conditions" and — it showed their caution — "avoiding compromitment on every particular point", be concluded, preferably at Washington.

The minister's constant task would be to protect commerce and the interests of American citizens, particularly in case of a renewed European war, and to acquire at The Hague, which was promising to be again a "theatre of the most important negotiations in Europe", much and early information about the policies of the different powers.

Thus instructed ¹⁾, he set out on the 8th of June ²⁾, by the U.S. frigate "Congress", with Mrs. Eustis, George Eustis, a nephew of 19 years who accompanied him as his private secretary ³⁾, and Alexander H. Everett, the secretary of legation ⁴⁾. He arrived at Flushing on the 12th and at The Hague on the 15th of July ⁵⁾, announced by Consul Bourne. Although, as news of William's accession to the Royal Throne had not reached Washington in time ⁶⁾, his credentials were still addressed to the Prince Sover-

¹⁾ These instructions told him not to press the American spoliation claims which were pending against Holland since the French period, 1809 and 1810. Their treatment was charged to him, however, in the ensuing year, when Bourne also was commissioned with the matter as a special agent (in 1817, as stated before). This instruction was part of a general action started by the United States government for the settlement of claims, dating since 1800, against France, Denmark, Naples and Holland. Albert Gallatin treated them in Paris, Jonathan Russell in Denmark; and Pinkney, on his way to Russia, received a special commission in the spring of 1816 to press them with the Kingdom of the two Sicilies. Their correspondence, like that of Eustis and Everett was published in American State Papers, Foreign Relations, IV-VI. — The Dutch government steadily denied the validity of these claims with regard to the Netherlands and finally requested, in 1820, through the chargé d'affaires at Washington, that the urging be abandoned (See for instance Adams, *Memoirs* V p. 48). They were merged then into those pending against France, and settled in 1831 when France agreed to pay.

The origin, treatment and settlement of these claims have been extensively investigated in the book of Peter Hoekstra, *Thirty-seven years of Holland-American relations, 1803 to 1840*. As the subject was, after 1813, merely a diplomatic aftermath of previous events and of no consequence to the actual relations between both countries after this year, it may be left outside the scope of the present investigation. It is referred to in Hoekstra's book, which provides also the necessary bibliography and list of sources. (A great deal of Bourne's, Eustis' and Everett's correspondence is preserved also in the archives of the American Legation at The Hague.)

²⁾ Niles' Weekly Register of June 17 1815.

³⁾ Dictionary of American biography VI: George Eustis.

⁴⁾ About him: the author's article in *Tijdschrift voor Geschiedenis*, 49 (1934), p. 42 f.

⁵⁾ July 16 1815, Eustis to Monroe (D. o. S. Desp. Neth. IV).

⁶⁾ Changuion's note enclosing William's letter to the President reached Monroe almost on the day of Eustis' departure (p. 146).

eign, he was allowed an audience with the King in order to deliver them ¹⁾. Thus, the United States also resumed their official relations with the Netherlands; from this time on until the present day diplomatic intercourse between the two countries has continued unbroken.

¹⁾ July 21 1815, Eustis to Monroe (D. o. S. Desp. Neth. IV).

IX. TARIFF RATES AND FOREIGN POLICY CONCERNING TRADE RIGHTS. THE RECIPROCITY ACT OF MARCH 3, 1815, AND THE DUTCH RESPONSE

THE AMERICAN TARIFF OF IMPORT DUTIES ON ARTICLES OF DUTCH ORIGIN. — RESUMPTION OF THE RECIPROCITY POLICY OF THE UNITED STATES SINCE THE FOUNDATION OF THE UNION. — THE ACT OF RECIPROCITY OF MARCH 3, 1815. — ITS FUNCTION AS A FACTOR IN AMERICAN FOREIGN POLICY. — THE ELEMENTS OF DUTCH LIBERALISM. — THE RECOGNITION DUTIES ON AMERICAN TRADE. — THEIR ABOLITION BY THE LAW OF MAY 27, 1815. — THE RECEPTION OF AMERICAN TRADE AND COMMERCE IN THE NETHERLANDS ACCORDING TO THIS LAW AND FOLLOWING THE TARIFF OF 1816

It appears that controversies about customs duties on articles of national produce have been of no great importance in the relations between the Netherlands and the United States. In general the respective interests have not conflicted in this matter. With both has been noticed a gradual increase of tariffs, which was the expression of a simultaneous call for protection on the part of their industries. In neither government, however, was the fixation of these tariff rates essential to the ultimate shaping of their mutual political intercourse. What needed joint regulation were navigation and commerce, which established the economic relations between the two countries. Here their interests were equal but opposite, each aiming to transact as much as possible by its own national enterprise. Whereas industry and agriculture may be regulated by internal measures, trade between two nations, inter-national trade, by its nature concerns both and consequently must be regulated by mutual agreement.

In the Netherlands frequent complaints were made about the

detriment caused to Dutch export by the high American tariff walls. Some of them were made, as we have seen, during the preparation of Changuion's mission, while others will turn up in the succeeding years. Even when officially put forward, however, they never became more than occasional expressions of discontent. The knowledge that the Executive of the United States had no power to make the customs duties subject to international arrangement without the approval of Congress warned off Dutch diplomacy from seriously urging a lowering of the rates.

As stated in chapter IV, the American tariff Act of April 27, 1816, which covers the main part of our period, contained a certain, though not radical, increase of protection over the pre-war rates. This follows clearly from the ensuing list of import duties imposed on the most important articles of Dutch produce¹⁾ as they were levied in the year 1810²⁾ and as they were enacted in the tariff of 1816:

	1810	1816
Woollen manufactures (cloth)	15 %	25 % ad. val. (under certain limitations)
cheese	\$ 0.07	\$ 0.09 per pound
hemp	„ 1.—	„ 1.50 per cwt.
red and white lead, “dry or ground in oil” } . .	„ 0.02	„ 0.03 per pd.
(paints)		
spirits from grain (gin) . .	„ 0.28—0.50	„ 0.42—0.75 per gallon ³⁾
Holland duck		„ 2.50 per piece or roll ⁴⁾

Under the final tariff of 1816 Dutch exports to the United States, which since many years had been inconsiderable, were discouraged still more. It was a natural result of the change in

¹⁾ See chapters II and XX.

²⁾ From a published list of: Duties payable on goods, wares, and merchandise, imported into the United States of America (New York 1810).

³⁾ Spirits from grain, first proof, second proof etc., 42—75 cts., were charged heavier than other spirits, first proof, second proof etc., 38—70 cts. per gallon. According to Gallatin this discrimination was unjust: “We have laid a duty of 4 to 5 cents more per gallon on spirits distilled from grain, than on rum or brandy. This extra-duty . . . falls exclusively on Holland gin.” (To Eustis, Oct. 9 1817, L. o. C. Eustis Papers.) The Dutch, he concludes, would find just reason for complaint if they knew this.

⁴⁾ Act of April 27 1816, Section 1. Also: May 12 1816, Ten Cate to Van Nagell, No. 3 (R. A. B. Z. Dossier 724), and Aug. 28 1817, 't Hoen and Westrik to Goldberg (encl. No. 18 with report of Oct. 27 1817, see p. 304).

the structure of American economic life; the data and complaints which will be reported in chapter XX exhibit this clearly. By the very fact of their scarcity, however, these exports were no longer likely to suffer to any great extent from the effects of the tariff. It was another reason for the Dutch government to abstain from bringing forward this subject ¹⁾. What concerned them more for the present years was the question of reciprocity in navigation rights, as broached by American policy at the beginning of 1815.

In the regulation of trade duties the United States had encountered, at the end of the 18th century, the force of mercantilism in European policy. A system of discriminations against foreign navigation in the respective countries — except for the Republic of the Netherlands — and of total exclusion from colonial commerce had protected the national enterprise of each. Lack of economic strength at this stage had forced the young Republic to submit to the general system and prevented her for the time being from putting into practice the revolutionary principles, which her statesmen had shaped at the foundation of the Union, of “independence, equal favours and reciprocity” ²⁾. “We wish to do it by throwing open all the doors of commerce and knocking off its shackles”, Jefferson had written to young Van Hogendorp ³⁾, “but as this cannot be done for others, unless they will do it to us, and there is no great probability that Europe will do this, I suppose we shall be obliged to adopt a system which may shackle them in our ports as they do us in theirs”. American traders, competing with foreigners who enjoyed special favors in their own countries, needed a like protection in order to be on equal terms, at least. Especially British vessels they jealously saw crowding into their harbors as soon as these had been opened after the peace of 1783. A general demand for retaliation had arisen. Consequently, all tariff acts passed by Congress since July 1789 ⁴⁾ had contained a difference of 10 % in the duties on

¹⁾ At the end of the twenties only it was broached with some strength, consequent to a general revival of Dutch interest in the Americas, coincident with a heavy protectionist movement in the United States.

²⁾ J. Q. Adams to Anderson, May 27 1823 (D. o. S. Instructions IX).

³⁾ Paris, Oct. 13 1785. Van Hogendorp, *Brieven en Ged.* I p. 370. *Memoirs, correspondence and private papers of Thomas Jefferson*, ed. by T. J. Randolph (London 1829) I p. 342, (on the same subject: *ibid.* p. 263, to John Adams, July 31 1785).

⁴⁾ Keiler p. 21 f., 26 f. Johnson et al. II p. 11 f., 16, 25, 296, 349.

goods, in favor of carrying by American vessels ¹⁾). Also the navigation dues had been subjected to discrimination, gradually increasing, between national and foreign tonnage. And American trade in Chinese and East Indian products, especially teas, had been protected by a stipulation favoring the direct importation from the country of origin, east of the Cape of Good Hope, over importation in foreign vessels or from European ports.

With the turn of events after Napoleon's defeat and the peace of Ghent, when the foreign policy of the United States had to be newly built up according to altered conditions, this point of trade rights again became of importance to the American government. It was, more than the tariff of import duties, a matter of international concern, since the treatment of American navigation in foreign countries was directly connected with the reception of *their* trade in the United States. Consequently its regulation belonged chiefly to the Executive power. The principles of policy were shaped by Congressional action, but the securing of its adoption abroad by mutual agreement must be left in the hands of those in charge of the foreign relations.

At this juncture the fundamental principles of the American political system were once more resumed as the basis of foreign policy.

The general "plan of treaties" reported in Congress on July 18, 1776 ²⁾ had contained a stipulation for the regulation of international trade reciprocity with France: That the subjects of one party should pay no other duties or imposts in the ports of the other than would be paid by the "natives" thereof, and should enjoy "all other the rights, liberties, priviledges, immunities and exemptions in trade, navigation and commerce in passing from one part thereof to another [the coasting trade !], and in going to and from the same, from and to any part of the world, which the said natives enjoy" ³⁾. The plan of a treaty with France, considered in Congress on September 17th next, had consequently proposed a similar article, that the same duties and rights, "in

¹⁾ By a discount on imports in American vessels at first; by an increase of the duties on goods in foreign ships, since 1794.

²⁾ The treaties of 1778 and allied documents, edited by G. Chinard, p. XV, XVI, 2.

³⁾ Journals of the Continental Congress (L. o. C. edition by W. C. Ford), V p. 576. Articles 1 and 2. — A printed copy of this plan, published subsequently, making no mention of the names and places concerned and calling the parties A. and B., was not at my disposal.

trade, navigation and commerce", in coming from and going to any part of the world, should be levied on the subjects of both countries¹⁾ in the ports of either party. It meant a perfect equality of trade conditions. But the instructions to the agent charged with this negotiation had foreseen the possibility that the French government would not be able to consent to such a radical proposition; in which case Congress resolved to resign itself to a mutual most-favored-nation treatment²⁾. The treaty actually concluded, 1778, did not indeed contain more than this³⁾.

Most of the European commercial conventions of the 17th and 18th centuries aimed at a reciprocal granting or exchange of favors. Their highest and most liberal development had become the most-favored-nation clause, giving to each power all the favors enjoyed by the others. The general use of this clause in the system of international relations of course tended to equalize again among all the powers the effects of favors enjoyed and granted. In no case, however, did the clause necessarily imply equal treatment of foreigners and national subjects by any particular country. It remained in accordance with the practice of mercantilism. The United States were obliged to adhere to this principle until the end of the century. Already their first foreign treaty showed this most clearly. Just the most-favored-nation obligations of France towards other powers formed the greatest obstacle to her entering upon a more perfect reciprocity agreement with the United States. The system allowed no exceptions; all obligations were unconditional. This prevented any country from making a separate agreement with another party for a mutual exchange of special favors, by the mere necessity that such favors would then have to be granted to all "most-favored" nations also even without the exchange which had constituted the basis of the separate agreement.

The new element which the United States adopted in this connection was the *conditional* character of the most-favored-nation clause, contained in the 2d article of their convention with France, and the merits of which were treated in the 5th chapter⁴⁾.

¹⁾ Art. I and II (The treaties of 1778 . . . , p. 3, 4).

²⁾ Ibid. p. 14, 15.

³⁾ Art. III and IV; *ibid.* p. 25, 26.

⁴⁾ Chapter V, p. 85, 86.

Although it seems to be subject to doubt whether the United States took the initiative in proposing this point in the French treaty ¹⁾, it remains a fact that the American government developed it in the 1780-ies as a basis of their foreign policy. As stated before, it was not the favors resulting from a certain bargain between two parties which were subject, under this stipulation, to the most-favored-nation treatment for a third power but was the making of such a bargain itself. It meant a restriction of the effects of the clause, and at the same time a derogation from the whole system of international obligations above mentioned. It provided the means of breaking through the general bearing of these clauses to a more perfect reciprocity between two nations. Even so, however, the latter object was impracticable without the abandonment of the mercantilistic policy by Europe as a whole; it remained, for the 18th century, an unrealizable ideal of foreign policy. Also the conventions with Holland, Prussia and Sweden, which in the main followed closely the treaty with France, show that the United States were unable as yet to convert into practical effects their theoretical plan for complete reciprocity of trade rights.

Only the preamble to the treaty exposed in clear terms what *should*, by nature, be the bases of inter-national relations, the principles of „égalité et la réciprocité la plus parfaite”. The two contracting parties, willing to fix in an equitable and permanent manner their relations of commerce and correspondence, declared therein that they judged

“that the said end could not be better obtained than by taking for the basis of their agreement the most perfect equality and reciprocity, and by carefully avoiding all those burthensome preferences which are usually sources of debate, embarrassment and discontent; by leaving also each party at liberty to make, respecting commerce and navigation, those interior regulations which it shall find most convenient to itself; and by founding the advantage of commerce solely upon reciprocal utility, and the just rules of free intercourse; reserving withal to each party the liberty of admitting at its pleasure other nations to a participation of the same advantages” ²⁾.

This responded to the treaty scheme of 1776, which was proclaimed here, to some extent, in official publication. For this

¹⁾ Expounded by Setser in the Journal of modern history, Aug. 1933.

²⁾ The treaties of 1778, p. 23.

reason John Quincy Adams adopted it, in 1823, as his rule of conduct:

“That preamble was to the foundation of our commercial intercourse with the rest of mankind, what the Declaration of Independence was to that of our internal government. The two instruments were parts of one and the same system, matured by long and anxious deliberation, of the founders of this Union in the ever memorable Congress of 1776, and as the Declaration of Independence was the fountain of our municipal institutions, the preamble to the treaty with France laid the corner stone for all our subsequent transactions of intercourse with foreign nations.”¹⁾

Both were the products of the spirit of Enlightenment of the 18th century, and became fundamental to the development of Liberalism.

The rapid growth of their commerce and navigation during the Napoleonic period, and the succeeding change of their system towards economic independence, enabled the United States, as soon as, in 1815, peace restored the normal conditions of trade, to advocate their principles with due force. Their merchant marine was better than those of all other nations. It had been welcomed in almost all countries and colonies, and wished to preserve this situation for its enterprise. It needed no more than equal treatment, abroad as well as at home, in order to compete with success.

As a matter of course, however, the nations of Europe underwent just the opposite tendency. They were in need of restoring their economic situation after the general decay which the Napoleonic period had produced and were again inclined to mercantilistic measures in order to foster their national trade and industry and to receive for themselves alone the profits of their colonies. It was a heavy drawback to American captains to be excluded or discriminatingly admitted at the same ports where a few years earlier their cargoes had been most eagerly received. Their complaints kept urging this matter upon the attention of their government.

It was this commercial interest which prevailed in the foreign relations of the United States. It concurred completely with the original principle of their political economy. To keep the world open to their trade, in Europe as well as in the colonial possessions

¹⁾ May 27 1823, Adams to Anderson (D. o. S. Instructions IX).

of European powers, became henceforward the great concern of their commercial policy. They proclaimed to the world the principle of freedom and reciprocity of trade. In connection with the dogma of republicanism the American people found therein, over quite a period of time — as long, in fact, as material interests supported this —, one of its missions towards mankind ¹⁾).

Almost all treaties concluded in former years had been annulled in 1815, either by explicit action or by the course of events ²⁾). The field was open for building up a new system of commercial conventions by which a complete reciprocity could be effectively realized. Step by step in the ensuing years the government, Congress and the Executive, traced the policy for accomplishing this. We found it already provisionally shaped in Monroe's instructions to Eustis of May 1815 ³⁾). The definite basis for an agreement about navigation rights with foreign nations was provided by the so-called Reciprocity Act, passed on the 3d of March 1815 ⁴⁾), by which Congress decided:

“That so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise, imported into the United States, as imposes a discriminating duty of tonnage, between foreign vessels and vessels of the United States, and between goods imported into the United States in foreign vessels and vessels of the United States, be, and the same are hereby repealed, so far as the same respects the produce or manufacture of the nation to which such foreign ships or vessels may belong. Such repeal to take effect in favour of any foreign nation, whenever the President of the United States shall be satisfied that the discriminating or countervailing duties of such

¹⁾ “The doctrine of commercial reciprocity”, said a hyperbolic pronouncement of 1828, “is the most effectual barrier against the European principle of legitimacy”, (Th. Lyman Jr., *The diplomacy of the United States, 1778—1828*, Boston 1828 II, p. 495). Cf. J. B. Moore, *The principles of American diplomacy* (New York-London 1918), p. 159.

²⁾ See chapter V, p. 89, footnote 3.

³⁾ See p. 154.

⁴⁾ “An Act to repeal so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares and merchandise, imported into the United States, as imposes a discriminating duty on tonnage, between foreign vessels and vessels of the United States, and between goods imported into the United States in foreign vessels and vessels of the United States” (*United States Statutes at Large*, III, 1846, p. 224).

foreign nation, so far as they operate to the disadvantage of the United States, have been abolished”.

Reciprocity and equality in trade duties between foreign and national vessels was thus held out by Congress as subject to mutual agreement with other powers. “Every nation”, stated President Monroe in 1821, “was allowed to bring its manufactures and productions into our ports, and to take the manufactures and productions of the United States back to their ports in their own vessels, on the same conditions that they might be transported in vessels of the U.S.; and, in return, it was required that a like accommodation should be granted to the vessels of the U.S. in the ports of other Powers”¹).

Upon consideration of the exact text quoted, it appears that the conditions made by this Act are in their bearing not perfectly equal for the two parties concerned. Whereas the Act requires the abolishment of *all* discrimination to the disadvantage of American navigation, it offers the repeal of discriminating duties only *in so far* as foreign vessels importing the produce of the nation to which they belong are concerned. This would mean that also in the trade in foreign merchandise American vessels would be on an equal footing in the ports of the other party with the national vessels of this party, whereas the vessels of the latter would still be subjected in the ports of the United States to discriminating duties when importing articles not of their own national production. We do not know of any official declaration which solves this inconsistency. Adams, when Secretary of State, in two documents followed almost exactly the text of the Act without giving any evidence of his opinion²), and in another one declares the abolishment of *all* discriminating tonnage duties to be the tenor of the Act, applying consequently the restriction about goods of national production to its passage on import-duties only³):

„This Act contained an offer to repeal all the discriminating duties of tonnage, and upon merchandize, imported in foreign vessels into the United States, in favour of any nation which would accede to the same measure in favour of the United States: limited, however, in respect

¹) Annual message of the President to Congress, Dec. 5 1821 (Am. State Papers, Foreign Relations IV p. 736).

²) Report to Congress, March 17 1818 (Am. State Papers, For. Rel. IV p. 172), see chapter XVI; and Instructions to the American minister to Columbia (D. o. S. Instructions IX), May 27 1823.

³) Aug. 10 1818, Adams to A. H. Everett (D. o. S. Instructions); see chapter XVII.

to the merchandize, to the produce or manufacture of the nation to which the vessel should belong”.

The wording of the Act is not clear. It is, however, very improbable indeed that an exchange of equal accommodations was *not* the aim of Congress in 1815. The spirit of reciprocity was finding one of its first manifestations in the present enactment. A convention with Great Britain, concluded a few months later (to be treated below), although it did not exactly follow all the provisions of the Act, contained, on conditions perfectly equal to both parties, the mutual repeal of discriminating tonnage dues and an equalization of the duties on national exports in the trade between both countries in their respective vessels. No difficulties whatever over the interpretation of the provisions of the Act appear in the report or the documents on its negotiation ¹⁾. And the treaty with Sweden and Norway, concluded September 4, 1816, ratified in 1818, stipulated most clearly that vessels of either party importing into the ports of the other the national produce of their country, should pay no other or higher duties, either for tonnage or cargoes, than those which the vessels of the other party itself would be obliged to pay in the same circumstances. The development of American policy was furthermore to prove that a strict equalization of mutual obligations was the only object of the Reciprocity Act ²⁾, in however defective language this may have been expressed. Monroe's words of 1821, above quoted, demand most clearly “a like accommodation” from other powers for the trade of the United States.

Some authors have represented that this Act of Congress was a sort of Navigation Act — like the British Act of 1651, etc. — the main purpose of which was to favor the trade in national produce of foreign countries to the United States, to the disadvantage of all indirect shipping ³⁾. But it is hardly possible that this could have been the object of its makers. It was not that indirect or intermediate trades were charged more heavily than previously, let alone prohibited, but that home export to the United States by the national vessels of any particular country was charged less heavily. The tariff act of 1816, which maintained

¹⁾ American State Papers, For. Rel. IV p. 7 f.

²⁾ Cf. J. B. Moore, The principles of American diplomacy, p. 172.

³⁾ Cf. for instance Hovde p. 18, whose representation of American policy is however decidedly in error here.

the usual additional duty of 10 % upon importations by foreigners, added an express exception for those cases where by treaty or by Act of Congress this matter should have been provided for already ¹⁾. The main object was, as is evident from the *do ut des* character of this *reciprocity* act, to obtain for American navigation the favors of equal rights. As such the Act had the same fundamental functions as, in a former period, the treaty with France had had. It formed a stage only in the development of American commercial policy, from the old mercantilistic spirit of favoring national navigation towards the new system of giving equal rights to the foreign as to the national trade.

The American government, as President Monroe later on declared in a message to Congress, expected this step to open the world's trade to its citizens:

“it was thought that this proposition would be considered fair, and even liberal, by every power. The exports of the United States consist generally of articles of the first necessity, and of rude materials in demand for foreign manufactures, of great bulk, requiring for their transportation many vessels, the return for which in the manufactures and productions of any foreign country, even when disposed of there to advantage, may be brought in a single vessel. This observation is the more especially applicable to those countries from which manufactures alone are imported, but it applies, in a great extent, to the European dominions of every European power, and, in a certain extent, to all the colonies of those powers. By placing, then, the navigation precisely on the same ground in the transportation of exports and imports between the United States and other countries, it was presumed that all was offered which could be desired. It seemed to be the only proposition which could be devised, which would retain even the semblance of equality in our favor.” ²⁾

Except for perfectly equal reciprocity from the other side, the U. S. intended to obtain through this offer the opening of colonial trade to their merchants. They wanted to establish their rights of equal competition by official stipulation, instead of falling back to a state of exclusion, as in the 18th century ³⁾.

The high ideals of liberalism, so often displayed in official statements in America, would never have come to practical realization, as we shall see again in Chapter X, if they had not been backed by the material interests of the citizens themselves. As had

¹⁾ Section 3 of this Act (April 27 1816), quoted below, p. 169 footnote 4.

²⁾ Dec. 5 1821 (Am. State Papers, For. Rel. IV p. 736).

³⁾ See chapter X.

been the case in the old Republic of the Netherlands, it was the desire of gain and advantage that prepared the entrance of these ideals into the course of history. As much as mercantilism served economic interests, so much did liberalism also. The theory of liberalism had existed before, in the famous preamble of the French treaty as well as in writings and sayings; but the needs of economy now prepared the way for it to be put into practice.

Changuion made his provisional treaty propositions while Madison's cabinet was preparing in 1815 the above-sketched policy. His overtures came at a moment which was not convenient to the American government. Its cautious attitude, already discussed, must be considered as but wise and right. His lack of full powers afforded it a good and welcome reason for postponing without definitely declining.

Negotiations were actually going on with Great Britain. Although the Americans were not able to obtain by right a share in the colonial trade, they won their cause in respect to the new commercial reciprocity system. Great Britain did not object to accepting it for the trade of national produce between her European territories and America. On the 3d of July, 1815, a treaty was concluded ¹⁾. Besides a stipulation of the most-favored-nation treatment it contained an article to the effect that no higher charges should be imposed in American ports on British vessels than on vessels of the United States, nor in the ports of British territories in Europe on American than on British vessels; and that the same duties should be paid on importation into the United States of the produce of the said British territories, and on importations into these territories of American produce, whether in British or in American vessels. It was the Act of Reciprocity, except that it applied to the European part of the British empire alone. As for admittance of American trade to the colonies, the treaty was for the most part a failure ²⁾. Its importance to the United States was merely that it brought into practice the new principles of reciprocity. It was an experiment the effect of which could not well be ascertained

¹⁾ Malloy p. 624. Ratifications were exchanged in Jan. 1816. The treaty was concluded for 4 years, but prolonged in 1818 for 10 years.

²⁾ See chapter X.

at the time ¹⁾. But its prolongation in 1818 showed that no real disadvantages resulted from it to either side.

Relations with the most important power being settled, the government's next steps were to extend the system in respect to other countries. A constant readiness for overtures and negotiations on this head is a typical feature of American policy in these years. Both with France ²⁾ and the Kingdom of Sweden and Norway ³⁾ negotiations were going on during 1816. In 1817 negotiations with the Netherlands were taken up. In none of these cases, however, did they have rapid success. Until the end of 1817 a stagnation is to be seen, for which the question of the colonial trade was mainly responsible. At that time only British navigation enjoyed the exemption from discriminating duties offered by the Reciprocity Act.

The tariff of April 27, 1816 continued most of the trade regulations which had previously been in force. It maintained the discrimination of duties in favor of American navigation, except when, in consequence of the Reciprocity Act, an equalization should have been provided for by declaration of the President or by conventional stipulation ⁴⁾. This discrimination between American and foreign vessels amounted, as has been stated, to 10 % of the import duties required from the merchandise carried, and to a considerable difference in the tonnage and lighthouse dues. Before the war foreign vessels had paid on arriving in the United States a dollar per ton, i.e. \$ 0.50 for tonnage, and the same, since 1804, for lighthouse money ⁵⁾. An Act of July 1, 1812,

¹⁾ Nov. 12 1816, Monroe to Eustis (L. o. C. Eustis Papers III).

²⁾ July 25 1816, Ten Cate reports hereon to Van Nagell (R. A. B. Z. 2: bur. I. S. 1816 No. 3852).

³⁾ March 20 1817, *idem* (ibid. 1817 No. 2712). A treaty was concluded, but not immediately ratified. See chapter XVIII.

⁴⁾ "Sect. 3. *And be it farther enacted*, That an addition of ten per centum shall be made to the several rates of duties above specified and imposed, in respect to all goods, wares and merchandise, on the importation of which, in American or foreign vessels, a specific discrimination has not been herein already made, which, after the said 30th day of June, 1816, shall be imported in ships or vessels not of the United States: *Provided*, That this additional duty shall not apply to goods, wares and merchandise, imported in ships or vessels not of the United States, entitled by treaty, or by any Act or Acts of Congress, to be entered in the ports of the United States, on the payment of the same duties as are paid on goods, wares and merchandise imported in ships or vessels of the United States".

⁵⁾ The fact that this "light money" was levied on foreign vessels alone shows that the real object of its enforcement was an additional discrimination in favor of the national shipping. Keiler p. 39, Johnson et al. II p. 16, 296.

passed under the pressure of war circumstances for the sake of revenue, had ordered an additional duty of \$ 1½ on foreign tonnage, and the tariff Act of 1816 maintained this. American vessels paid only 6 cents per ton on the whole. To this heavy discrimination between 250 and 6 cents were subjected all foreign vessels except those of Great Britain ¹⁾. It was to the latter a strong favor in comparison with other foreigners. Motives, however, which the Netherlands chargé d'affaires rightly ascribed to „*jalousie excitée par la prépondérance du commerce et de la navigation de l'Angleterre*”, caused the reduction on January 14, 1817 of tonnage duties for foreign vessels to 1 dollar (50 cts tonnage and 50 cts lighthouse), equal to the pre-war rate ²⁾. But still the difference was considerable, and a reason for complaint by the merchants of Holland ³⁾, who urged the subject upon the attention of the government.

Right after the restoration in Holland her trade regulations, provisionally enforced, were liberal enough. The decree of December 7, 1813 had reestablished the tonnage duties and other navigation dues which had been levied under the Republic of the Netherlands and before 1810 ⁴⁾. All vessels had paid f. 0.50 per ton annually when coming in, since 1725, and f. 0.25 when clearing. No distinction had been made between foreign and national vessels. Only those belonging to the East Indian and West Indian Companies and to the colony of Surinam, and those of private ownership trading to America under licence of the latter company, in direct intercourse, had been exempted ⁵⁾. In

¹⁾ July 8 and Oct. 12 1816, Ten Cate to Van Nagell (R. A. B. Z. Dossier 724). — Johnson et al., II p. 296, 349.

²⁾ Jan. 25 and March 10 1817, Ten Cate to Van Nagell, Nos. 22 and 27 (R. A. B. Z. I. S. 1817 Nos. 1950 and 2558). Cf. Sept. 7 1817, F. Smeer to J. C. van der Kemp (R. A. B. Z. Dossier 724). — Vessels from ports from which American trade was being excluded or restricted remained subject to the higher rate of tonnage duties. By this counter-vailing element the Act was the first blow aimed at the British West Indian restrictions on foreign navigation (Keiler p. 49).

³⁾ Aug. 28 1817, 't Hoen and Westrik to Goldberg (encl. with report of Oct. 27 1817, see p. 300).

⁴⁾ Staatsblad No. 9. A list, published Dec. 9 1813 by the Department of the Finances, of import and export duties since 1725 with the alterations up to 1810, is to be found in R. A. B. Z. Inv. XXI No. 42. — Their validity was continued subsequently by laws of Dec. 2 1814 (Staatsblad No. 110), Febr. 14 1816 (idem No. 14) and June 24 1816 (idem No. 31) until the enforcement of the new tariff law of Oct. 3 1816 (idem No. 53).

⁵⁾ Groot Placaatboek VI p. 1359 f., p. 1502, 1503.

the course of many years, special regulations had been added. But on the whole the restoration of conditions of the 18th century meant that no discrimination existed in the treatment of foreign and national navigation. The circumstance that no chartered companies were reëstablished in 1813 and '14 gave the system a considerably more general bearing than it had possessed before.

The Southern Netherlands, at the same time, reinforced their former mercantilistic tariff of discriminating duties on the tonnage as well as on the cargoes of foreign vessels ¹⁾).

It is unnecessary to explain that Van Hogendorp was strongly in favor of the more liberal system. In the beginning of 1814, when he was Minister of Foreign Affairs, he wrote for the direction of the government a memorandum on commercial conventions ²⁾ which proposed a general scheme of treaty projects. It is wholly in accordance with the commercial liberalism of his ideas. The author assumes that the nature of commercial conventions has become much simpler than before by reason of the general adoption of the rights of nations on many subjects of international intercourse. This has made it unnecessary to regulate these subjects by bilateral agreements. As essential points of stipulation are to be considered only: (1) a perfect liberty of navigation between the contracting parties, (2) a duty system equal to that offered to the most favored nation, and (3) an exact statement of the articles of contraband in case of war and of the conditions regulating the visitation of merchant vessels.

On the basis of these principles Van Hogendorp drew up a plan for a treaty which would serve as a foundation for future negotiations. Articles 1 and 2 stipulate the rights of free navigation to and from the ports of either country. The third article proposes a complete equality of navigation rights and duties for the vessels of each in the ports of the other: „Les droits sur la navigation de quelque manière qu'ils soient perçus, soit par Tonneaux, par Lasts ou autrement, seront réglés avec une parfaite égalité par des réglemens que A. et B. se communiqueront pour être arrêtés d'un commun accord. En attendant les sujets seront traités réciproquement comme la Nation la plus favorisée”.

¹⁾ Groeneveld Meyer l.c. p. 55. The tonnage duty was f 2,60 and 50 % at each arrival.

²⁾ Published in Brieven en Ged. VI p. 455. A copy is to be found in R. A. Coll. Goldberg Port. 210.

Articles 4 and 5 provide that the citizens of one party shall enjoy perfect liberty of commerce in the European possessions of the other, and that with respect to import and export duties they shall be treated on the footing of the most favored nation. The next articles deal with the rights of neutrals and other questions resulting from war conditions.

The third of these project articles is the most radical and remarkable, with regard to American policy. It proposed a downright equalization of foreign trade with the national trade, in continuation of the regulations of the Dutch Republic in the 18th century, above mentioned, one year before Congress enacted a part of this principle in the Reciprocity Act. Although the proposition produced no direct results at the time in the cautious foreign policy of the Dutch government ¹⁾, the memorandum did not fail to attract attention. It was observed for instance by Goldberg, who preserved it in his collection of documents on commercial treaties ²⁾. This statesman adhered to the same principles; in 1817 he was to state as his opinion that the largest advantages for commerce result from the most extensive liberty granted to it, and that every restriction, however favorable it may look for the moment to the country itself, is an obstacle producing nothing but disadvantages in the long run ³⁾. The commercial interests in Holland followed by nature the principles of reciprocity. With them the Act of Congress found a favorable response.

For the present, however, the government was too much occupied with matters of immediate concern for it to exert itself over the planning of a new commercial policy. It had to grope its way provisionally according to the questions which arose. Only in one respect did American commerce force itself upon the attention of the Cabinet, namely by the backward conditions upon which it was treated by the reëstablished tariffs of the Netherlands. According to the situation which had prevailed in

¹⁾ As Van Hogendorp himself ascertains, 11 years later (Brieven en Ged. VI p. 455).

²⁾ R. A. Coll. Goldberg Port. 210. Cf. p. 244.

³⁾ „Het is onbetwistbaar, dat voor den handel de grootste voordeelen geboren worden uit de meest uitgestrekte vrijheid, voor welke dezelve vatbaar is; en gevolgelijk, dat iedere beperking, hoe voordeelig dezelve ook voor het eigen land schijnen moge, eene belemmering is, welke niet dan nadeelen voortbrengt” („Adstructie van het project-tractaat”, R. A. Coll. Goldberg, Port. 210).

the old Republic, it was admitted from the beginning upon the same footing with the trade of the West Indian colonies. In the 18th century all intercourse with America and the West Indies had been subjected to the monopoly management of the Dutch West Indian Company, which had levied a charge of 2 % ad valorem from private enterprise for the privilege of trading there. This duty was called recognition-money, the "recognitie gelden". When the United States had become independent, this special tariff had not been withdrawn from the trade of their ports. And after the abolishment of the Company in 1791, it had been continued under the management of a special administration, to the advantage of the public treasury. In 1794 John Quincy Adams, minister at The Hague, had pointed out to the Secretary of State that the subjection of their trade to this special, and higher, duty was in flagrant contradiction with the most-favored-nation provision of the existing treaty with Holland. What had been a privilege to colonial America had become an unreasonable burthen to the commerce of the United States, he wrote ¹⁾. The events of 1795 and after had prevented further treatment of this question.

In 1814 the situation soon became troublesome again, when the renewed tariffs took effect. For the North American and West Indian trade the duties were now placed under the ordinary customhouse offices. They were fixed at 3 % ad valorem for "veil- & recognitie"-money, as it had been stipulated in 1802 by the Council of the American colonies and possessions which was in charge of their government at the time. They took the place of ordinary import duties, but still acted discriminatingly and unfavorably for most articles of American trade, in contrast to those imported from European countries ²⁾, as appears most clearly from the table annexed to this chapter. Although in principle the system bore equally on *all* vessels engaging in the

¹⁾ Adams' clear exposition is to be found in his Writings I p. 238—240, Nov. 24 1794, Adams to the Secretary of State: "The merchants in our trade consider this as altogether inconsistent with the article of the treaty which places us upon the level of the most favored nation. I think so too, unless we have submitted to it by express agreement . . ." Cf. Van Winter II p. 78.

²⁾ They amounted to about double the charges levied by the ordinary tariff of 1725. A calculation, to be found as appendix B to the Protocole of the conferences of the treaty negotiations in Sept. 1817 (D. o. S. Desp. Neth.), states that 5000 lbs. of coffee, after the tariff of 1725, paid *f* 500.—, but *f* 1000.— when charged with recognition money; 7000 lbs. of sugar *f* 378.— and *f* 700.—. See the table of proportions on p. 179.

trade with America, in practice it burdened for the main part the navigation of the United States alone, since this almost monopolized that intercourse.

Bourne discussed the question with Changuion in February 1814. He stated that the American government really had a „just cause of complaint” that merely “on account of their *geographical position*” an extra duty was levied on the commerce of the United States ¹⁾, which was the more disagreeable since it originated not from a public tariff act, but from the charter of “*a corporate association* within this country” ²⁾. Such discrimination against the United States, who were an independent nation like all other countries, was likely, he said, to be considered a mark of unfriendly feelings towards them.

More practical arguments moved the Amsterdam merchants. If American trade was charged more heavily than elsewhere, what could prevent it from *going* elsewhere? Holland was by no means in a monopolistic position in regard to this trade. Besides Great Britain, all important in this business, the Hanseatic cities had proved serious competitors in former years. The Chamber of Commerce at Amsterdam stated, on the subject of Changuion’s mission, the great interest of attracting American imports to Holland, and of securing their preference for Dutch to other European ports ³⁾. Although little dealt in by Dutch merchants on their own account, this trade had become of consequence by the large importations which it brought into the country ⁴⁾. And much was to be expected from it, therefore, for a general revival of commerce, especially at a time when England was still closed to it, and when new connections had to be made. To our own advantage, said the memorandum of the Chamber, it is necessary that importations from North America and exports thither be equalized with those of the European nations, and subjected to the same duties. Falck, who transmitted the document to Van Nagell, added his agreement with these representations, upon the consideration that such equalization “would not be too high a

¹⁾ Febr. 28 1814, Bourne to the Secretary of State (D. o. S. Cons. Desp. A’dam II).

²⁾ May 20 1814, *idem* (*ibid.*).

³⁾ May 10 1814, The members of the Chamber (Severijn president) to the Secretary of State for Commerce and the Colonies (Archives Chamber of Commerce at Amsterdam, Letterbook 1811—1815).

⁴⁾ This statement is based upon the situation of the French period.

price for the advantages which our industry and commerce may enjoy therefrom" ¹⁾).

A few weeks afterwards, July 9, 1814 ²⁾, the trade to the West Indian colonies, although not yet restored by Great Britain, received a temporary regulation for the Dutch merchants, who were provisionally admitted there under special conditions. It repealed the old recognition, "veil-" and tonnage duties and fixed the new dues mostly at the general tariff rates of 1725 ³⁾. Curiously, this did *not* result in a repeal of those duties for the other branches of trade to the Western hemisphere. They remained in force, in expectation of a definite general regulation in future for the West-Indian colonial trade also, this depending however upon a complete restoration of peaceful conditions.

In an address of August 2nd to the Secretary of State of the Finances the Amsterdam Chamber of Commerce again urged their wishes ⁴⁾. It is of the utmost importance for trade, they stated, that the direct importation from the country where the products originate be encouraged. As the recognition duties increased unfavorably the charges upon the intercourse with North America and the West Indies, it was necessary to liberate this from those duties and to apply the existing tariff without making a distinction between European and American trade. The Secretary responded with a provisional order of August 13th regulating the calculation of the recognition duty at 3 % ad valorem on merchandise from American countries, not the possessions of the Netherlands ⁵⁾. It promised again, however, a definite regulation of this trade.

Exactly a month later the Prince Sovereign charged the Council of Commerce and the Colonies to report about the best system of duties which might be levied on West Indian commerce and navigation ⁶⁾. This body, however, appears to have been unable to obtain evidence on the merits of the question, and on Decem-

¹⁾ May 17 1814, Falck to Van Nagell (R. A. B. Z. 1: bur. I. S. 1814 No. 520).

²⁾ Staatsblad No. 75.

³⁾ By Decree of March 2 1814 (Staatsblad No. 32) the recognition duties for East Indian produce were repealed.

⁴⁾ Aug. 2 1814 (Archives Chamber of Commerce at Amsterdam, Letterbook 1811—1815).

⁵⁾ In R. A. Coll. Goldberg, Port. 209. The publication of this Order is not to be found in the official papers.

⁶⁾ By Decree dated Sept. 13 1814 No. 1, at Brugge.

ber 20, 1814 advised leaving the matter unsettled until despatches from the Colonial Governors and the development of American trade after a peace with England should have provided a basis of certainty for their action ¹⁾. The only thing they could declare positively was that American trade had not developed to such an extent as had been expected from the British-American war situation.

Peace was concluded a few days later. On this occasion the Amsterdam Chamber of Commerce decided to bring their wishes once more to the attention of the Minister of the Finances. Peace promised opportunities, the petition said ²⁾, both for the trade in colonial articles and for the importation of American produce. The desirability of putting American on an equal basis with European trade, for successful competition with foreign ports as well as for the interests of commerce in general, was evident. On the 23d of February 1815 they repeated this request ³⁾.

By that time the Minister, Six van Oterleek, had made their views his own. In a clever memorandum ⁴⁾ he stated that there was no need of special duties on colonial produce; these were in contradiction with the liberal system of Dutch policy. During their colonial existence as well as afterwards the States of America had been treated on the same footing with foreign colonies, i.e. in discrimination to the trade of other countries. This had been a consequence of the fact that they lay in the Western hemisphere and that the West Indian Company had continued to maintain its ancient rights there. In the present situation, however, a reestablishment of this discrimination was to be objected to for various reasons. Competition from the neighboring ports had increased, he observed; American merchants had found a larger field for their expeditions to the continent than before, and had learned from experience to calculate their best profit, whereas at the same time long-lasting wars and measures of trade prohibition had broken the chain of relations which had assured in former years consignments to the Dutch. In the present situation the

¹⁾ Dec. 20 1814, addressed to the Prince Sovereign by Goldberg, presiding member of the Council (R. A. Coll. Goldberg Port. 210).

²⁾ Jan. 11 1815 (Archives Chamber of Commerce at Amsterdam, Letterbook 1811—1815).

³⁾ Febr. 23 1815 (ibid.).

⁴⁾ Febr. 13 1815, to the Cabinet of the King (R. A. "Kabinet", under date of May 29 1815, No. 14).

Americans would look for the place to which they could direct their exports most profitably. Their first choice might decide for the future. The hope of the Dutch that this choice might be to their advantage, Six declared, would be faint as long as charges continued to exist which the Americans had always found unjustly burdensome. Also with regard to Antwerp and Ostend, the ports of the Southern Netherlands, now united with the Northern, this argument was of much weight ¹⁾. The Minister proposed therefore to apply the tariff in force for all other countries to American navigation and commerce also, on perfectly equal conditions. This would make necessary lower or at least the same rates for the West Indian trade also in order that the direct trade between these colonies and the mother country should not be taxed more heavily than the indirect trade by way of the United States.

The change of attitude is evident: whereas in the 18th century the West Indian trade was considered of greater interest than the American, and had determined therefore, in the system of colonial rights, the rate of duties on the latter, the attraction of American commerce was in 1815 a point of such importance that it could even induce the reduction of the mercantilistic charges on colonial importations.

The ideas of Six, exhibited in this memorandum, paved the way. Submitted to the judgment of the Council of State, they met with full agreement. The President, Van Hogendorp, backed the proposition with all his force. The Council, in a report signed by

¹⁾ „Het is wel waar dat, desondanks, de Hollanders in de voordelen van den handel met Amerika in een ruime mate hebben gedeeld, doch de concurrentie van naburen is ook intusschen meer en meer toegenomen; de Amerikanen hebben een ruim veld voor hunne verzendingen gevonden, en door het bezoeken ook van andere markten, geleerd hun meeste voordeel te berekenen, terwijl langdurige oorlogen, en den handel onderdrukkende maatregelen, den schakel der betrekkingen verbroken hebben, die ons boven verscheidene andere volkeren hunne consignatiën verzekerden.

Genoegzaam los van alle vroegere betrekkingen met het vaste land van Europa, zullen de Noord-Amerikanen, op het oogenblik dat hunne vrede met Engeland geheel tot stand gekomen zal zijn, rondzien naar het punt, waarheen zij de verzending hunner goederen, op de voor hun meest voordelige wijze, rigten kunnen. Het laat zich gevoelen, hoe veel hunne eerste keuze voor 't vervolg kan beslissen, en de hoop dat dezelve ten onzen voordele zal uitvallen, kan niet dan flauw zijn, bij de voortdurende eener belasting, waarmede Noord Amerika zich reeds lang heeft bezwaard gevonden; terwijl naarijverige Naburen, die door geen Koloniaal Systhema weerhouden worden om de Noord-Amerikanen even als de Europeesche volken te behandelen, de middelen verdubbelen om den zoo belangrijken Amerikaanschen handel tot zich te trekken?.

him and dated April 3, 1815¹⁾, considered that American trade had changed completely during the preceding years. Whereas before each country had entertained an almost exclusive intercourse with her colonies in the Western hemisphere, only a few small islands, like St. Eustatius, being opened to an international exchange, the United States were at present a power trading all over the world, and had become a centre of general intercourse such as these islands had previously been, though to a smaller degree, in the West Indies. The main part of American trade had thus been shifted outside of the Dutch possessions. The further opening of South America which was generally expected was to favor this situation more and more. "The trade of America outside of our West Indies has therefore considerably increased, and may still increase indefinitely. To attract this trade hither . . . is a matter which the Council of State considers to be of the utmost importance and not to suffer any delay"²⁾. They advised the King to adopt the principle proposed by the Minister of the Finances and to include the South American countries in the arrangement also.

Six van Oterleek was authorized accordingly to make up the concept-law. On the 12th of May he addressed it to the King³⁾.

Meanwhile, on May 3rd, the Amsterdam Chamber of Commerce had sent to Goldberg, head of the Department for Commerce and the Colonies⁴⁾, a new petition in which they urged more than ever a rapid action for the recovery of commercial life⁵⁾. "The natural and unavoidable result", they again complain about the discrimination against American trade, "has been the

¹⁾ No. 8 (R. A. coll. Goldberg, Port. No. 210).

²⁾ „De handel van Amerika buiten onze West-Indien is derhalve reeds verbazend toegenomen, en kan nog oneindig toenemen. Dezen handel, zooals dezelve nu bestaat en zich verder ontwikkelen zal, herwaarts te lokken, is een zaak welke de Raad van State voorkomt van het uiterste belang te zijn, en geen uitstel te lijden”.

³⁾ May 12 1815 (R. A. "Kabinet", under date of May 29 1815 No. 14).

⁴⁾ Only by Royal Decree of Sept. 16 1815 he received the title of Director-General („Directeur-Generaal") of this department.

⁵⁾ May 3 1815 (Archives Chamber of Commerce at Amsterdam, Letterbook 1811—1815; enclosed also with May 22 1815, Goldberg to the King, in "Kabinet" under date of May 29 1815 No. 14). The petition mentioned the Act of Congress as a reason for abolishing the differential duties; unjustly, it appears, as the Act aimed at an equalization with the national and the petition at an equalization with European vessels, for American navigation. It contained furthermore a request for lower tariff duties on tobacco, lest the important Virginia and Maryland tobaccos, in general demand with the common man, and in Germany, should leave the market of Amsterdam for Hamburg and Bremen.

establishment of a constantly increasing direct trade of the Americans to the ports of Hamburg, Bremen and other places". Recognition duties have been obsolete since the West Indian Company, and its trade monopoly, ceased to exist; but they have become clearly obnoxious ever since they have tended to keep commerce away. A comparison made between the total charges on American and on European trade, shows the following significant proportions for:

<i>Importation</i> ¹⁾ of:	<i>by Americans</i>	:	<i>by Europeans</i>
coffee	99	:	47
indigo	441	:	49
West Indian cotton	471	:	74
Louisiana cotton	321	:	66
skins	180	:	40
rice	180	:	39
pot- & pearl ashes	143	:	67

Exportation of:

gin	363	:	336
butter	924	:	693
cheese	115	:	48
canvas	240	:	96

Having received this petition, Goldberg reported on it to the King, on May 22nd ²⁾. He pointed out that the high duties laid upon American trade, besides being "an injustice to the inhabitants of the United States", had become, however favorable to the public revenue, a dangerous impediment to the course of that trade towards the ports of the Netherlands. Also the new branch of commerce with South America, expected to develop strongly in the coming years, was a reason in itself for doing away with the present system of differential duties. As a last factor of weight he brought in the Act of Congress of March 3rd, which had just become known on the Continent ³⁾. It had become a

¹⁾ See the table on p. 185, and the annex to this chapter.

²⁾ May 22 1815 No. 168, „Voordragt tot vermindering der lasten voor den Amerikaanschen en West Indischen Handel" (R. A. Coll. Goldberg Port. 106, and "Kabinet" under date of May 29 1815 No. 14).

³⁾ Mentioned already in the Chamber's petition (p. 178, footnote 5). In accordance with this petition he also advised modifying the duties on tobacco, stating his intention of making a proposition in due time.

matter of political interest, he asserted, to meet the principle expressed by this Act so as to arrive finally at a reciprocal lowering of duties. "No moment had ever been more favorable than the present for assuring to your Majesty's Empire the largest part of the trade with America on the Continent of Europe".

The result of this repeated urging could be little else than the carrying out of the modification desired. The King sent the concept-law to the States-General on the grounds: 1° of the need of doing justice to the transatlantic countries, 2° of his wish to favor trade and commerce, and 3° of the interest of the colonies, to which a lowering of duties on their produce could never be obnoxious¹⁾. It was passed, and signed by him on May 27, 1815²⁾. This law stipulated (art. 1) that all goods and merchandise, carried to or from America, should be subject to the same rights and duties as European trade, and (art. 2) that likewise all vessels carrying them would be treated on the same footing with other foreign vessels³⁾. Two days later a Royal Decree, instigated by Six van Oterleek at the transmitting of his concept-law, ordered "that the government of the United States of North America be notified by our legation of the law of May 27, 1815, and that this law be presented as a proof of our firm disposition to give the largest extent possible to the commercial relations between the mutual subjects and to respond to a like disposition which is trusted to exist with the said government and which was evidenced already by Act of Congress of the 3d of March last"⁴⁾.

¹⁾ This message is to be found in R. A. "Kabinet" sub: May 15 1815 No. 19.

²⁾ No. 25, Staatsblad 1815 No. 37. Van den Brink p. 31, 32.

³⁾ The following is a translation of articles 1 and 2, by Lechleitner (enclosed with Aug. 31 1815, Lechleitner to Monroe, D. o. S. Notes from Neth. Legation):

"Art. 1. Henceforth all goods and merchandise coming from the islands and the continent of North and South America, imported into the Kingdom of the Netherlands or exported from those countries [i.e. that Kingdom] or traversing, coming from thence or going thither, the dominions of this State, will not be subject to more or other formalities or duties on import or export, or transit, than to those which have been stipulated with regard to the European navigation and commerce.

Art. 2. Also, no higher or other tonnage duty will be demanded of the vessels trading from and to the continent of North and South America than are now paid by such as navigate from and to European ports."

Art. 3 maintained in force, however, all rights reserved to Dutch subjects for the trade with the West Indian colonies. Art. 4 gave the trade and navigation on the coast of Guinea in Africa entirely free.

⁴⁾ May 29 1815, Royal Decree No. 14 (R. A. "Kabinet" sub dato), sub 4: „dat aan het Gouvernement der Vereenigde Staten van Noord Amerika door ons Gezantschap aldaar zal worden kennis gegeven van de Wet van 27 Mei 1815, en dezelve als een bewijs

The latter consideration was, however, premature. The law of the 27th was not more than a consequence of the repeal of the West Indian Company's monopoly. It abolished a situation, dating from a former period, which subsequent developments had rendered unjust. It meant a last recollection in Dutch tariff policy of the existence of the present American States as colonial possessions. It did away with a wrong, but its contents had nothing to do with a new political system. The merits of its treatment lay not in the fact of its passage, but in the expectations with which the Dutch government had considered the importance of American trade to their ports in preference to the trade with the West Indian colonies; and in the fact that the new principle of American policy, as expressed by the Reciprocity Act, had been taken into account. From the latter point of view even the Decree of the 29th was of greater merit. Anticipating a mutual agreement on the basis of reciprocity of trade, it looked towards the future, whereas the law itself was merely a necessary correction of the past.

Bourne, communicating to his government in June 1815 the passage of this law, stated that he was "credibly informed that *no distinctions* do exist between subjects & aliens in any regard & that the late law *removes all the distinctions that have existed*" ¹⁾. He hoped to be able to send official proof thereof ²⁾. At the same time, however, the consul at Antwerp in the Southern Netherlands, where the separate duty system was still being maintained, reported home ³⁾ that a discrimination existed with respect to the tonnage duty. This was, he said, frs. 4,10 per ton on foreign vessels at each arrival, and only 2,25 per annum on national ones ⁴⁾.

Instructed by the Department of the Treasury to collect all documents giving information on the tariff and trade regulations

voorgesteld van onze vaste gezindheid om de handelsbetrekkingen tusschen de wederzijdsche onderdanen voor de hoogstmogelijke uitbreiding vatbaar te maken, en te beantwoorden aan de gelijke gezindheid die men vertrouwen mag dat te dien opzichte bij het voornoemde Gouvernement bestaat en die bereids uit de acte van het Congres van den 3en Maart 1.1. kennelijk geworden is".

¹⁾ June 4 1815, Bourne to the Secretary of the Treasury (D. o. S. Cons. Desp. A'dam).

²⁾ June 4 1815, Bourne to Monroe (Ibid.).

³⁾ May 23 1815, Sam Hazard to the Secretary of State (D. o. S. Consular letters, Antwerp).

⁴⁾ See however p. 171 footnote 1.

of the country of his residence ¹⁾, Bourne proceeded with industrious speed. Van Nagell received a request, in case no discriminations really existed any more, to declare this in an official statement and to instruct Changuion to communicate it to the government of the United States. In that event they would find no difficulty, Bourne intimated, in applying the Reciprocity Act to the Netherlands ²⁾. He also asked the customhouse officer at Amsterdam to inform him about the rates of import, tonnage and harbor duties ³⁾. His eagerness, by its insistence, caused some embarrassment to both Van Nagell and the officer, and a rather unpleasant correspondence ⁴⁾. The former referred him finally for his information to the text of the Law of May 27, 1815 and to a report drawn up by the Director-General of the customs duties. This report, addressed to Van Nagell on the 16th of June 1815 ⁵⁾, stated that no discrimination was to be found in the treatment of foreign and Dutch vessels, with two exceptions: (*a*) the duty levied on unrefined salt which was half as high when the salt was imported by national vessels ⁶⁾, and (*b*) the discrimination of five percent, laid on the importation of goods from the Levant when carried in foreign vessels ⁷⁾. Bourne was put off with this information, which forced him to refrain from further action.

The matter was taken up again when the urgent request of Lechleitner, the Netherlands chargé d'affaires ad interim, that the Reciprocity Act be applied to Dutch trade was met by the American Secretary of State with a refusal on the ground that there was no evidence that all discriminatory regulations had

¹⁾ April 14 1815, Dallas to Bourne (R. A. B. Z. 2: bur. I. S. 1815, encl. with No. 1157).

²⁾ June 8 1815, Bourne to Van Nagell (Ibid. No. 1080).

³⁾ June 10 and 13 1815, Bourne to Vaillant (R. A. B. Z. 2: bur. I. S. 1815 encl. with No. 1168).

⁴⁾ June 16 1815, Bourne to Van Nagell (R. A. B. Z. 2: bur. I. S. 1815 No. 1157); June 16, Wichers, Director-general of the customs duties, to Van Nagell (Ibid. No. 1168), with enclosures; June 20, Van Nagell to Bourne (Ibid. U.S. 1815 No. 1005); June 22, Bourne to Van Nagell (Ibid. I. S. 1815 No. 1194); June 23, Van Nagell to Wichers (Ibid. U. S. 1815 No. 1024); and June 23, Van Nagell to Bourne (Ibid. No. 1025).

⁵⁾ See preceding footnote.

⁶⁾ 12 guilders upon importation by foreign, 6 guilders upon importation by national vessels (Law of Jan. 14 1815 No. 15, Staatsblad No. 3).

⁷⁾ The law of July 11 1814, No. 30 (Staatsblad No. 80), authorized the direction of the Levant trade, reestablished by this law on the conditions of before 1795, to levy: e 5 % of the value of merchandise imported from the Levant by foreign vessels. This duty was continued by law of Dec. 19 1817 (Staatsblad No. 34).

It is evident, however, that this could never be injurious to an equalization of the direct trade between the U. S. and the Netherlands.

been repealed on the Dutch side ¹⁾. Goldberg, Director-General of Commerce and the Colonies, took the matter into consideration, and reported to the King on the 10th of June 1816 ²⁾. As for tonnage duties, he found no discrimination in force. A distinction of treatment existed, indeed, for the importation of fishery products, but only for the protection of the national fisheries and their vessels; it did not favor all vessels of Dutch nationality importing these products ³⁾.

He did admit the discriminating duties on the importation of unrefined salt, but asserted that the Americans were so little concerned therein that their trade was not materially affected by it. In general, he concluded, these discriminations were of no consequence to American interests. In the Southern Netherlands a difference of tonnage duties was still in force for foreign and national vessels, but this was of a provisional nature, and awaited only the enactment of a general tariff. This declaration, which again, as we see, did not provide the explicit statement required, was ordered to be presented to the American government by the *chargé d'affaires*.

In the following year, on the third of October 1816, the new tariff law was proclaimed, and brought a universal regulation of the duties and rights concerned for both parts of the country. Its general tenor has been treated before ⁴⁾. Upon goods of American produce it did not, in general, bear more heavily than the old Dutch rates which were previously in force. The Kingdom could easily maintain her free trade policy in this respect, because American products were not competing, by nature, with articles of Dutch growth. Only by the tariff of 1822 was a certain increase of the tariffs to be enforced. It is noteworthy that after the repeal of the recognition duties on American trade, no complaints about Dutch tariff rates ever arose in the United States during the years of our study. Yet American importation into the Netherlands was, by its bulk, much more vulnerable in this

¹⁾ Aug. 31 1815, Lechleitner to Monroe (D. o. S. Notes from Neth. Legation). Jan. 17 1816, Monroe to Lechleitner (D. o. S. Notes to Neth. Legation; R. A. B. Z. B XXI No. 20). See p. 230, Ch. XII.

²⁾ June 10 1816, Goldberg to the King (R. A. B. Z. 2 : bur. I. S. 1816 encl. with No. 2335).

³⁾ The object was to aid the fisheries, not to favor national navigation.

⁴⁾ Chapter III.

respect than was the scanty import of Dutch merchandise on the other side.

A comparative table for duties on the most important American articles, 1° as enforced since 1802 in the 3 % recognition duty until its repeal on May 27, 1815 ¹⁾, 2° as contained in the list of 1725, with its alterations up to 1810 ²⁾, which was in force from December 1813, except in respect of the direct importations from America until May 1815, 3° in the general tariff law of 1816 ³⁾, 4° in the intermediate tariff law of May 1819 ⁴⁾, and 5° in the protectionist revision of the tariff in 1822 ⁵⁾, yields the following rates (*f* 1.— = \$ 0.40):

[see page 185]

Account being taken of the fact that the pounds indicated in the tariffs of 1819 and 1822 represented about twice the weight of those used up to 1816, the table shows an increase of the duties in the year 1822, but previously a continuation for these articles of the rates of the 18th century, during which for the most part the principle of free trade had prevailed ⁶⁾.

The tariff of 1816 terminated definitively all distinctions in the carrying of merchandise by foreign and by national vessels ⁷⁾. It introduced the protective system of differential tonnage duties ⁸⁾, but adopted, following the American example, the offer of a reciprocal trade equalization to foreign nations ⁹⁾.

¹⁾ Calculated after the current values, from a „Staat van vergelijking . . .” in R. A. Coll. Goldberg Port. 209.

²⁾ Groot Placaatboek VI p. 1365 f. Publication of Dec. 9 1813, by the Dept. of the Finances, reënforcing these rates (R. A. B. Z. Inv. XXI No. 42).

³⁾ Staatsblad No. 53.

⁴⁾ Staatsblad No. 29.

⁵⁾ Staatsblad No. 39.

⁶⁾ The Southern Netherlands had enforced a still more liberal tariff for most of these articles, in the second half of the 18th century, pot- and perl-ashes, hemp and cotton being entirely duty-free on importation, Virginia tobacco (in leaves) at special, moderate rates (Van Houtte, l.c. p. 309 f., 554, 555 f.).

⁷⁾ A law of Sept. 15 1816 (Staatsblad No. 36), regulating the duties on salt, had already done away with the differential treatment at the importation of unrefined salt. Southern votes and petitions had urged in vain a general system of differential import duties (Groeneveld Meyer l.c. p. 55, 111). This would, however, not have been in accordance with the interests of Northern commerce.

⁸⁾ Cf. Groeneveld Meyer p. 55.

⁹⁾ Compare Goldberg's report to the King, June 10 1816 (R. A. B. Z. 2: bur. I. S. 1816, encl. with No. 2335). — Goldberg himself had been in favor of a system of perfect equality, providing an authorization to the Executive Power, to charge more heavily by way of retaliation the vessels of such nations as would not reciprocate the equal treatment. — Wichers, the Director-general of the customs duties, who had taken into consideration the 10 % discrimination on importations as it was in force in the United

ARTICLE of American produce	1802: Recognition duty + „veil- geld” = 3 % 1813—1815		1725—1810 convo- and licence- (= im- port- and export-) duties (1813— 1815—1816		1816		1819		1822	
	Unit	Rate ¹⁾	Unit	Rate	Unit	Rate	Rate	Unit	Rate	Unit
Pot- and pearl ashes		3 %		1 %	(100 lb.)	1 % (=f 0,20)	f 0,51	100 pds ²⁾		f 0,80
Hemp, unhackled			300 lb.	f 0,75	300 lb.	f 0,75	f 0,51	”		f 0,65
, hackled			”	f 4,—	”	f 4,—	f 2,70	”		f 3,—
Cotton, raw	100 lb.	f 1,80	100 lb.	f 0,40	100 lb.	f 0,40	f 0,81	”		f 0,80
Rice			”	f 0,30	”	f 0,12 ⁵⁾	f 0,25	”		f 0,30
Tobacco, in leaves			”	2 %	”	”	”	”		”
, Virginia, etc.		3 %				2 %	2 %	”		f 1,10
, Maryland						2 %	2 %	”		f 1,25
Peck („enkelband”)	13 tons	f 3,90	12 tons	f 1,50	13 tons	f 1,50	f 1,50	13 tons		f 1,80
Tar	”	f 4,87 ⁵⁾	”	f 1,—	”	f 1,—	f 1,—	”		f 1,—
Whale oil (foreign produce)	quarter	f 1,50	quarter	f 3,—	quarter	f 3,—	f 1,37	barrel ³⁾		f 1,—
speck (” ”)	”		”	f 3,—	”	f 3,—	f 1,37	”		f 1,—
bones (” ”)	”	3 %	”	10 %	”	8½ %	8½ %	”		6 %

¹⁾ See p. 184, footnote 1.
²⁾ 1 lb. = 1 Amsterdam pound = 0,494 K.G.; 1 pd. = 1 new Dutch pound = 1 K.G.
³⁾ 1 Quarter („kwartel van 2 smalton”) = 2 barrels („vat”).

Article 205 stipulated that 52 sous (= *f* 2,60 = \$ 1,04) per unit (2 tons) should be levied on foreign vessels upon arriving in one of the ports of the Kingdom, each time, whereas Article 206 put a duty of 30 sous (= *f* 1,50 = \$ 0,60) upon national vessels when entering, and of 15 sous (= *f* 0,75 = \$ 0,30) when clearing, both to be paid only once a year. At the same time however, this article stipulated that foreign vessels of such countries as admitted Dutch vessels on the same footing as their own should receive equal treatment with the national vessels. This was, to an even greater extent because it did not limit the offer to the direct trade, a full response to the Reciprocity Act of Congress.

Ten Cate, who had entered upon his duties as chargé d'affaires at Washington, was instructed to ascertain whether the United States might fall under the provisions of this article ¹⁾. He hastened to reply, in March 1817, that the existing laws of the United States were far from according to Dutch an equal treatment with American vessels, and that therefore the favor of an equalization of duties offered by the Dutch law could not be granted to the vessels of the United States ²⁾. These despatches reached the government only in May 1817.

It is curious that Ten Cate omitted to mention the Reciprocity Act, although its tenor was almost on a par with the Dutch law. On the first of December 1816, the date on which the new tariff came into operation ³⁾, the two countries were in perfectly equal positions. Each had enforced discrimination between her own trade and that of the other country, but had offered equalization on condition that the other grant the same. The only difference was that the United States applied the offer of abolishing their additional import duties to the carrying of national produce alone.

A curious mistake on the part of the Dutch administration again threw the matter out of balance. When Wichers, the Director-General of the customs duties, who was charged with the

States, had remarked that this would be too high a favor to shipping interests in comparison with other industries, and that for a country of the economic structure of the Netherlands, the importation of raw materials for industries should at least be excepted therefrom (Remarks to the American tariff, July 18 1816, in R. A. Coll. Goldberg, Port. 210).

¹⁾ Oct. 22 1816, Van Nagell to Ten Cate (R. A. B. Z. 2: bur. U.S. 1816 No. 2689; also in B XXI, Legation archives, Port. No. 1).

²⁾ March 6 and 10 1817, Nos. 25 and 27 (R. A. B. Z. I. S. 1817 Nos. 1953 and 2558).

³⁾ Royal Decree of Nov. 11 1816 (Staatsblad No. 59).

execution of the new tariff law, came to deal with the application of article 206, he was guided by the erroneous opinion that the American Act of 1815 had established and practically realized a system of reciprocity. He concluded that the conditions required by this article were fulfilled, and that therefore its contents must be executed with regard to United States vessels. Consul Bourne's "réclamations", as he named the notes of June 1815, had strengthened him in this conclusion ¹⁾. On the 4th of December 1816 he sent out a circular letter to the customs officers at the ports of the Netherlands ²⁾, with the following order: „Ayant d'ailleurs en connoissance que dans les ports de l'Amérique Septentrionale [etc.] les navires étrangers qui y abordent, ne payent d'autre droit de tonnage que celui auquel sont soumis les nationaux pour autant que ces derniers jouissent réciproquement de la même faveur dans les différens pays, la présente servira pour vous en informer et pour mettre à même de donner les ordres nécessaires pour qu'en conformité et en exécution de la dernière partie de l'Art. 206 de la loi, les navires Anglais, Danois, Américains, [etc.] soient provisoirement traités par rapport au droit de tonnage, sur le même pied et la même manière que les navires Neerlandais". Thus, American trade was exempted from all discriminations on tonnage dues after the first of January 1817.

That this decision resulted from an error is more evident from Wichers' explanation to Van Nagell of January 2nd than from his official circular, which was framed with caution. Once the misunderstanding was discovered, it seemed desirable not to repeal the order immediately. Wichers himself preferred to wait for the effects of his measure on the American side ³⁾. Also Van Nagell considered that the present order should not be revoked

¹⁾ Jan. 2 1817, Wichers to Van Nagell (R. A. B. Z. I. S. 1817 No. 82): „een sedert onlangs bij de Vereenigde Staten geadopteerd systema van reciprociteit, hetwelk men zelfs beweerde zich niet slechts tot het vat- of tonne-geld te bepalen, maar zich zelfs uit te strekken tot de regten op de goederen. — De reclames van den heer Americaanschen consul Bourne op dit sujet, heeft mij hierin versterkt”.

²⁾ A Dutch copy in Dec. 4 1816, Wichers to Van Nagell (R. A. B. Z. 2: bur. I. S. 1816 No. 4663). The French copy quoted here (which bears the erroneous date of December 5 1817), is to be found as an enclosure to Eustis' despatch of Oct. 20 1817 (D. o. S. Desp. Neth. V). It had been sent to him by Mr. Clibborn, American Consul at Antwerp, who obtained it from the customs office (Oct. 18 1817, „A. Duvivier, directeur des convois et licences, à Mr. J. Clibborn”).

³⁾ Jan. 2 1817, to Van Nagell (see above, footnote 1).

at once, since a short delay would not be obnoxious ¹⁾. He advised the King to await further communications from America before taking a decisive attitude. The King consented ²⁾.

Ten Cate's despatches, however, gave little satisfaction to the expectation that American reciprocity measures would soon enable the Dutch government to maintain the present regulation. The President had still not received any official statement about trade equalization in Dutch ports such as would have given him the power to apply the act of 1815. Also Ten Cate's communications, based upon Goldberg's report of June 10, 1816, had not given sufficient evidence thereon. Besides, the American government decided, in the beginning of 1817, to accept the Dutch invitation to negotiate a new commercial treaty ³⁾. The question of applying the Reciprocity Act was then forced into the background. The American government postponed a settlement of it till a treaty should be concluded. And, as the Dutch, on the other hand, did not want to show an unfriendly disposition before the beginning of these negotiations, they abstained likewise from further action, i.e. from repealing the order of December by way of retaliating to the American discriminations. On the 9th of April Wichers issued a proclamation which confirmed the provisional regulation of December 4th ⁴⁾. It furnished official evidence that since the first of January 1817 American navigation had been treated on a footing of perfect equality with the Dutch as far as tonnage duties were concerned.

Concerning import and export duties no such statement was, in fact, at hand. In general the tariff law charged at equal rates the carrying of merchandise by foreign and national trade. But in special cases a difference could still be found, as has already been noticed in the course of this chapter and as will appear soon again. On January 17, 1817 Eustis informs Monroe that no discriminations exist, "excepting perhaps an inconsiderable one on

¹⁾ „Daar ik ondertusschen . . . gevoele dat het wenschelijk zoude zijn niet op de ten dezen gestelde orders te behoeven terug te komen, en overigens een klein verwijl niet schaden kan . . .”. Jan. 16 1817, to the King (R. A. B. Z. U. S. 1817 No. 160). Also Jan. 20 1817, Van Nagell to Wichers (Ibid. No. 205).

²⁾ Jan. 17 1817, William to the Minister of Foreign Affairs (R. A. B. Z. I. S. 1817 No. 262).

³⁾ See Chapter XI.

⁴⁾ Staatscourant of April 11 1817, No. 86.

colonial produce", which is of no real importance¹). In the spring he sends a circular to the American consuls under his jurisdiction, in compliance with a resolution of the Senate of March 3, 1817, in order to obtain information from them about the commercial regulations at their ports. The consul at Antwerp writes that "with respect to tonnage duty, port dues, lighthouse duty & pilotage the vessels of the U.S. are placed upon the footing of the most favoured nation, but our ships pay something more than the ships of *this* country"²); at Amsterdam no difference in the duties charged has been found³). In his report home, July 9, 1817⁴), Eustis states that tonnage duties are the same for American and national vessels, so are the duties on importation and exportation of merchandise, and the lighthouse dues; pilotage and port duties are different and discriminative⁵); weigh duties and all other internal duties are in general the same.

It would seem that by this statement of the minister the requirements stipulated by the American government for the application of the Reciprocity Act had been sufficiently realized as far as the European portions of the Kingdom of the Netherlands were concerned.

¹) D. o. S. Desp. Neth. V. It is uncertain which regulation is meant by this vague statement.

²) May 13 1817, J. Clibborn to Eustis (L. o. C. Eustis Papers III).

³) June 20 1817, Parker to Eustis (Ibid.).

⁴) D. o. S. Desp. Neth. V.

⁵) Upon Clibborn's assertion that only pilotage and dock duties were different for American vessels in comparison to Dutch; June 14 1817, to Eustis (Archives of the Legation of the U. S. at The Hague, Miscellaneous 1806—1825).

Annex to Chapter IX.

“Comparative table of the duty of three per cent. formerly paid on the following articles of merchandise coming from America or the colonies in the West Indies, and of the import duty at present levied on the same articles according to the law of October 3, 1816, both calculated from the intrinsic value according to the tariff of August 13, 1814” ^{a)}.

Articles of merchandise	Quantity	Value	(Recognition) Duty of 3%	Law of Oct. 3, 1816 Import duty
Cocoa, Caracas ¹⁾	100 lb.	f. 80.—.—	f. 2. 8.—	f. 1.10.—
Tobacco, Varinas	”	100.—.—	3.—.—	3.—.—
Porto Rico, in leaves } Havana, ” } and similar kinds, ” }	”	50.—.—	1.10.—	1.—.—
Brazii, in rolls	”	40.—.—	1. 4.—	1.—.—
” , in leaves	”	30.—.—	18.—	—12.—
Virginia, idem	cask ²⁾	225.—.—	6.15.—	4.10.—
Maryland, idem	”	150.—.—	4.10.—	3.—.—
Sugar, unrefined	100 lb.	22.10.—	—13½.—	— 6.—
Coffee, pure or assorted	”	35.—.—	1. 1.—	—10.—
broken	”	25.—.—	—15.—	
shells	”	20.—.—	—12.—	
Indigo, in seroons	”	350.—.—	10.10.—	3. 8.—
St. Domingo	”	300.—.—	9.—.—	
Carolina	”	250.—.—	7.10.—	
Cotton, from the West Indies	”	85.—.—	2.11.—	— 8.—
from North America	”	65.—.—	1.19.—	
Hides, deerskins	lb.	—10.—	about	less than
goatskins	100 lb.	40.—.—	5 deniers	one denier
pieces	”	10.—.—	1. 4.—	— 1.10d.
bear-hides	pr. piece	5.—.—	— 6.—	— 2.—
Caracas ¹⁾	p. hide of 15 à	6.—.—	— 3. 8	— 1. 4d.
Cayenne and Porto Rico	18 lb.	4.—.—	— 2. 6	—.—12d.
Rice	600 lb.	60.—.—	1.16.—	—15.—
Rum	pipe	190.—.—	5.14.—	free
Pot and perl ashes	100 lb.	14.—.—	— 8. 6	— 2.13d.

^{a)} Translated from the French document in enclosure C to the official protocole of the treaty negotiations, 1817 (D. o. S. Desp. Neth.). Also in the Archives of the American Legation at The Hague, Miscellaneous 1806—1825. The amounts are calculated in florins, sous and deniers (1 : 20 : 16).

¹⁾ „Caraque”.

²⁾ 1 cask of Virginia is 1000—1500 lb.; 1 cask of Maryland is ± 800 lb. (Nemnich l.c. p. 131, footnote).

X. THE QUESTION OF RECIPROCITY IN THE TRADE TO THE COLONIES. THE "DECAYED" SYSTEM OF COLONIAL MERCANTILISM

AMERICAN OPPOSITION TO THE EXCLUSIVE COLONIAL SYSTEM; ITS APPEARANCE IN THE ACT OF RECIPROCITY. — THE CONFLICT BETWEEN COLONIAL MERCANTILISM AND COMMERCIAL LIBERALISM. — THE CHARACTER AND RÔLE OF JOHN QUINCY ADAMS IN THIS CONNECTION. — RELATION BETWEEN HIS POLICY AND THE MESSAGE OF MONROE, 1823, ILLUSTRATED BY TWO DOCUMENTS OF 1818 FROM ADAMS' HAND. — THE NON-COLONIZATION PRINCIPLE IN THE MONROE DOCTRINE. — ADHERENCE OF THE DUTCH AUTHORITIES TO COLONIAL MERCANTILISM. — REGULATIONS FOR THE EAST INDIAN POSSESSIONS. — REGULATIONS FOR THE DUTCH WEST INDIES AND SURINAM. — THE UNITED STATES THE MOST FAVORED NATION

Reciprocity in the overseas possessions was opposed to the ideas which had directed the commercial policy of all colonial powers ever since they had been building their empires in the Indies and America. Although the wars of two decades between France and Great Britain had completely upset the whole colonial system by preventing the free intercourse of the national trade of the mother country, mercantilism was revived as soon as peace allowed a reëstablishment of ordinary conditions. Colonies were, according to the mercantilistic principle, the private property of the nation possessing them; in them the national interest and commercial activity of the mother-country could be favored by monopolistic rights, to the exclusion of the subjects of other powers ¹⁾. This attitude will be found with the Dutch

¹⁾ "The desire to assure a balance of profitable commerce, led . . . to the exclusion in all cases of the foreigner from colonial commerce". A. Girault, *The colonial tariff policy of France* (Oxford 1916, Carnegie endowment for international peace), p. 38.

government as well as with all other governments ruling over colonial possessions at this stage of the nineteenth century. It may be called the European, in opposition to the American point of view.

The United States encountered it most often in their relations with Great Britain. A movement in favor of a limited colonial freedom had been arising in England since the middle of the 18th century, but the American revolt had led the government to resort to a rather reactionary policy. Although the colonies had no share at all in the legislative power of the mother country, they were completely under the rule of this power. Both the trade in their raw produce and the trade in provisions for their needs were made subject to the interests of the mother country, the only purpose of their existence being the profits of *her* national enterprise. Colonies, Lord Castlereagh indulgently observed one day to the American minister¹), "were, in many respects, burdensome, and even liable to involve the country in wars. Garrisons, and other establishments, were constantly maintained in them, at a heavy charge. In return, it was just that they should be incumbered with regulations, the operation of which might help to meet, in part, the expenses which they created. The great principle of these regulations was known to be the reservation of an exclusive right to the benefit of all their trade . . .". They were real *provinciae*, any advantages which might accrue from them belonging to the mother country exclusively. "Exclusion of foreigners from the colonial trade is the principle of colonial policy; admission to that trade is the exception", was Canning's statement²); "there is a right in a mother country, universally admitted among nations, to interdict to foreign nations a trade with her colonies". If she should grant it, even in part, it ought to be considered a favor. But up to the 19th century the British Navigation Laws had mostly forbidden such exceptions.

The United States were not a colonial power. Their desire for participation in the colonial trade of others they could not back with the offer of equivalent advantages. Yet the Act of March 3, 1815 aimed at the colonies of other nations as well as at the

¹) Sept. 17 1819, Rush to the Secretary of State (A.S.P., For. Rel. IV p. 405).

²) Nov. 13 1826, Canning to Gallatin (A.S.P., For. Rel. VI p. 963).

European territories. To be admitted to colonial ports upon equal conditions with the national subjects was one of the most urgent wishes of American merchants. The last two decades had revealed to them the great advantages which direct importation of produce from the Indies, both East and West, yielded at all foreign and national ports. Moreover they had found in the Indies a market of value for their domestic exports. The fruits of this intercourse they wanted to keep, in competition with the respective mother countries and to the detriment of the mercantilistic monopolies.

The restrictive measures which the United States had encountered in the colonial trade in the 18th century had been met by a special provision in the tariff acts, ever since that of July 4, 1789, in favor of the Oriental trade. It laid an additional 12½ % duty ad valorem upon all goods from China and India imported directly by foreign vessels. This meant about twice the rate levied on imports by American vessels. The additional freight costs in case of indirect foreign shipping via the mother country to the United States were considered to make an equivalent discrimination in favor of American trade. The tariff of 1816 did not continue this special duty ¹⁾. For teas alone it maintained protection, which had, since 1789, made the China tea trade to the United States an actual monopoly of American merchants ²⁾.

The navigation to the West Indies was much more closely connected with the development of American commerce. The colonies in New England had entertained for a long time a most valuable and mutually advantageous relation with the British West Indian possessions. It formed one side of the famous

¹⁾ Cf. Johnson et al. II p. 336.

²⁾ In 1789 the duty had been for Bohea tea brought from China and India in American vessels 6 cts., from other (European) countries in American vessels 8 cts. and in foreign vessels 15 cts., per pound; for other brands at the same rates.

The tariff of 1816 made it

per pound for tea	from China in American vessels:	from other countries or in foreign vessels:
Bohea	12 cts.	14 cts.
Souchon and other black . . .	25 „	34 „
imperial gunpowder and gomee	50 „	68 „
hyson	40 „	56 „
hyson skin and other green . .	28 „	38 „

triangular trade: England — America — West Indies ¹⁾, and it had covered, in colonial days, almost one third of their total exports ²⁾. As a result of the independence of the United States, of their existence as a foreign power, and in consequence of the Act of Navigation of the 17th century, Great Britain had closed the West Indian trade to American merchants ³⁾. Although succeeding eventful years had deprived this mercantilistic system of much of its strength, the colonial policy of the British government underwent no material change in theory. This became evident in 1815, when all earlier measures were reinforced.

The Reciprocity Act seemed at present to be a means for obtaining a rightful admittance to all colonial trade. The American government considered that the trade equality which they thereby offered would mean a greater advantage to European territories than to the United States themselves, since the European manufactures took up much less room than the bulky articles of American growth. Thus, if conditions were equalized, foreign navigation would profit more by the shipment of American produce for return cargoes than American trade would profit by the carrying of European products. In return for this favor the United States demanded therefore an extension of reciprocity to the colonial trade, for which they themselves had no counter-offer to make. It was, said Monroe, "one of the principal inducements which the United States have to offer to those powers, to open their colonies to our commerce" ⁴⁾. As President he explained this later in a Message to Congress: "Many considerations of great weight gave us a right to expect that this commerce should be extended to the colonies as well as to the European dominions of other powers. With the latter, especially with countries exclusively manufacturing, the advantage was manifestly on their side. An indemnity for that loss was expected from a trade with the colonies . . ." ⁵⁾. On the other hand, however,

¹⁾ British merchandise to America — American provisions to the West Indies — West Indian produce either directly to England, or back again to America (sugar, rum, molasses), and American bulk (cotton) to England. Johnson et al. II, p. 36.

²⁾ Johnson et al. I p. 92. Compare Van Hogendorp in 1784: „Le plus grand intérêt mercantile de l'Amérique consiste dans le rétablissement du commerce aux îles". (Brieven en Ged. I, p. 417.)

³⁾ Johnson et al. II p. 11.

⁴⁾ May 9 1815, Monroe to Eustis (D. o. S. Instructions VII).

⁵⁾ Annual Message to Congress, Dec. 5 1821 (A.S.P. For. Rel. IV, p. 736).

they reasoned that the colonies themselves would benefit by an admittance of foreign trade ¹⁾).

It is remarkable that all the great colonial powers abstained from accepting this offer of reciprocity. Only countries with few or no overseas possessions could be found to agree with it ²⁾).

The first to disappoint American expectations was Great Britain. The commercial convention of July 3, 1815 was a failure, in regard to its provisions on colonial trade for American merchants ³⁾). It followed the Reciprocity Act for the European portion of the United Kingdom, but it contained the admittance of American trade in India only upon the footing of a most-favored-nation and for direct intercourse with the United States alone. It left the West Indies entirely unmentioned. Although the geographic situation would have justified commercial intercourse between these islands and America, Great Britain was not prepared to admit foreigners to a trade which belonged by the rights of colonial mercantilism exclusively to the mother country. She preferred to keep her hands free in those seas for favoring the trade of her own citizens and colonists (Canada). In accordance with the system of the Navigation Act the trade of the British West Indies with the United States was reserved to British vessels alone. Although the United States retaliated heavily by forbidding this intercourse entirely ⁴⁾ the situation remained very unsatisfactory to their merchants. It was only in 1830, under Jackson's administration, that an agreement was finally reached. At that time a "growing sense of the utility of international trade" ⁵⁾ had brought about a partial change in

¹⁾ Compare July 3 1815, the American negotiators at London (Adams, Clay and Gallatin) to the Secretary of State: "We strenuously contended, that an equivalent was found in the trade itself, which was highly beneficial to India . . ." (A.S.P. For. Rel. IV, p. 11).

²⁾ See Chapter XVIII.

³⁾ The negotiators on the American side had been Adams, Gallatin and Clay, the most prominent of those who had won the treaty of Ghent half a year before. The fact that even they had been unable to obtain the desired favors of colonial trade exposes how much too high American pretensions were aimed at the time.

⁴⁾ By the Act of Jan. 14 1817, imposing heavily discriminating tonnage duties, especially on the British West-Indian trade, and by an Act of March 1 1817, prohibiting the importation of goods by vessels which were not of the United States or of the country of produce (in casu the West Indies) if this country pursued a similar policy towards the navigation of the United States. It was a plain counterstroke to the Act of Navigation as it excluded British mother country shipping from the carrying of West-Indian products to the United States. See Keiler p. 49, 50; Johnson et al. II p. 297.

⁵⁾ Webster, *The foreign policy of Castlereagh, 1815—1822*, (London 1925) p. 444.

the British point of view, whereas after the rise of the Democrats the United States government also began to show a spirit of compromise. In the present years, however, during the British-American treaty negotiations of 1815 and 1818, and after ¹⁾, the Americans encountered a forbidding attitude towards what appeared in their eyes to be only a just and reasonable request ²⁾.

To people grown up in the American theories about State and Nation, and the rights of citizens, it was difficult to accept the fact that views like those of the British and Dutch governments still held a place in the minds of their contemporaries. The general reestablishment after 1815 of the mercantilistic system among colonial powers was a heavy blow to them, mentally as well as economically. It was like an insult to their war of independence and their constitutional declarations that the same colonial ideas which the independence of the United States had done away with and rendered out-of-date were still reigning in European countries and over all their possessions.

At the same time the mercantilistic argumentation in favor of the interests of the mother country appeared from their point of view illogical: on the one hand it put colonial on the same footing with national produce for exportation, and on the other hand it closed the colonial markets to foreign imports. This inconsistency was duly detected by Rush in 1824 in the following paragraph: "The fundamental error of their [the British] reasoning . . . appeared to me to lie in considering their colonial possessions as part of the entire British dominion at one time, yet treating them as separate countries at another. For her own purposes, Britain could look upon these colonies as of one and the same country with herself; for the purposes of trade with foreign states, she felt herself at liberty to consider them as detached from herself and forming a new and distinct country", [not liable to be subject to a reciprocity agreement] ³⁾. He opposed to it the American

¹⁾ Am. State Papers, Foreign Relations, IV, V, VI passim.

²⁾ A convention with Sweden and Norway which included in its stipulations the Swedish West Indian island of St. Bartholomew was concluded in 1816 but not ratified until 1818. See chapter XVIII.

³⁾ Aug. 12 1824, Rush to Adams (A. S. P. For. Rel. V p. 533). This had been noticed earlier, and blamed, by Henry Brougham, *An inquiry into the colonial policy of the European powers*, (Edinburg 1803) II p. 189. The principle which considers colonies as integral parts of the empire, he contends, "ought to be extended to the foreign policy of the state".

attitude: "Possessing no colonies themselves, the United States neither legislated nor acted upon a principle of subdividing their empire for any purpose of commercial advantage, or, above all, monopoly, with other nations, but held out indiscriminately to all one integral and undivided system". Having freed themselves from a colonial system which was expressed in the restrictions of the Acts of Navigation, the Americans could but judge all colonial systems objectionable and backward. They had thrown off the monopoly of the mother country, the injustice of which had put them upon an unequal footing with their British fellow countrymen. The granting of equal rights to all regions in the Union was therefore only a natural consequence of the foundation of this Union itself. Colonies should no longer be regarded as possessions of the mother country, the United States declared, but as integral parts of it, and therefore — this was the fortunate consequence — as being on equal terms with the mother country, for foreign as well as for domestic trade. Through the argument that it would be an economic advantage to the colonies themselves, this notion was then developed, especially by John Quincy Adams, to the general theory that freedom of commercial intercourse was an interest of mankind, a point of natural law, a task of international justice.

The gradual development and formulation of ideas about the colonial system, in Europe on the one hand and in America on the other, would require an extensive investigation in order to be clearly understood. Such an investigation would reveal for the European attitude a constant influence of the mercantilistic ideas, protracted even after the Restoration, and for the American attitude an origin in the theories of the Physiocrats — the enlightened minds of Quesnay and Turgot —, a relation with the measures of the French revolution, and a correspondence with Liberalism ¹⁾). The "Encyclopédie" of Diderot and d'Alembert ²⁾),

¹⁾ A. Girault, *The colonial tariff policy of France*, p. 39—43, gives a survey of the development of the ideas of economists on this subject, which is mainly the basis of the above summary. Political authors and moralists, as well as diplomatic documents and reports, however, may also furnish interesting features of this development.

²⁾ Paris 1753, III, sub *Colonie* : „ . . . si la *colonie* entretient un commerce avec les étrangers, ou que si l'on y consomme les marchandises étrangères, le montant de ce commerce & de ces marchandises est un vol fait à la métropole”.

as well as Montesquieu in his „Esprit des Lois”¹⁾ still reflect the opinion that colonies exist solely for the profit of the mother country, with the natural consequence that: „Il est encore reçu que le commerce établi entre les métropoles n’entraîne point une permission pour les colonies, qui restent toujours en état de prohibition”²⁾. But Adam Smith, though acknowledging the present system, very definitely condemns the monopoly of colonial trade³⁾. In France the Revolution brought for a few years the greatest possible economic liberty, in which colonies were no longer regarded as domains of exploitation but as integral parts of the mother country⁴⁾. At the same time, as a consequence of the American revolution, political essayists announced in their works the gradual coming of age and final emancipation of all colonial possessions. Especially De Pradt, in his work „Des colonies et de la révolution actuelle de l’Amérique”⁵⁾, proclaims the most radical, and remarkable, views on the colonial question. The abolishment of the exclusive system will be eagerly received by the colonial population as well as by all foreigners; but at the same time, he contends, it will prove to be in the interest of the mother country herself. The advantages of the colonies will be the advantages of the power who possesses them. „L’exclusif”, as he calls it, has been maintained too long⁶⁾. The cause and course of the United States, whose policy De Pradt praises repeatedly for its justness and justice⁷⁾, are closely adhered to in his treatise; he predicts, more than six years in advance, the Monroe doctrine⁸⁾. The independence of the United States set the example and the model which all colonies would strive to imitate⁹⁾. „En signant le traité qui rendit l’Amérique libre,

¹⁾ Livre XXI, Chapitre XXI.

²⁾ Montesquieu, *ibid.*

³⁾ *Wealth of Nations*, Book IV, chapter VII, part. III.

⁴⁾ Girault, p. 43, 44.

⁵⁾ 2 vols, Paris-Varsovie, 1817.

⁶⁾ I p. 245—253; II p. 35—37. — „Les métropoles ont établi l’exclusif dans le triple but d’assurer leur domination, leurs profits, et de retirer les frais de garde et d’établissement que coutent leurs colonies” (p. 245); but they have failed on each point of this threefold aim, as is proved, according to De Pradt, by the situation of the Spanish colonies.

⁷⁾ It is „avouée par la raison et la justice, la liberté et la réciprocité” (II. p. 331).

⁸⁾ II p. 122, 196—198.

⁹⁾ II p. 111.

l'Europe signa la grande charte d'émancipation de toutes les colonies" ¹⁾).

The perception which was formulated by De Pradt and which found expression in American policy was, to a certain extent, erroneous through the very simplicity with which it generalized the problems. The colonial policy of the United States itself in later years provides the proof that their present attitude was immature and false with regard to a great many colonial possessions. They failed to realize that different kinds of colonies deserve different treatment by the mother country.

Paul Leroy-Beaulieu, in his treatise „De la colonisation chez les peuples modernes" ²⁾, discriminates between three kinds of colonies:

- „(1) les colonies ou comptoirs de commerce,
- (2) les colonies agricoles ordinaires ou *de peuplement*, et
- (3) les colonies de plantations ou *d'exploitation*" ³⁾.

The first are "factories", established in countries and on seas where trade is only slightly developed and where the commerce and navigation of a maritime nation need special protection or the organization of a trading centre. Being only ports with commercial agencies, these colonies do not attract emigrants. Examples are many Dutch establishments in the East Indian seas, as well as St. Eustatius, Aden, Singapore.

The second sort of colonization needs a climate similar to that of the mother country, and a large population at home in order to furnish emigrants for the establishment of agriculture and of economic life in general ⁴⁾.

The third are possessions producing agricultural export articles, mostly from plantations for tropical crops such as sugar, coffee, cotton, etc. They need capital from outside and either a special

¹⁾ II p. 121.

²⁾ 3d edition (Paris 1886), p. 680 f.; 6th edition (Paris 1908) II p. 540 f. Cf. Colenbrander, *Koloniale Geschiedenis*, I Inleiding.

³⁾ W. Roscher and R. Jannasch, *Kolonien, Kolonialpolitik und Auswanderung* (Leipzig 1885, 3d edition to Roscher, *Kolonien*, 1848) make the same division of types (p. 2—32), adding however „A, Eroberungskolonien", which occur mainly in the Ancient world.

⁴⁾ A reason why the Dutch performed this colonization to a very small degree only. These colonies are the only ones which do not need to attract much capital from the mother country.

provision of labor forces (slaves, coolies, criminals) or an organized attraction of native labor to work on the plantations.

Except for parts of the South, the United States had been colonies of the second sort, „colonies de peuplement”, settlements of emigrants ¹⁾. Not bound so strongly as the two other types to capitalist interests of the mother country, and having, innate in their white population, the same development of European ideas and culture, they had become economically and culturally so independent that it needed only a relative trifle to make them unite in a war against the mother country for complete political independence. Colonies of emigrants are like cuttings, transplanted in another soil. They grow along with the mother stem, even when far away from it. Their civilization is as old as the civilization of the countries from which their people emigrated ²⁾. By nature they tend to claim equality of rights with the mother country or with other parts of the empire ³⁾.

The fundamental error which was embedded in the ideas of the 18th and the beginning of the 19th centuries was that these ideas did not discriminate between settlement colonies, above described, and exploitation colonies, where the white race ruled over natives of backward development ⁴⁾. The latter were so dependent on the care of the mother country that her monopolistic rights resulted as a matter of course. A discrimination between “dominions” and “colonies” had appeared vaguely at the time the United States were fighting for freedom, and had existed ever since⁵⁾; political opinion became aware of it, however, only in the course of the 19th century. The United States government as well as all writers of liberal ideas in the beginning of that

¹⁾ The Southern states were mostly of the third type, fundamentally different from the Central and Northern settlements.

²⁾ And even more advanced, it seems, because it is less hindered by existing conditions, survivals from preceding ages. Compare Leroy-Beaulieu, l.c. p. 682 (542): „Ayant en elles-mêmes le principe de leur développement, elles tendent à devenir un jour ou l'autre indépendantes de la mère patrie et à former des Etats libres et puissants. Elles ont, sans exception, un caractère démocratique fort accusé: l'on trouve chez elles surtout pendant la première époque de leur histoire, une grande égalité des conditions: la forme républicaine paraît celle qui convient le mieux à leur situation économique et aux moeurs qui résultent de cette situation même.”

³⁾ As did for instance the new states in the American Union, and as the dominions in the British Empire to a certain extent still do.

⁴⁾ The geographical situation in the tropics was not such as to provide a living place for white emigrants. The culture of the possession was, in its deepest sense, determined by that of the native population.

⁵⁾ The measures with regard to Canada since the end of the 18th century show this.

century attached only one meaning to the word "colony"; from the North American independence and from the South American revolutions they derived the simple conclusion that all colonies without exception were being kept back, and they came to oppose all colonization whatsoever. Their commercial interests encouraged this, but the principle was erroneous because it was too general.

John Quincy Adams dominated American foreign policy for more than a decade, as Secretary of State (1817—1825) and as President (1825—1829). During these years he represented the American theory of liberalism and was the leader of their fight against the colonial systems. A member of the famous New England family ¹⁾, he had known from childhood the center of American navigation and commerce, and the interest which it had in a liberal reception abroad. Through the career of his father he had been in contact ever since he was a boy with governmental policy and diplomatic life. Having represented the United States at different courts in Europe, he was invited in 1817 by President Monroe to take office in the Department of State, under the new administration ²⁾. He was from New England, yet a partisan of the Republicans.

A prominent feature of Adams' character is an outstanding ability to formulate his ideas and thoughts. He expresses them in a forthright way which leaves no place for imagination or speculation, no need of reading between the lines what is not said in the words themselves. Monroe's despatches, compared with his, are vague and illogical.

Adams, whose diary reveals to history his innermost thoughts, is historically minded to a high degree. With his qualities of order and discipline, he has "a marked capacity for genuine scholarship, for going to the bottom of the questions" ³⁾. He exhibits and observes with the detachment of an historian. More

¹⁾ Webster, *The foreign policy of Castlereagh* (p. 440): "a great family of public servants, all of whom united in rare combination intellectual and moral qualities of a high order". Cf. J. T. Adams, *The Adams family* (New York 1930).

²⁾ A good treatise on Adams in his function of Secretary of State and as a statesman is to be found in S. F. Bemis' series: *The American Secretaries of State and their diplomacy*, vol. IV, Dexter Perkins' article.

³⁾ Perkins, p. 5. Compare Dec. 3 1817, Ten Cate to Van Nagell: „l'ordre et . . . l'ex-actitude de son travail" (No. 35, R. A. B. Z. I. S. 1818 No. 164).

than any other person of his period he is aware of the great movements in his nation, the tendencies of liberalism of the century. An understanding of the public mind prevails in nearly all his writings. He is not only concerned with addressing the diplomat with whom he is in official, private or secret correspondence and the foreign government whom this person represents; he is also imbued with a high sense of the historical importance of the subjects with which he is dealing ¹⁾. His documents have been prepared to be submitted to the judgment of the American people ²⁾. They are accounts of his policy and of its underlying principles for the United States, for mankind, for the future. Hence their historical style.

Having been brought up in the circle of the founders of the Union, of whom he was, in fact, the last great representative, he knew from experience the significance of the principles of this Union as they had been incorporated in its constitution. It seems unnecessary to explain that most of the currents which had led to its foundation, and which later on still directed American policy, were of an economic, a material order. Political life is for the most part guided by economic interests. Especially in American history it is impossible to draw a marked distinction in international relations between subjects of "political" and of "commercial-political" bearing. Both were intricately interwoven. The welfare of the subjects was the aim of the government; political activity as well as commercial policy were expressions of that general postulate.

Although therefore the features of political life are mainly of an economic order, they are still the expression of the general ideas of their time. Economic history excludes neither cultural

¹⁾ Connected with his inclination to consider the questions treated as more important than the persons treating them is the directness with which he used to face his adversaries, in internal party politics as well as in diplomatic intercourse. It resulted in a lack of flexibility and subtlety. He was, says Perkins (*The Monroe doctrine 1823—1826*, p. 88), "a little careless of the diplomatic amenities". De Quabeck, the Dutch chargé d'affaires after 1818, describes him as having „des talens supérieurs", but „un stile dur et souvent grossier" (Nov. 4 1819 to Van Nagell, No. 39, in *Letterbook: R. A. B. Z. Inv. A 1 No. 49*).

²⁾ In accordance with the American custom of laying before Congress and eventually publishing the documents of official correspondence for an account of the diplomacy of the government. It often disagreeably surprised the more secret policies of European governments. See for instance C. K. Webster & H. W. V. Temperley, British policy in the publication of diplomatic documents under Castlereagh and Canning (*The Cambridge Historical Journal* vol. I 1924, p. 158 f.), p. 163.

history nor history of thought. When Adams constructed principles of liberalism from his conception of the interests of commerce and trade, he acted neither dishonestly nor untruly, nor yet puritanically. He simply expressed what underlay these interests in the spirit of his age. He realized in his diplomacy the enlightened spirit of the 18th century which was behind the great currents of material facts in the American Republic.

The remarks of Adams on the preamble of the French treaty of 1778 and on the Reciprocity Act of 1815 — quoted in the preceding chapter — give evidence that he regarded the enlightened spirit as the real foundation of the American Union, the principles of equality and reciprocity as its cornerstone. His aversion to colonialism was but a natural consequence of this conception. It was not founded, as Mr. Perkins states ¹⁾, "on jealousy of territorial acquisition *per se*. It was based rather on his firm and profound conviction that colonization was inseparably connected with exclusive commercial opportunities". The latter, he believed, were old-fashioned and should be done away with: "Every system established upon a condition of things essentially transient and temporary must be accommodated to the changes produced by time" ²⁾.

A study, as outlined on the preceding pages, of the development of ideas respecting the question of colonial rights would reveal for the American point of view a connection with the movement leading towards the Monroe doctrine ³⁾. Later chapters will deal with two documents from Adams' hand, both of 1818, which mark a stage in that movement. The general observations contained in these documents will be treated at this point because they relate to the general attitude of the leading

¹⁾ J. Q. Adams, p. 96.

²⁾ July 28 1818, to Gallatin and Rush, at London (A.S.P. For. Rel. IV, p. 375).

³⁾ Adams' writings, running almost parallel with the rise of the American Union, expose the progress of his ideas in many instances: 1797: "The memorial of Mr. Turgot [see Writings II p. 71 and 272]. . . laid it down as a settled point, that all the European nations must soon lose their American colonies, that such would be the event borne down by the irresistible nature of things, and that it was vain to think of avoiding it. ." (Febr. 10, to Joseph Pitcairn, *ibid.* p. 115); 1798: "The natural connection of the West-Indies is with the American and not with the European continent, and such a connection as I have in my mind, a more natural connection than that of metropolis and colony, or in other words master and servant" (July 14, to William Vans Murray, *ibid.* p. 336). And so on.

American statesman more than to the special relations with the Netherlands.

One is a report to Congress, March 17, 1818, on the negotiations with the Netherlands. For the past half year, at the head of the State Department, Adams had been in close contact with the difficulties which the colonial system of European governments was causing to American trade and policy. In his foreign policy he encountered them all over the world. The document shows how much he was absorbed in taking his stand against this colonial mercantilism, tenacious of his principles and eager to break down the monopolies. The American delegates had expressed at The Hague the desire of their citizens to be admitted in the Dutch colonies upon a certain, legal footing.

“To this it was objected by the plenipotentiaries of the Netherlands, that certain favors were granted by them to other nations themselves possessing colonies, for the equivalent of similar favors conceded in return, which could not be conceded to a nation possessing no colonies, and therefore not enabled to concede the equivalent. The same objection having been made by the British Government to the admission of vessels of the United States into their colonies, it appears to deserve attention how far the principle itself is justifiable, and how far the United States ought to acquiesce in it. There are various grounds upon which it appears objectionable: 1st. Because all the other maritime states possessing colonies more or less significant, a classification, however general in terms, which applies by way of exclusion to the United States alone, is manifestly a measure savoring of hostility to them, as much as if it was applied to them by name. 2d. Because the United States, not only by the constant and unparelled rapid increase of their own population, but by the great enlargement of their territory and the admission of new States, producing almost all the articles of European colonies in this hemisphere, afford to all the commercial nations of Europe an equivalent similar in principle and infinitely more valuable than the mere admission to two or three small islands of the West Indies, which is all that some of the European states [Sweden, Denmark] can grant for access to the colonies of the others. 3d. The United States have a just claim to a free trade with most of the colonies of the West India islands, founded in the occasional indispensable necessities of the latter. If the United States should exercise their unquestionable right of meeting prohibition with prohibition, the very existence of these islands would be in jeopardy whenever they should be visited by those hurricanes which so frequently happen among them. It would be ungenerous, and scarcely reconcileable to the principles of humanity, should the United States avail themselves of those calamitous occurrences to stop, on their part, the intercourse which, at all other times, is interdicted to them. By the laws of nature, no society can be justifiable in

adopting measures towards another state which may compel the latter to retaliate, in self-defence, by measures incompatible with humanity; yet, such is the character of the intercourse permitted by several of the European nations between their colonies in the West Indies and the United States. Thus we have seen, within the last half year, the exclusion of our vessels from the ports of several West India islands, and their readmission, announced almost in the same gazettes. That readmission, however, is limited to the time indispensable for saving the colony from famine and utter desolation. There is something so glaringly unequal and selfish in these alternatives of arbitrary interdiction and of compulsory intercourse, that it is believed the nations of Europe possessing colonies cannot fail of being ultimately made sensible of it, and of consenting to establish an intercourse upon principles more permanent and more favorably marked with reciprocity." ¹⁾

The other document is that containing instructions to the new chargé d'affaires to the Netherlands, Alexander Hill Everett, August 10, 1818. Adams expressed to him all his grim hatred of this colonial — especially British — system. His suspicion of its combined European action against American liberalism is much exaggerated and almost ridiculous. The Dutch are still adhering, he writes ²⁾, "to the decayed and rotten principles of the exclusive European colonial system, as if they had forgotten, or wilfully overlooked, the forty last years of the history of the world".

"The whole of this colonial system, as first established by Spain and Portugal and since adopted by other nations from whose institutions more liberal results were to have [been] expected, is an outrage upon the first principles of civil society. The revolution of North-America, and that which is now in progress in the Southern continent of this hemisphere — the removal of the Portuguese government to Brazil, and the expulsion of the French from the island of St.-Domingo, together with the progress of the human mind towards emancipation, which no efforts of existing power can suppress, must within a period not very remote demolish all the remnants of that absurd and iniquitous system . . .".

"They [the Dutch] recur to the general *monopolizing* features of the colonial system; not as just and proper in themselves, but as founded upon and justified by established European usage. They affirm that while the Netherlands in Europe enjoy the privileges of a free constitutional government, their *colonies* in the East and West Indies are under the servitude of absolute subjection to the will of the King — locked up as an exclusive possession to be administered, not for their own benefit, but for the benefit of the inhabitants of the Netherlands. That access to them by foreigners is to be obtained, not upon the broad and equitable principle

¹⁾ A. S. P. For. Rel. IV, p. 172, 173.

²⁾ Aug. 10 1818 (D. o. S. Instructions).

of mutual wants and mutual convenience, but as a participation of one monopoly in return for participation of another monopoly. So that the United States to obtain such access must begin by establishing some such arbitrary monopoly of their own, and then by relaxing from it in favor of the Netherlands yield an equivalent for a like admission to the Dutch colonies”.

“The establishment of this principle by the powers of Europe possessing colonies, of granting access to the colonies of each other as a mutual barter of monopoly, is nothing less than a commercial conspiracy against the United States, the only nation whom it materially injures, and the only nation extensively commercial and maritime which possesses no colonies. In the present state of the world, it is obvious that it cannot be carried into effect; but this government cannot too cautiously avoid acquiescing in it.”¹⁾

These two documents²⁾, which reveal Adams’ approach to the question of colonialism and the political emphasis which it received in his mind, are simply forerunners to the oration on Independence Day, July 4, 1821, in which he attacked the whole colonial principle³⁾. It was from this spirit that the Monroe doctrine resulted as a natural consequence. It was to a considerable extent an expression of the antagonism against the European system.

American policy, in the early twenties, felt strongly the threat of intervention by the Holy Alliance in South America and of the subsequent extension in this hemisphere of the political influences of the great powers of Europe. Adams brought into this situation anti-colonization as an avowed principle against all exclusive systems of colonial rights. It guided him in his diplomacy when he checked the progress of Russian interests on the Far Western Pacific coast. “The territorial aspects of colonization were not

¹⁾ It is obvious, and will appear clearly from the ensuing chapters, that this suspicion of Adams about the Dutch attitude was founded upon merely theoretical objections. The Dutch commissioners had refused the American demands for a rightful admittance to the colonial trade on the argument of the inability of the United States to meet such a favor with an equivalent concession. From this Adams assumed that an exchange of special colonial favors was being negotiated or planned with other, *colonial*, powers, in *casu* Great Britain. In practice, however, American trade had never stopped unconditionally enjoying its reception in the colonies as a most-favored-nation.

²⁾ They are neither to be found in J. Reuben Clark’s Memorandum on the Monroe doctrine (December 17 1928, D. o. S., Washington 1930), nor mentioned in Dexter Perkins, *The Monroe doctrine, 1823—1826* (Cambridge, Mass. 1927).

³⁾ Perkins l.c. p. 10. I regret not to have had access to the text of this oration. Perkins states that it is found in a complete edition in the *National Intelligencer* of July 11 1821. It is not in the published Writings of John Quincy Adams.

uppermost on his mind", writes Perkins about this incident ¹⁾. "He was thinking (and the point has been all too little emphasized) primarily of the commercial interests of the United States". It was but a natural policy of self interest, guided by a notion of the general principle behind it as set forth in his above-mentioned oration. Likewise Adams did not particularly favor the new South American states, but "he wished them well because he hated colonialism in all its guises" ²⁾.

To the American people, conscious of its own history, emancipation of colonies was a matter of necessity. The commercial advantages which at the time it derived from the opening of the new countries in America brought this idea, which by itself would have remained a barren theory, to political expression. The famous message of the President to Congress, December 1823, took a stand against intervention and further colonization by European powers in America. As far as the incidental political situation was concerned this proclamation had principally a defensive meaning: supported by a moral approval of British policy it safeguarded the existing independence of the new states. As regarded the principle of non-colonization it was defiant of colonial habits as they had existed up till that time, and was, accentuated through the Russian incident, largely aggressive, even against Great Britain ³⁾. The task of proclaiming the principle belonged to the United States because of their historical development. The main motive back of it was an innate opposition to commercial monopolies, encountered all over the world. That the expression of it in the present instance applied only to the American hemisphere resulted from the political situation as it was in 1823, which allowed such a proclamation to be effective only when defined, and backed, by the spirit of isolation from the Old World. The stand against colonization and the doctrine of the two spheres were by nature two different elements of foreign policy. The former was mostly of commercial, the latter of political bearing. In the Monroe message they were com-

¹⁾ Perkins p. 17.

²⁾ Ibid. p. 45.

³⁾ L. A. Lawson, The relation of British policy to the declaration of the Monroe doctrine (New York, Columbia University, Studies in history, economics and public law, vol. CIII, 1922), p. 129 f., 132 f. and 143 f.

bined ¹⁾, the doctrine of the two spheres forming its principal inducement and giving it its most striking effect. This doctrine, the policy of isolation, of steering clear of European entanglements, was as old as the Union itself and had received its most official expression in Washington's Farewell Address. But the anti-colonization principle was, though restricted by the message in its geographical extent, not less fundamental an element of it. It had grown chiefly in Adams' mind and foreign policy and was inserted by him in the message in the passage on the North West dispute with Russia; by this very insertion it received the sanction of the President ²⁾. Adams, when President, repeated emphatically the expression of this principle:

"To attempt the establishment of a colony in those [American] possessions would be to usurp to the exclusion of others a commercial intercourse which was the common possession of all" ³⁾.

Whereas, however, in the course of the 19th century, chiefly in the second half, the Monroe message developed into the Monroe doctrine and became a cornerstone of the political system of the United States in regard to America, against the action of European powers, American politics came more and more to neglect the other elementary basis of the proclamation, which was Adams' opposition against colonialism in general. This may account for the fact that the non-colonization principle has received so little attention in historical investigation of the origins of the message.

Writers on the history of the Monroe doctrine have devoted almost all their attention to its more political aspects, the development of the two spheres doctrine, the policy of isolation; they have been searching for precursory tendencies and statements in this direction alone ⁴⁾. It is obvious, however, that without the insertion of the non-colonization principle, if colonial mercantilism had never been viewed as objectionable by American policy, the message would not have received the form in which Monroe actually delivered it. Even Perkins' treatise does not sufficiently trace back the development of that principle. Perkins reveals its importance emphatically, in contradistinction to previous expositions, in his account of Adams' activity during the years 1822, 1823, and 1824, but fails to discover a deeper historical background. Also S. E. Morison

¹⁾ See e.g. Charles P. Howland, *Survey of American foreign relations*, 1928, p. 41 f.

²⁾ Albert B. Hart, *The Monroe doctrine, an interpretation* (London 1916), p. 72 f.

³⁾ Message to Congress, March 15 1826, (Richardson, *Messages of the Presidents*).

⁴⁾ For instance Hart l.c., and Clark in the Memorandum above mentioned.

in his article entitled „Les origines de la doctrine de Monroe, 1775—1823”¹⁾, brings forward the non-colonization principle only in connection with Adams' correspondence concerning the Russian incident, in 1822 and 1823; he arrives at the conclusion that in the message: „La première place est donnée au nouveau principe d'Adams, l'arrêt de la colonisation en Amérique”. The documents of 1818 treated above show, however, — and a general documentary study of the development of this principle will prove still more fully — that it was not so novel as his statement implies.

All through the period up to the Civil War the United States urged their Open Door ideas upon governments which kept their colonies closed to American enterprise²⁾. This urging was not restricted to the New World alone. Only in the second half of the century — at the very time that the Monroe doctrine became definitely a principle of American foreign policy — did it abate, owing to a more general acceptance of the principles of liberalism as well as to a change towards colonizing imperialism on the part of American policy itself.

In the first decades of the century American attempts to gain a rightful admittance to colonial trade proved little successful. The total reciprocity which they demanded, for the colonial possessions also, was never granted except by nations possessing no, or no important, colonies. Those with valuable possessions, Great Britain, France, the Netherlands, kept apart with special and more restricted arrangements. Neither their interests nor their ideas prepared them to admit a foreigner into their colonies

¹⁾ Revue des sciences politiques 1924, XLVII p. 52—84. The above paragraph refers mainly to p. 76 and p. 80.

²⁾ The policy shaped by John Quincy Adams is for instance organically connected with the action of pressing trade rights and reciprocity which the United States government, favored by an international movement of liberalism, entered upon in Eastern Asia about 1850. It is not a curious coincidence but rather a consequence that in the same decade which saw the Americans open Japan and obtain a footing in China, their representative at The Hague obtained the official admittance of American consuls to ports of the Dutch colonies. The convention of January 22, 1855, which regulated this admittance, was but another feature of the Open Door policy and the first of a whole series of conventions of the same tenor which the Dutch government was obliged to grant to other powers also, in this and the following years (Lagemans, Recueil IV No. 324 etc.).

Compare Perkins' observation on p. 17: “In the history of American diplomacy, the principle of non-colonization has a certain affinity with the principle of the open door, asserted three quarters of a century later. It was based on immediate economic factors, not on vague fears of the future. It was because the colonial system meant commercial exclusion that the Secretary of State proclaimed its banishment from the American continents”.

upon a footing of reciprocity or equality. Their most extensive favor was, so far, the most-favored-nation treatment, subject to discriminations with the national enterprise.

The Dutch attitude in this respect was, as may be expected, thoroughly "European", all along the line. Even the liberal-minded Van Hogendorp, when he drew up, in 1814, his project for commercial treaties, expressly reserved the stipulations concerning freedom of commerce and the most-favored-nation treatment for territories in Europe only¹⁾. A statement by Goldberg, whom we have already seen and shall see again as also a man of liberal views with regard to commerce, is still more vigorously outspoken and explicit: "The admission of foreigners in our colonies is a special question, not belonging to the tariff system of the State of the Netherlands. The Americans may be kept wholly out of the colonies without the result of making any change in the regulations of commerce and navigation between the two countries"²⁾.

In the 18th century the colonies had been subjected, as has been stated, to the monopolies of East- and West-Indian Companies, which either prohibited the trade of all other enterprise, whether foreign or compatriot, or admitted it only upon special conditions (by levying recognition duties). J. Q. Adams had encountered in 1794 the strong conviction that the colonies should have no free commerce: "That by their old and original constitution no foreign nation whatever could carry on any trade with them"³⁾. By implication and as a matter of course the Dutch colonies had been excluded from the provisions of the treaty of 1782. This was simply a consequence of the mercantilistic régime.

When in 1814 the greater part of her possessions was returned to Holland, the above ideas appeared to have been mitigated to a certain degree by the course of events. Chartered companies were not reëstablished. A Decree of March 2, 1814⁴⁾ considered

¹⁾ Art. 4: „Les sujets de A. jouiront d'une pleine liberté de commerce dans tous les pays de B. situés en Europe. Ils seront traités en général et par rapport aux droits d'entrée et de sortie en particulier sur le pied de la Nation la plus favorisée". The same for B. in Art. 5. See p. 171 (Ch. IX).

²⁾ R. A. Coll. Goldberg Port. 210, in his remarks to the „Memorie van bedenkingen . ." respecting the project treaty, by Wichers, Aug. 5 1817.

³⁾ In a conversation with Van der Spiegel, related to the Secretary of State by letter of December 22 1794 (Adams, Writings I p. 251).

⁴⁾ Staatsblad No. 32.

that it would be contrary to the system of free trade to restrict the importation of colonial produce by special concessions and limiting measures. When the colonies were restored by England, trade with them was opened therefore to all enterprise of Dutch subjects and, for the time being, to all foreigners as well. But Van Nagell had expressed at the same time his strongly dissentient opinion that: „Permettre la navigation des colonies à un autre marché que celui de la mère-patrie, c'est réellement renoncer à ces colonies”¹⁾. A memorandum of 1815²⁾, moderate in principles, stated that notwithstanding this free admittance of foreigners to the colonies, “it is just that the national subjects preserve some privileges thereby, because they have to contribute to the costs of maintaining and governing the colonies . . . ; a foreign nation therefore cannot ask more than to be admitted to navigation and trade with the colonies under special conditions”.

In a report of December 20, 1814³⁾ the Council of Commerce and the Colonies had worked out the above statements with respect to the colonies of agriculture by the following reasoning: “that the commerce and navigation to these colonies is a *proprietary* trade [„eene eigendommelijke vaart”] of the inhabitants of this country solely; that the same, being only the provisioning of the plantations⁴⁾ with necessities from the mother country and carrying hither the produce of their grounds, cannot be called commerce more properly than the operations of a person providing his remote manors with necessary articles and collecting, on the other hand, the products of their harvests”⁵⁾. In either case, it contends, there is an essential difference from the general commerce between nations in mutual, free exchange. This whole

¹⁾ July 8 1814, Van Nagell to Fagel (Colenbrander, Gedenkstukken VII p. 308).

²⁾ Memorandum to a project treaty with the U. S. draughted at the Department of Commerce and the Colonies (R. A. Coll. Goldberg, Port. 210).

³⁾ R. A. Coll. Goldberg Port. 210; see p. 176.

⁴⁾ The document deals mainly with the Dutch plantation colonies on the South American continent.

⁵⁾ These possessions were of course genuine „colonies d'exploitation”.

The same view about them is expressed by Van Hogendorp in 1817 (Bijdragen tot de huishouding van staat, I p. 257 f.): „Suriname is veeler eene verzameling van tuinen, waar koffij, suiker, katoen, indigo, door zwarte knechten geteeld wordt. De schatten van dezen oogst gaan naar het moederland, alle de benoedigdheden worden ontboden uit het moederland; de fabrieken, de landbouw, de scheepvaart, de handel van het moederland worden daar ongemeen door bevorderd; en het moederland is daar voor zijne bescherming aan de kolonie schuldig, niet alleen uit billijkheid, maar ook uit belang”.

reasoning, however, was an emphatic expression of the old theory of colonial mercantilism.

The Americans cannot ask admittance to the colonies as a right, writes Goldberg in his function of Director-General of Commerce and the Colonies; such an admittance will always be a favor ¹⁾. When Wichers, whose general ideas will be the subject of another paragraph, endeavored at least to understand the American point of view ²⁾, his attempt encountered the most vehement protests from Goldberg, and was disavowed by the government.

Well settled in this respect was the attitude of Van der Kemp, a well-kown authority on colonial matters and a member of the delegation which negotiated with the Americans in 1817. In the draught of a letter, during the conferences, he exposed his ideas ³⁾:

“Que les colonies en général, n'étant que des possessions lointaines, ne peuvent être considérées, ni par leur situation géographique à l'égard de la métropole, ni par le fait, ni par le but pour lequel elles sont maintenues, et entretenues, comme faisant une partie intégrante du territoire de la nation, à laquelle elles appartiennent; . . . leur commerce et la navigation sont ou doivent être réglés de la manière pour les rendre serviables aux intérêts de la métropole, pour servir d'aliment, et d'extension pour le commerce et l'industrie, et les convenances nationales de la mère-patrie, et qu'ainsi le commerce et la navigation reposent sur des bases toutes autres que le commerce et la navigation entre deux nations souveraines”.

This expression of mercantilism was repeated by the official note into which it was moulded ⁴⁾, in the following conciliatory terms:

„Que les plénipotentiaires de S. M., loin d'envisager les colonies dans un esprit de conquête, ou de gloire nationale, n'en connaissent d'autre but que celui d'alimenter le commerce et la navigation nationale par des moyens que nous possédons, sans être dépendans des étrangers; que pour atteindre ce but, les colonies ne doivent être accessibles, que par les vaisseaux indigènes, que par conséquent chaque admission d'étrangers eut une infraction au système colonial, une faveur que les nations qui possèdent des colonies, s'accordent mutuellement, sur le pied de la réciprocité, et qui par celles qui n'en ont point, doit être compensée par un équivalent”.

¹⁾ In Goldberg's remarks to the „Memorie van bedenkingen . . .” by Wichers, Aug. 5 1817 (R. A. Coll. Goldberg Port. 210). See Chapter XII.

²⁾ In the „Memorie van bedenkingen” (see the preceding footnote).

³⁾ Draught to the Note of Sept. 12 1817, Goldberg and Van der Kemp to Gallatin and Eustis („Sur les Colonies”, R. A. Coll. Goldberg Port. 210).

⁴⁾ Sept. 12 1817.

It stated, thus, in opposition to the theory that colonies were equal and integral parts of the country¹⁾, the essence of the colonial régime as well as the material interests which drove the mother country to maintain it.

On the Dutch side, nevertheless, there were various promptings in favor of making the colonial trade entirely free in the interests of the colonies themselves. This would in turn prove to be profitable, it was assumed, to the mother country also. Apart from the influence of the policies of foreign powers in this respect, of which the British policy was of course the most important, we find that most of these views were developed by enlightened minds guided by the ideas of foreign political writers. Especially De Pradt appears to have had considerable influence on them; his arguments have been subject to repeated refutations in official documents²⁾.

It was nonetheless the direct interest of the mother country which ultimately shaped the course of the government; to this the possible advantages of foreigners and the separate prosperity of the colonies themselves proved to be of but secondary consideration. Results in the form of profits were the primary object of colonial management. A Notification by Goldberg of February 28, 1815³⁾ described as the basis of the future tariff policy for the trade to the Dutch East Indies a special favoring of Dutch merchandise and of Dutch-owned and Dutch-built vessels. Right after the restoration of the colonies, however, it was necessary to admit foreigners for the sake of much needed provisions and for the carrying of colonial produce to the home market in Holland. The lack of a national merchant marine thus induced extremes of liberalism. Since the end of the 18th century colonial trade had, through force of circumstances, been performed by foreign merchants, mostly British and American. The mother country herself was now incapable of immediately satisfying all the

¹⁾ An interesting consideration of the question whether the colonies would fall by implication under the Constitution of the Kingdom of the Netherlands is to be found in E. de Waal, *Nederlandsch Indië in de Staten-Generaal sedert de grondwet van 1814* ('s-Gravenhage 1860) I, p. 18 f. The author concludes in the negative.

²⁾ For instance by F. Wappers Melis in his „Essai sur le commerce des Indes Orientales”, 1818, (extract in Posthumus, *Documenten* II No. 10, p. 8 f.), in which he advocates for European importations into Java at least a moderate „système exclusif”; and in a memorandum on free trade between Java and Europe, 1821 (*Ibid.* No. 24 p. 37 f.). On Wappers Melis: Van der Kemp in *De Indische Gids* XXX, 1908, p. 1597 f.

³⁾ *Staatscourant* of March 4 and of Oct. 12 1815.

demands of the colonies and of providing the necessary shipping capacity. It needed many years of increasingly protective regulations — with careful attention to the interests of the colonies themselves as well as to those of the staple commerce at home — before she was able to achieve a privileged position by forcing her own new shipping trade into the place of the foreign trade. This process started only at the end of the twenties. The Dutch Trading Society ¹⁾ then furnished the means of resorting with success to heavy protection, and even in part of recurring to a useful exercise of monopolistic rights in the East Indies.

One of the first measures enacted by the provisional East Indian government, upon its restoration in August 1816, was consequently a continuation of the customs duties for Java and Madura, as they were found to be in force ²⁾. It provided, according to a British regulation of March 9, 1816, a general rate of 6 % ad valorem for all importations. Only the calculation of the import value made a slight discrimination between importation by national vessels (invoice value + 30 %) and by foreign trade (invoice value + 60 %). Since according to a special provision British vessels had to be treated on the same footing with national vessels in this respect also, British navigation was thus put in a favored position over all other foreign trade ³⁾. In practice, however, Americans were also included in this favor, on equal conditions with the national vessels ⁴⁾. But as we have already stated, this display of liberalism was only provisional, being necessitated by the lack of available provisions and ships to carry on the trade from the mother country. It caused British and American merchants to crowd the port of Batavia for an exchange of their much demanded articles.

The advantageous position of the foreigner threatened, as was soon felt, to kill each new national enterprise. The prices at the governmental sales of colonial products were forced up by the great demand for return cargoes; and in Europe they were low in

¹⁾ De Nederlandsche Handel Maatschappij, founded in 1824.

²⁾ In accordance with art. 86 of the Regulation for the conduct of the government of the East Indian possessions (Staatscourant of March 4 1815).

³⁾ 6 % of 130 % = 7,8 % for British and Dutch importations, against 6 % of 160 % = 9,6 % for foreign.

⁴⁾ P. H. van der Kemp, Oost-Indië's geldmiddelen, Japansche en Chineesche handel van 1817 op 1818 etc., p. 4,5.

consequence of the quantity of articles stored in England since the days of the Continental System. At the same time foreign competition spoilt the Indian market for provisions and manufactures of Dutch produce ¹⁾. Both features were doubtless to the advantage of the colony itself. But they gave rise to a strong movement for protection on the part of the Dutch navigation and industrial interests, as well as of those involved in the staple commerce in these articles ²⁾. These even went so far as to request that the colonies be entirely closed to foreign enterprise ³⁾. "Commerce would see nothing rather than that the trade to our overseas possessions be reserved to the national navigation exclusively", writes Goldberg in 1817 ⁴⁾, "and the commerce of Amsterdam and Rotterdam have already expressed this wish in regard to the East-Indian possessions". The liberalism displayed could then no longer be maintained, nor did it need to be.

In December 1817 the special favor of complete equalization with national vessels was withdrawn from the British (and Americans) ⁵⁾. The final tariff regulation of August 28, 1818 provided a general, though not heavy, protection of Dutch navigation ⁶⁾. The differential import duties were fixed at 6 % ad valorem ⁷⁾ on goods when imported in Dutch, 12 % when imported in foreign, vessels, but 9 % on goods imported from the Netherlands by foreign vessels. Export duties were subjected to the same discriminating rights in favor of national navigation and

¹⁾ L. de Bree, *Gedenkboek van de Javasche Bank*, I p. 128.

²⁾ For instance Jan. 13 1817, the Chamber of Commerce of Amsterdam to Goldberg (Posthumus, *Documenten* II p. 5). Another petition, of Aug./Sept. 1817 (R. A. Coll. Goldberg Port. 210), complained of insufficient protection of Dutch trade: „Nu kan de Amerikaan met zijn provisiën, de Franschman met zijn wijn, de Brit met zijn manufacturen, en de Zweed met zijn ijzer direct derwaarts varen . . .”.

³⁾ Aug. 28 1817 the Amsterdam Chamber of Commerce suggested a total prohibition of American trade to the colonies in East and West (enclosure 18 with report of Oct. 27 1817, see Chapter XV).

⁴⁾ Aug. 1817, „*Memorie van Solutiën*” (R. A. Coll. Goldberg Port. 210).

⁵⁾ *Staatsblad van Nederlandsch Indië* No. 63, Dec. 9 1817. Van der Kemp, *Oost-Indië's geldmiddelen*, p. 5. The ad valorem duty on goods imported by them was calculated henceforward from the invoice value + 60 %; it remained to be calculated from the invoice value + 30 % for imports by national vessels.

⁶⁾ *Staatsblad van Ned. Indië* No. 58. Van der Kemp, l.c. p. 73 f. and „*De Geschiedenis van het ontstaan der Nederlandsch-Indische lijnwaden-verordening van 1824*” (Bijdragen tot de taal-, land- en volkenkunde van Ned.-Indië, 7e volgrees VII), p. 433. De Bree l.c. p. 129, 130.

⁷⁾ Invoice value + 30 %.

direct intercourse with the mother country ¹⁾. The tonnage dues were *f* 0,15 per ton on national, *f* 1,— on foreign vessels. The port of Batavia alone was opened to trade with overseas countries; Semarang and Sourabaya for export only. And even the coasting trade between these ports was reserved to the national East Indian subjects exclusively.

A special discrimination in favor of articles produced in the Netherlands was instituted, upon instigation of the Minister of the Colonies, by Royal Decree of April 25, 1819. In order to back the industry of the mother country it repealed, from 1820 on, the import duties on Dutch products carried by national vessels, except provisions ²⁾.

These were the first of a series of discriminative measures tending to force away from the East Indian possessions the competing enterprise of foreign, especially British, merchants ³⁾. The only distinction of duties which in the period of our study the Americans encountered in comparison to the private trade of Dutch subjects was that for navigation, as decreed in 1818. To the drawback of import duties in the Netherlands on colonial produce having paid export dues upon shipment from Java, they were entitled as much as the national vessels ⁴⁾. Furthermore a good deal of the East Indian trade was transacted for official account. The trade in spices — cloves, nutmeg, mace — was wholly in charge of the government, which sold them in Holland as successor to the old Company monopoly of the former centuries. In order to preserve it for the market of Amsterdam, it was closed to private business ⁵⁾. In this respect, however, the Dutch merchants themselves were in no better position than foreigners.

¹⁾ 6 % in Dutch, 9 % in foreign vessels destined for the mother country and 12 % in foreign vessels destined elsewhere. The specific duties on exportation in national vessels, in foreign vessels to the mother country and in foreign vessels to foreign countries were: for coffee *f* 2, *f* 3 and *f* 4, for sugar and pepper *f* 1, *f* 1,15 and *f* 2, per picol of 125 pounds.

²⁾ Staatsblad van Ned.-Indië 1820 No. 2. Van der Kemp, Oost-Indië's geldmiddelen, p. 22, 38 f., 329 f.

³⁾ This same policy made the government refuse to admit foreign consuls or agents to these possessions. In 1818 a question on this subject was treated with England. Van der Kemp, Oost-Indië's inwendig bestuur van 1817 op 1818, p. 261 f., 316 f. De Bree p. 131, 133.

⁴⁾ Below p. 222, Eustis' activity in this respect.

⁵⁾ Van der Kemp, Oost-Indië's geldmiddelen, p. 65, 68 f., 328.

In the West, conditions were only slightly different. In February 1816 Surinam and the islands were transmitted by the British to the Dutch officials. In the preceding years the West-Indian trade had already been regulated as far as intercourse with the mother country was concerned. The Decree of July 9, 1814¹⁾, mentioned in chapter IX, had exempted it from special duties and put it on the same footing, as far as importation to the mother country was concerned, with the rates of the list of 1725 and its subsequent alterations. That of December 21, 1815²⁾, which definitely put the West Indian colonial trade on the same footing with American trade in general — as regulated by the Law of May 27th —, had especially repealed all export duties for the Netherlands on goods carried in Dutch vessels to Surinam. For the colonial ports themselves the government considered at first a system of comparatively high tariff duties, which would render these possessions self-supporting through the revenue derived therefrom. It soon became evident, however, that such a regulation would not comply with the interests of the colonies. A memorandum of May 1816, by D. F. Schas, member of the Council of Commerce and the Colonies³⁾, reported extensively on this subject. American trade, Schas stated, had supported these colonies when the mother country was unable to protect and supply them, in the British war of 1780—1784 and in the years after 1796. As long as the country was not prepared to meet the needs of its possessions under all circumstances, it would prove undesirable to cut off the intercourse of American provisionment which in former years had preserved them from total ruin. The Americans imported all kinds of provisions: flour, rice, tobacco, salt, timber, fishery products, etc., the very necessities of life; in return they carried home molasses and rum, from Surinam. Most of these articles were of no special concern to the mother country herself, whereas the nearness of the American markets meant considerable advantages to the colonies. The latter would profit therefore by moderate duties on American trade, especially

¹⁾ Staatsblad No. 75.

²⁾ Staatsblad No. 55.

³⁾ May 26 1816, Schas te Goldberg. (R. A. Coll. Goldberg port. 205, 210. Published by N. W. Posthumus in Econ. Hist. Jaarboek I, p. 215.) Schas had been a member of various courts of justice in Surinam, and was an expert on the West Indian colonial policy of King William I (L. D. J. Schas, *Het geslacht Schas*, Den Haag 1929, p. 15).

while the lack of shipping facilities of the mother country should continue to make this trade necessary to their economic system¹).

Upon the same considerations Surinam, a plantation colony, „colonie d'exploitation”, suited above all to a real proprietary trade, was closed to foreign intercourse *excepting* alone the American trade²). This was admitted provisionally upon conditions which had been in force for it prior to 1795³) and included a special list of articles permitted for importation, import duties of about 20 %⁴), and rather heavy navigation dues levied for the sake of revenue⁵). As sugar, coffee, cotton and cocoa were to be reserved strictly for exportation in Dutch vessels to the mother country, the only articles allowed for a return cargo to the American merchants were rum and molasses⁶). In the first years, however, a general indulgence with regard to import and export restrictions was, of necessity, maintained. Only after 1818 was a strict observance of the list of 1795 proclaimed⁷), on the ground that the intercourse with the mother country had again become sufficiently regular to take its part in the provisioning of the colony. It was stated that about 60 Dutch vessels

¹) This dependence upon American connections was duly recognized by Falck, Minister of the Colonies, in 1818, in a conversation with the American representative. He assured him “that he was well aware of the state of dependence in which their West Indies must remain in relation to the United States, and would never do anything to check this natural connection” (June 14 1818, memorandum by J. J. Appleton, to Gallatin, D. o. S. Desp. France, vol. 18. encl. with Desp. 82, July 31 1818).

²) This was announced in a notification by Goldberg of January 1816 on the West Indian trade and stipulated in art. 98 of the „Règlement provisoire sur l'administration de Surinam” (encl. with Eustis' despatch of July 9 1817, D. o. S. Desp. Neth.).

A „Règlement op het beleid van de regering, het justitie-wezen, den landbouw en scheepvaart, mitsgaders de instructiën voor den Gouverneur Generaal, . . . in de Kolonie Suriname. Gearresteerd bij Besluit van Z.M. den Koning in dato 14 Sept. 1815, No. 58”, is to be found in print in R. A. Coll. Goldberg Port. 169.

³) „Het belang van Moederland en Koloniën vordert dit”, says a note to the concept of the regulation mentioned in the preceding footnote (R. A. Coll. Goldberg Port. 169).

⁴) Paramaribo 1815 (?), Tufts to the Secretary of State (D. o. S. Cons. Desp. Paramaribo vol. 1).

⁵) June 26 1818, same to same (Ibid.).

⁶) May 31 1816, Van Panhuys, Governor General of Surinam, to Lechleitner (R. A. B. Z. XXI Archives of the Legation No. 24); Aug. 29 1818, Vaillant, Governor General ad interim of Surinam, to Lechleitner (Ibid. No. 26). It is worthy of note that the same regulations of the trade with the United States had been in force, by provisional measures, under the British domination in Surinam, 1804—1816 (Einaar l.c. p. 37 f., 48, 125).

⁷) Resolution of Nov. 13 1818, signed by Vaillant, Governor General ad. int.; and enclosed with Nov. 17 1818, Vaillant to Lechleitner (Ibid. No. 26).

were then carrying on the trade with this possession ¹). But a good many American products, such as flour, peas, fish and lumber, were still admitted.

With the insular colonies in the West, Curaçoa and the adjacent islands, St. Eustatius, St. Martin and Saba, conditions were different. Their functions were commercial rather than agricultural, their produce consisting mainly of small quantities of sugar, salt and goatskins. They derived importance from the fact that they were surrounded with foreign possessions closed to all but national trade. The nearness of the United States gave her a natural commercial affinity for the West-Indies, in regard to the exchange of provisions against plantation products. The few ports which were open to foreign shipping consequently obtained a special function as intermediaries for all trade, permitted or illicit, which was still possible in these regions. In the 18th century Curaçoa as well as St.-Martin, but especially St. Eustatius, had flourished abundantly from this activity in which the Dutch themselves had engaged heavily. The favorable position of these islands, especially as neutral ports during the great maritime wars of the 18th century, had declined, however, towards the end of the century, when Holland also had been forced to participate in the hostilities. It had been entirely destroyed when the colonies were conquered by the British. Their staple functions had then been taken over by those ports in the neighborhood which had managed to remain neutral in the Napoleonic period: the Danish and Swedish colonies of St.-Thomas and St.-Bartholomew. Upon the reestablishment of peaceful conditions in the 19th century the latter maintained their prevalent position and saw their harbors still crowded with vessels of various nationalities and cargoes of manifold origin, from the surrounding islands and the continents of North- and South America. Also Havana, made a free port by Spain, received a good deal of this trade.

Nonetheless the best way to promote the welfare of the Dutch island colonies was still to attract a part of this activity to them also. The revolution of the South American colonies, which disclosed an immense field of trade possibilities, put Curaçoa es-

¹) Sept. 1 1818, Falck to the King (A. R. Falck, *Ambtsbrieven*, The Hague 1878* p. 56). This number was, he said, almost twice as large as that of the vessels engaging in the Java trade: a remarkable illustration of the comparative importance of both colonies.

pecially in a favorable position, off the coast of the Spanish main, and right on the way to the Northern ports. The governor was instructed ¹⁾ to make his island a general market for the West-Indies, and to open its excellent harbor to all foreign commerce. Tariff rates should be fixed at 5 % ad valorem for importation — but 3 % for provisions — and at 6 % for exportation; but all West-Indian and North American produce was to be exempt from these import duties, whereas only half a dollar per hogshead ²⁾ should be charged on the exportation of rum and molasses. In order to favor Dutch vessels all goods imported or exported by them would be duty free. These instructions were altered in practice as follows: a duty of 3 %, for the sake of revenue, upon the importation of American articles, and a reduction, to the advantage of the population, of the export duties on hides, goatskins, dyewood and salt from 6 to 3 % when carried by American vessels. Shipment in Dutch vessels was subjected to the same tariff except for imported provisions, which were free ³⁾. A year later, however, March 1817, the charges on goods in Dutch vessels were withdrawn entirely, whereas the import duty on American merchandise in American ships and on West-Indian imports in the national vessels of the country (colony) of produce was also repealed. Although this very liberal regulation did not long remain in force, the trade of the United States kept being attracted by special favors, and was openly recognized as a necessity for the welfare of the colony ⁴⁾.

At St.-Eustatius, St.-Martin and Saba, the more Northern islands of the lesser Antilles, a like situation prevailed. Here the rising British-American controversy over the West-Indian trade became of interest for an intermediary function. But the competition of the Danish and Swedish possessions, which could offer

¹⁾ „Reglement op het beleid van de regering, . . . mitsgaders de instructiën voor den Gouverneur Generaal, . . . op het eiland Curaçao. Gearresteerd bij Besluit van Z.M. den Koning in dato 14 Sept. 1815, No. 58”. (Printed in R.A. Coll. Goldberg, Port. 169.)

For the following in general: B. de Gaay Fortman, Curaçao en onderhoorige eilanden 1816—1828 (De West-Indische Gids IX 1927, p. 59 f.; X, 1928).

²⁾ „Oxhoofd”.

³⁾ March 5 1816, „Notulen Raad van Politie van Curaçao” (R. A. Coll. Goldberg Port. 205); also April 6 1816, Kikkert, Governor of Curaçao, to Lechleitner (R. A. B. Z. XXI Archives Legation, No. 24).

⁴⁾ March 29 1817, Kikkert to Ten Cate (Ibid. No. 25).

an established market ¹⁾, was of considerable force. Lechleitner, reporting on the present possibilities to Van Nagell, February 1816 ²⁾, urged the establishment of an open port in these regions. The Americans would send there all their vessels for the greater Western islands, he promised: „ce port deviendra alors un lieu d'entrepôt général, où les isles étrangères seraient obligées de venir approvisionner et en conséquence un transit assez considérable s'établirait avec facilité”.

The instructions given to the governor of these islands for his policy are the same as those for Curaçoa ³⁾. A special stipulation authorized him to adopt, if this should seem expedient, the same or a competing tariff with that of the adjacent isles of St.-Bartholomew and St. Thomas. ⁴⁾ ⁵⁾

It took a long time before the American government was definitely informed about the exact conditions of the regulations enforced in the Dutch colonies.

Before the colonial governments had been handed over by the British officers, little could of course be ascertained by the inquisitive Eustis. Van Nagell assured him that the trade would be opened on the most liberal footing, — the very liberality of which the American minister ventured to doubt, however ⁶⁾. Nonetheless, after the restoration it became duly apparent that Americans were being received in the West not only on the footing of the most favored nation, but in fact as the most favored nation itself, in preference to others. In the East they continued to be treated, until the end of 1817, upon perfectly

¹⁾ Compare De Pradt, *Des colonies*, I p. 150: „Etablies de toutes parts au milieu de colonies fermées à tous autres qu'aux nationaux, les Suédois et les Danois ont cherché à suppléer à l'impossibilité de s'y introduire ouvertement, en créant à côté d'elles des attraits et des facilités pour le débit des denrées que les autres colonies possèdent”.

²⁾ Febr. 20 1816, Lechleitner to Van Nagell (R. A. B. Z. 2: bur. I. S. No. 1444).

³⁾ „Reglement op het beleid van de regering, . . . mitsgaders de instructiën voor den Gouverneur der eilanden St. Eustatius, St. Martin en Saba, . . . Gearresteerd bij Besluit van Z.M. den Koning in dato 14 Sept. 1815, No. 58”. (In print in R. A. Coll. Goldberg Port. 169.) A copy of the articles in question encl. with Eustis' despatch of July 9 1817 (D. o. S. Desp. Neth.).

⁴⁾ The commercial policy of King William I with regard to the West Indian possessions is for the rest a chapter of the third decade of the century, rather than of the second.

⁵⁾ The trade to the one Dutch colony in Africa, on the coast of Guinea — which has not been mentioned above — was given entirely free to all foreigners (Art. 4 of the Law of May 27 1815; see p. 180, footnote 3).

⁶⁾ Dec. 8 1815, Eustis to Monroe, private (D. o. S. Desp. Neth.).

equal conditions with the national overseas trade. North-American trade thus received, Goldberg could state in June 1816 ¹⁾, all that "can be accorded to foreign commerce, especially when the foreign power, having no colonies itself, cannot offer any equivalent" ²⁾.

Although both for the East and for the West Indies the principle of favoring Dutch vessels and Dutch merchandise had been proclaimed, Eustis, in July 1817 ³⁾, was not able to quote any measure to this effect: "it does not appear by the latest intelligence that any arrangements have as yet been made on that subject", ". . . . no discriminating duties having been established . . . between foreign vessels and those belonging to the Kingdom". The Notification by Goldberg of February 28, 1815 had stipulated also that vessels arriving in a port of the Netherlands in Europe from the Dutch East Indies would be exempted from import duties on sufficient evidence that all colonial export duties had been paid ⁴⁾. This article aimed at a protection of the direct intercourse from the possessions to the mother country in order to back the position of the staple market of the latter, but did not discriminate between foreign and national shipping. It was actually carried into effect, at the instigation of Eustis, with regard to the first American vessel which arrived under such conditions in Holland ⁵⁾.

No proofs were at hand in 1816 and 1817 that American trade was, although not quite on the same footing with national enterprise, in a less favored position than that of any other foreign nation. This was doubtless the most liberal treatment which in that age the Dutch government could be expected to grant. It left the Americans no reasonable ground of complaint, nor in-

¹⁾ In a report of June 10 1816 on the American demand for extending the reciprocal treatment to the colonies as well; to the King (R. A. B. Z. 2: bur. I. S. 1816 No. 2335). See p. 231.

²⁾ The same opinion had been expressed two months earlier by Van Hogendorp, in April of 1816 (Bijdragen tot de huishouding van staat I p. 92 f.), on the injustice of the American demand for reciprocity: „wij hebben hen, onder min of meer vaste bepalingen, in onze koloniën toegelaten, en zij hebben geene koloniën”.

³⁾ July 9 1817 (D. o. S. Desp. Neth.).

⁴⁾ Art. 87, 3^o: „Que les vaisseaux étrangers et ceux des Pays Bas arrivant des possessions de l'Etat aux Indes Orientales dans un port de la mère-patrie, seront exempts de droits d'importation, pourvu qu'il soit constaté, que les droits fixés d'exportation ont été acquittés dans ces possessions sur toute la cargaison”. Cf. Van der Kemp, Oost-Indië's geldmiddelen, p. 36 f.

⁵⁾ April 2 1817, Eustis to the Secretary of the Treasury (L. o. C. Eustis Papers, vol. 3).

duced them to urge a practical improvement of their position. The difference which existed between the attitudes of the governments was rather of a theoretical nature. The American point of view, as proclaimed by Adams, aimed at a settled and permanent admittance in all colonies, upon a footing of perfect reciprocity and equal rights. It was not prepared with sufficient subtlety, however, to make a distinction between the different types of colonial possessions. Dutch policy on the other hand, represented by the ideas of Van der Kemp, although granting for the present the most liberal commercial favors, was willing to do this only temporarily and out of opportunist motives.

There was thus an antagonism of two opposed principles: that of a well founded historical tradition of mercantilism, still generally adhered to in the shadow of the 18th century, and that of a new liberalism, appearing in the light of the 19th, advocating the rights of nations and colonial settlements. Both were equally strongly backed by the interests of commerce and trade.

Neither those interests nor the prevailing political-economic ideas met on this point of the mutual relations.

XI. DIPLOMATIC INTERCOURSE PRECEDING THE TREATY NEGOTIATIONS OF 1817

AT THE HAGUE AND BRUSSELS. — IN WASHINGTON, THROUGH
LECHLEITNER; — AND THROUGH TEN CATE, LEADING TO AN
AGREEMENT TO HOLD TREATY NEGOTIATIONS IN THE
NETHERLANDS.

The preceding chapters have made clear that under the influence of liberalism, which was a consequence of commercial power with the one and a settled, though at present antiquated, principle with the other country, both the United States and the Netherlands favored a lowering and reciprocity of navigation duties, in the expectation that the advantages would turn out to be on their own side. The only difference in the respective policies was that the American government did not at once enforce the highest degree of trade liberalism, but reached it only by gradual steps, whereas the Dutch, after a provisional revival of their former system, were soon to return from the same; moreover, their principles concerning the colonial trade were in downright opposition.

It is their mutual struggle for a satisfactory agreement on this head, in the line of those respective policies, which is the most interesting part of their diplomatic intercourse. All through the years from 1814 to 1818 the desire to obtain such agreement was pending in the correspondence between the two governments.

Bourne had tried to obtain information about the treatment of American navigation so as to give notice to his government that the requirements of the Reciprocity Act had been sufficiently fulfilled to enforce it for the Netherlands. As has been stated, he did not succeed because the Dutch government did not give an explicit declaration that the Law of May 27, 1815, equalizing

American trade with European, had at the same time put it on an equal footing with the national trade. His hopes that he would receive official documents in proof thereof which would place the matter "in a correct and proper light to answer any purpose contemplated" ¹⁾ were also not fulfilled. The government referred him to the laws and decrees in force, and these did not explicitly give the necessary evidence.

More than once Bourne had stated in his despatches the propriety of concluding a treaty which would regulate the commercial intercourse on the most favorable basis. It was one feature only of his general desire to promote the commerce between the two countries. Since a legislative regulation, though initiated by Congress, had proved unsuccessful, an agreement by convention became necessary. In October 1815 he laid this question before Eustis, now the official representative of the United States. He stated, hinting at English influence in this respect ²⁾, that the first intentions evinced by the Prince Sovereign on the subject of a treaty had not been carried into execution and suggested to the minister an action for a renewal of the old or the conclusion of a new treaty, which would stipulate "the principles & conditions of our future intercourse, . . . essential to the interests of our trade" ³⁾.

Eustis was not prepared to act thus quickly. Less closely in contact with the movements of trade than Mr. Bourne, he was inclined to play a waiting game in the manner explained by his instructions. These advised him to make known the President's desire to promote an active commerce "on just and fair conditions", but "avoiding compromitment on every particular point" ⁴⁾. If treaty negotiations should be suggested, he should not decline but should state the President's willingness to enter upon them and preferably to hold them at Washington. When therefore Van Nagell, in a conversation in August 1815, had declared that, contrary to Changuion's attitude, "the Gov.^t here were not particularly anxious upon the subject though . . . perfectly willing and rather desirous that there should be a treaty",

¹⁾ June 4 1815, Bourne to the Secretary of State (D. o. S. Cons. Desp. Amsterdam II).

²⁾ "Can it be that any intimation to the contrary should have been made by their neighbour?"

³⁾ Oct. 27 1815, Bourne to Eustis (D. o. S. Eustis Papers, vol. 3).

⁴⁾ May 9 1815, Monroe to Eustis (D. o. S. Instructions vol. 7).

and had suggested that, Changuion being recalled, negotiations be entered upon at The Hague, Eustis had not found himself authorized to accept the proposition for his government: "it had been anticipated when I left America that the treaty would be concluded there" ¹). The impression this conversation leaves is that at that time the Dutch government also was doing very little to press the matter. This was doubtless in conformity with Van Nagell's attitude in such affairs. Upon consideration of the present state of the commerce of his country, he had thought it "a matter of indifference whether there were or were not any express stipulation upon . . . reciprocal duties". All in all the American minister, whose character and disposition were much less active and interested than Bourne's, found little reason for pushing the matter. He was strengthened therein by Adams, who found no reason "for us to be more solicitous for a new commercial treaty with the Netherlands than their government". "The old treaty, if recognized by both governments, will do no harm"; but probably not much good either ²). When moreover the Dutch government repealed in the course of 1815 several charges of trade and discriminations between foreign and national navigation, there appeared to Eustis to be no longer any good grounds on which his country might initiate a counter action ³).

In October 1816, sending home the new tariff of the Netherlands ⁴), he stated that this law no longer made a difference in import duties between American and national vessels, and that he therefore failed to see advantages for the United States in applying the Act of 1815 to the Netherlands. If it were for the sake of justice and reciprocity, there was no reason for pressing the matter. The Dutch national navigation to American ports was inconsiderable; only after it might have increased, "and when it shall be considered an object by this government, the benefits of the Act may be extended to them". In the following January, when writing on the discrimination of tonnage duties stipulated by the new tariff law ⁵), he wondered again what

¹) Aug. 11 1815, Eustis to Monroe (D. o. S. Desp. Neth. vol. 4).

²) Aug. 31 1815, Adams to Eustis (Writings V p. 365).

³) For instance Dec. 8 1815, private to Monroe (D. o. S. Desp. Neth. vol. 4), where he states — wrongly — that "they appear to have met the Law of Congress", but fails to pay any more attention to this subject.

⁴) Oct. 1816, Eustis to Monroe (Ibid.).

⁵) Jan. 17 1817, Eustis to Monroe (Ibid.).

would be the advantage of extending the Act to the Netherlands. The small difference in navigation duties of this country was more than balanced by the discrimination executed in American ports ¹⁾. Even with regard to the Java trade the relative equality of treatment was so large that no considerable advantages for the United States could result from a general equalization of duties. Negotiations on this head appeared still undesirable, therefore. But yet a Post Scriptum to this letter inquired whether, by the total abolishment of discriminative import duties in the Netherlands, the matter did not fall within the purview of the Act of Reciprocity.

Eustis' source of information must have been extremely inadequate. For even then, in the middle of January, he apparently did not know about Wichers' decision of December ²⁾, which from the first of January had equalized American vessels with the national vessels as regards tonnage duties also. At the end of the month only he got hold of this order and sent a copy to Monroe, enclosed with a despatch dated the 31st of January 1817. He informed the Secretary of State of the communication which he had received from Van Nagell, stating that this order had been given in anticipation of a similar arrangement on the part of the United States ³⁾, and of his opinion that it should therefore be promptly reciprocated following the Reciprocity Act by instructions to the American collectors to levy no more tonnage duties on vessels of the Netherlands than on national American vessels ⁴⁾. However, an accident similar to that which had kept Changuion too long without news, and owing likewise to the imperfect means of communication and the uncertain mail service, prevented the Department from receiving this letter. Eustis sent it via England and negligently omitted to forward more than one copy. Getting lost on its way to Washington, this important document never reached the Secretary of State ⁵⁾, who

¹⁾ This argument is not to the point. It is obvious that the nation taking the larger part in the mutual shipping intercourse is most interested in a lowering of charges on both sides.

²⁾ See p. 187.

³⁾ This is not true of course. The order originated in an error on the side of Wichers.

⁴⁾ This was all briefly repeated and referred to in his despatch of Febr. 21 1817 (Ibid.).

⁵⁾ Cf. March 5 1818, Adams to Ten Cate (D. o. S. Notes to Foreign Legations II), and Aug. 10 1818, Adams to Everett (D. o. S. Instructions), on the subject of this accident.

therefore failed to receive the official communication of the Dutch measure ¹⁾. For although afterwards, referring to the order in question, Eustis wrote several times about its anticipatory intentions and the desirability of reciprocating it ²⁾ he never sent another copy of it. And the Dutch chargé d'affaires at Washington did not transmit the official statement before the beginning of the next year. Thus, for the time being Wichers' mistake did not become known to the American government.

It is possible that this curious circumstance had an important influence on the ensuing occurrences. In the regular course of events the information would have been received before the instructions for the negotiations, finally decided upon, had been sent out (April 22); the government would have given due attention to this Dutch measure, of which they now were ignorant; and the American commissioners would at least have obtained a statement of the attitude of their government, about which they were now left entirely in the dark; they would have known the arguments to use in reply to the Dutch complaints on this head; so that, even if a treaty had not been concluded, the final understanding between the two parties would have been better. As it was, the Department officers draughted the instructions without even the slightest suspicion of the Dutch measure, Eustis' despatch of the 17th of January giving evidence of the general *discrimination* contained by the tariff law, but not of its special repeal for the United States trade. Indeed, later on, the impression of Eustis was that the failure of the negotiations was "in a great measure attributable to this untoward incident" ³⁾.

It remains to be doubted, nonetheless, whether the American government would have duly reciprocated on the grounds of the Act of 1815. Their subsequent policy suggests that they would *not* have done so. The Act aimed at the colonial trade also, which was not mentioned in the Dutch law. Besides, the treatment of

¹⁾ The lost despatch is found nowhere. It is not, of course, in the files of the D. o. S., but it is also not among the Eustis Papers (in draught form) at the Library of Congress and in the Massachusetts Historical Society, nor in the Legation Archives at The Hague, where a copy must have been kept at the time.

²⁾ Febr. 21 1817, to Monroe (D. o. S. Desp. Neth. vol. 4); April 2 1817, to the Secretary of the Treasury (L. o. C. Eustis Papers, vol. 3, a copy); and in his report on the tariff regulations in force in the Netherlands (encl. with despatch of July 9 1817, D. o. S. Desp. Neth. vol. 4).

³⁾ Aug. 10 1818, Adams to Everett (D. o. S. Instructions).

the same subject in the beginning of 1818 (chapter XVI) shows that many other objections could still be made before the American government actually granted the reciprocity in question. Certain is only, in the highest degree of probability, that a safe arrival of the despatch at Washington would have influenced favorably the course of negotiations entered upon in the summer of that year at The Hague.

This Dutch side of the diplomatic intercourse which was going on in the years 1815, 1816 and 1817 at The Hague and Brussels was of little importance, the American policy being, for the most part, anticipatory of what was going to be broached, and the minister himself being a person of little activity who started nothing on his own account ¹⁾.

At the same time the representative of the Netherlands was constantly urging at Washington an application of the Reciprocity Act. It was through *this* channel of communication that on both sides grew and matured the desire to enter upon negotiations.

The law of May 27, 1815 and the King's decree of the 29th were sent to the minister in the United States by despatch of June 9th ²⁾, with instructions, as contained in the decree, to acquaint the American government with the new measure and with the Dutch expectations of an early enforcement, on the American side, of the reciprocity promised. When this despatch reached the legation, Changuion had already set out for Europe, having left Mr. P. G. Lechleitner, the consul at Philadelphia, in charge ad interim of current affairs. Lechleitner transmitted the law to the Department of State with an accompanying note of Aug. 31, 1815, in which he boldly expressed his expectation of an early admittance of Dutch vessels into American ports upon the same footing with the national vessels ³⁾. A premature expecta-

¹⁾ In contrast with Bourne. It was upon instructions from the Department only, in compliance with a Resolution of the Senate of March 3 1817, that he came to collect information on the charges to which American trade was subjected in the ports of the Netherlands and their colonial possessions. The results are enclosed with his despatch of July 9 1817 (D. o. S. Desp. Neth. vol. 4) and have been treated in Chapters IX and X.

²⁾ June 9 1815, Van Nagell to Changuion (R. A. B. Z. 2: bur. U. S. 1815 No. 921).

³⁾ Philadelphia Aug. 31 1815, Lechleitner to Monroe (D. o. S. Notes from the Neth. Leg.). — A poor copy, not exact, and different from the original, is enclosed with Oct. 20 1815, Lechleitner to Van Nagell (R. A. B. Z. 2: bur. I. S. 1816 No. 107).

tion, since the law in question did not respond, as we have seen, to the requirements of the Act of Congress. Leichleitner himself had understood this in his despatch of December 10th next; but even then deemed it propitious to adhere to the request, as a possibility remained that the American government would accept it in a favorable light ¹⁾.

The Secretary of State, being on a journey, left him without a reply during several months. When Leichleitner proceeded to Washington at the end of the year, Monroe needed another delay until the Senate should have decided upon the ratification of the commercial convention with Great Britain ²⁾, an essential point, of course, to his policy. On the 17th of January 1816 only he sent his answer ³⁾. The law, he wrote, did not place American navigation in Dutch ports on an equal footing with the national navigation, nor did it explicitly abolish all discriminations to the disadvantage of American citizens. Besides, the Act of Congress contemplated not only the European, but *all* the dominions of the power concerned. In neither case, therefore, did the President find himself authorized by this Act to execute the equalization desired. But Monroe repeated the declaration of his willingness to conclude a commercial treaty in negotiation with any minister having full powers to do so.

The American attitude was reasonable and right. The President had no authorization to extend the provisions of the Reciprocity Act to a power not offering what was required therein. If nonetheless such power desired reciprocal favors, these must be treated by conventional agreement between the two governments concerned. The intercourse with Great Britain had been regulated in this way because her colonial policy was opposed to the requirements of the Act. In the present situation with the Netherlands, who gave less reciprocity than was necessary, the same course presented itself as obviously the most proper ⁴⁾. The

¹⁾ R. A. B. Z. 2: bur. I. S. 1816 No. 490.

²⁾ Jan. 7 1816, Leichleitner to Van Nagell (Ibid. No. 973).

³⁾ Encl. with Jan. 18 1816, same to same (Ibid. No. 974); also in Legation Archives (R. A. B. Z. B XXI No. 20), and in D. o. S. (Notes to For. Leg.).

⁴⁾ Aug. 28 1815, A. J. Dallas, Secretary of the Treasury, to the President on the Dutch law of May 27: "... probably, you will think it a subject proper for a treaty. Will it not be advisable to insist, that to render the regulation reciprocal, all the ports of Holland, European or colonial, must be open on the same terms . . . ?" (L. o. C. Madison Papers vol. 56).

British treaty, recently ratified, thus developed the force of a precedent.

From his interview with the Secretary of State, Lechleitner rightly concluded that the tariff regulations in the Netherlands ports would form no material obstacle, but that admittance to the colonies was a point of greater uncertainty ¹⁾. He took the occasion which his despatch home, of February 20th ²⁾, provided, for advocating — for the reasons considered in chapter X ³⁾ — the opening of the Dutch West Indies to the provisioning trade of the United States. This despatch of Lechleitner, arriving in April 1816, caused an investigation, on the side of the Dutch government, of the righteousness of the American attitude. In May Van Nagell sent it to the Director-General of Commerce and the Colonies for consideration ⁴⁾. Goldberg made up an extensive report on the matter, dated June 10th ⁵⁾, the contents of which have been partly discussed in the preceding chapters, as far as they deal with the duties on American trade in the country and its colonies. The report states and proves by tariff laws and regulations: 1° that Americans were treated only slightly differentially from the national subjects, in the European ports of the Kingdom; 2° that in the colonial possessions the United States were treated more favorably than any other power in the world. For both cases it was expected that objections on the American side would disappear as soon as that government should be officially informed of the situation. It was therefore advised that such a notification be made by the chargé d'affaires at Washington. In case, on the other hand, that government should adhere to its refusal to reciprocate the granting of favors, it would not be unsuitable to plan retorsive measures or to open negotiations.

The Minister of Foreign Affairs joined to this report the observation that it was just, on the ground of the favorable position of Americans here, to ask for a reciprocal treatment of Dutch subjects by the United States ⁶⁾. A Royal Decree, of June 19th ⁷⁾, ordered consequently that the legation in America should

¹⁾ Compare the preceding footnote.

²⁾ Febr. 20 1816 (R. A. B. Z. 2: bur. I. S. 1816 No. 1444. Exh. April 15).

³⁾ P. 217 f.

⁴⁾ May 17 1816, Van Nagell to Goldberg (R. A. Coll. Goldberg Port. 209).

⁵⁾ June 10 1816, Goldberg to the King (encl. with R. A. B. Z. I. S. 1816 No. 2335).

⁶⁾ June 17 1816, Van Nagell to the King (R. A. B. Z. U. S. 1816 No. 1527).

⁷⁾ June 19 1816 No. 69 (In R. A. B. Z. Dossier 724).

communicate to the other side the explanations exposed in Goldberg's report, and should send a copy of the American tariffs which might serve the government in deciding upon its attitude in case the reciprocation desired should not be given. For the same purpose the Director-General of the customs duties was charged with making out a list of departures to ports of the United States, showing what part was taken in this trade by the Dutch. When Wichers transmitted this list in the following July ¹⁾, only 10 Dutch vessels appeared to have cleared out with a cargo to the United States in the year 1815, whereas more than a hundred American ships had engaged in this trade.

Van Nagell, in the meantime, June 21st, had forwarded the decree in question to the chargé d'affaires, with the documents necessary to convey the observations of Goldberg and to convince the American government of the justice of reciprocating the Dutch regulations ²⁾.

The representative in function was at that time no longer the chargé ad interim, but J. W. ten Cate, the former secretary of legation, who had been appointed chargé d'affaires by decree of October 30, 1815 ³⁾, and had left for his post in January. His instructions, dated December 6, 1815 ⁴⁾, had been drawn up in the same spirit with those of Changuion in 1814. Also here the object of the mission was declared to be of a purely commercial nature, „purement relatif aux intérêts du commerce & de la navigation du Royaume des Pays Bas". But the treaty of 1782 was declared to be still in force and to be adhered to as far as it could be applied to the present situation. He was to maintain therefore in all commercial transactions the most perfect equality and reciprocity, as far as these were expressed in the treaty, and

¹⁾ July 25 1816, Wichers to the King (R. A. B. Z. 2: bur. I. S. 1816 No. 2835), with a list enclosed.

²⁾ June 21 1816, Van Nagell to Ten Cate (R. A. B. Z. XXI, Archives Legation, Port. 2 No. 11).

³⁾ Royal Decree of Oct. 30 1815 (R. A. B. Z. 2: bur. I. S. 1815 No. 2136). Informed of his nomination by note of Nov. 1 1815 (Ibid. U. S. 1815 No. 1746), he accepted it on the 16th of November (Ibid. 1: bur. I. S. 1815 No. 1210).

It may be recollected that ever since the mission of Mr. Changuion had been discussed in 1814, the Prince Sovereign had been in favor of appointing a person to the secretaryship who could remain on this post as chargé d'affaires upon an eventual return of the minister; and that this course actually would have been followed at Changuion's recall, except for Ten Cate's sudden return to Europe in the summer of 1815.

⁴⁾ R. A. B. Z. 1: bur. U. S. 1815 No. 658 F, to be found in Port. 1743, „Instructiën".

to watch the good observance of its stipulations. In particular he was to see to it that the King's subjects were treated on the footing of the most favored nation ¹⁾. On the 27th of March 1816 he presented his credentials, but had the impression that he was not received with "cette affectation de cordialité" which Mr. Changuion had met with ²⁾. The situation had become ordinary, of course, and he was merely a chargé d'affaires of a rather important but not first-rank power.

When treating the functions performed by Ten Cate as the intermediary person between the American and his own government, we must be aware of the fact that the correspondence by which the communication between him and his government took place developed a complicated character. The long time taken by the mail service made it impracticable to delay the sending of a given letter until the answer to the preceding one had been received. The reply to a note needed about three months and was apt to reach its destination when conditions had undergone a material change. This correspondence consisted in fact of two or three different sets of letters — that is, series of letters sent and the pertinent answers to them ³⁾ —, which makes it rather difficult to distinguish the logical and chronological development of this intercourse.

Ten Cate opened his correspondence with the Department of State by informing Monroe, April 4, 1816 ⁴⁾, of the character of his mission and of the King's wish to have the treaty of 1782 continued in force and adhered to, also with respect to the most-favored-nation clause, as far as existing conditions would permit. He asked the intentions of the American government on this head. It appears that Monroe, under the impression, as set forth in chapter V, that the treaty was terminated, was now seriously

¹⁾ Art. 5 stated again that he must not participate in any internal party questions of the United States, and that „en particulier il entretiendra toujours les plus intimes, loyales et confidentielles communications et concert avec les ministres de S. M. Britannique". In many items these instructions are similar to those for other diplomatic posts of Holland during these years. See p. 47.

²⁾ April 4 1816, Ten Cate to Van Nagell No. 1 (R. A. B. Z. 2: bur. I. S. 1816 No. 2190).

³⁾ The chronological order of this correspondence may be schematized in the following way (a capital meaning the note sent, an ordinary letter type the answer to it when received home): A P X a-B p-Q x-Y b-C q-R y-Z etc., showing the three series of letters AaBbCc, PpQqRr and XxYyZz into which the correspondence may be divided.

⁴⁾ April 4 1816, Ten Cate to Monroe (D. o. S. Notes from Neth. Leg.). A copy different from the original is enclosed with April 8 1816, Ten Cate to Van Nagell (R. A. B. Z. 2: bur. I. S. 1816 No. 2687).

considering the opening of new negotiations with the Netherlands. His instructions to Eustis mention the possibility, and the President's readiness in this respect had already been expressed to Lechleitner ¹⁾. A copy of the treaty with Great Britain had been sent to Eustis to be considered by him in the light of the relations with the Netherlands ²⁾; and Monroe even ventured to state to him, May 21, 1816 ³⁾, that the conclusion of a commercial treaty was desirable, "comprizing in it a trade with the colonies on a footing of reciprocal advantage"; and that Washington was preferred as the eventual place for the negotiations.

But these sentiments were not revealed to the Dutch chargé d'affaires. A few days after Ten Cate had sent in his note of April 4th, he stated explicitly in an interview with Monroe that his government expected to obtain a perfect reciprocity from the United States as soon as the necessary explanation about the treatment of American trade according to the law of May 27, 1815 should have been received at Washington. Also he insisted upon a prompt reply to his note ⁴⁾. However, a slow action of the Secretary disappointed his expectations. In July Ten Cate could still not send any word home although he had again asked Monroe's attention for the subject ⁵⁾. In the same despatch in which he reported hereon, he requested the necessary documents for showing the conditions upon which American vessels were admitted into the Kingdom. He could use them, he presumed, for a successful protest against the heavy discriminations of the United States. It was a correct anticipation of the course of his government, which, as has been stated above, had on June 21st just expedited a despatch with the information desired.

It was the 16th of August before Monroe, after another note from Ten Cate, deigned to reply to the note of April 4th ⁶⁾ by a statement, brief and important, of the American attitude in relation to the Netherlands, which was greatly disappointing to the chargé's expectations. Changuion's intimation that it was

¹⁾ P. 230.

²⁾ Nov. 21 1815, Monroe to Eustis (D. o. S. Instructions vol. 7).

³⁾ May 21 1816, *idem* (Ibid.; the original is in L. o. C. Eustis Papers vol. 3).

⁴⁾ This was all communicated home in Ten Cate's despatch No. 2 of April 8 1816 (R. A. B. Z. 2: bur. I. S. 1816 No. 2687).

⁵⁾ July 8 1816, Ten Cate to Van Nagell No. 5 (Ibid. No. 3084).

⁶⁾ Aug. 16 1816, Monroe to Ten Cate (Encl. with R. A. B. Z. 2: bur. I. S. 1816 No. 3776; also in D. o. S. Notes to Foreign Legations, vol. 2).

the King's desire to declare the treaty obsolete had been accepted by the American government. It could not be reinforced now, they considered, without being ratified again. Besides, the new commercial policy which the United States had adopted made it necessary to take into consideration "whether the old treaty be revived or a new one formed". "This circumstance shows", Monroe intimated, "that the business cannot be arranged with advantage without entering into a new negotiation, either in this city or at The Hague". His government was sincerely disposed, he declared, to open the negotiations.

This conclusive proposition did not concur with the Dutch attitude concerning the treaty, as expressed in the chargé's instructions. Ten Cate was well aware of it, in his despatch home ¹⁾. The American government no longer viewed the treaty of the 18th century, with its most-favored-nation clause and its lack of stipulations about the colonial trade, as an expression of their policy. What had seemed desirable to Bourne, an acknowledgement of the validity of the treaty, was considered inexpedient two or three years later. Whereas the Dutch government did not deem it necessary to obtain more than a mutual official declaration that the treaty was still in force, the Americans wanted at least another ratification which, in order to be effective, would have to be approved by the Senate. Ten Cate, however, did not doubt that such ratification would be obtained. The matter was rather easy, he wrote, as long as reciprocity did not mean an immediate equalization of duties.

In this special respect Ten Cate had become suspicious of American policy. As American trade was treated very mildly in Dutch ports, whereas heavy discriminations continued to exist for Dutch trade in the United States, it was to the evident advantage of the United States that the status quo should be maintained. He was sure to explain from this the constant delay in the American correspondence: „l'unique vue du cabinet américain est dans ce moment d'argumenter et de temporiser sur la question du nivellement des droits d'entrée et de tonnage". Although in his following despatches he sticks to this idea there is little reason to share his sharp opinion. The thought may

¹⁾ Aug. 30 1816, Ten Cate to Van Nagell No. 8 (R. A. B. Z. 2: bur. I. S. 1816 No. 4110).

sometimes have arisen on the American side that even if no quick arrangement were obtained, this would do no harm, and in fact Eustis himself had recommended delay ¹⁾. But the government was very careful in the execution of their new commercial policy. The mere fact that Holland wanted to obtain the same partial reciprocity which she herself was willing to grant to others, but which did not include colonial trade rights, did not oblige the United States to make a similar concession. No term existed as yet for applying the Reciprocity Act in regard to the Netherlands, and no agreement forced the reciprocation of any measures which another nation might think it expedient to take. No moral obligation was felt. The reason why the American government hesitated in their policy was not that they feared reciprocity, but that the requirements stipulated by Congress for executing it had not been fulfilled. This reason was not in the first place connected with special considerations of *commercial advantage*, but with the general bearing of their *commercial policy*.

Before the end of the year 1816 there was no reason to reciprocate any liberal measures of the Netherlands as long as they did not go far enough to cover the requirements of the Act; the Act demanded the repeal of *all* discriminations, in the colonies as well as in the mother country. However, President Madison was not at all disinclined to regulate the relations with the Dutch Kingdom. The best way to obtain on settled conditions the admittance of American trade in the colonial possessions appeared to be the conclusion of a treaty on this subject. Even Great Britain had by convention granted some rights to Americans in the British East Indian colonies; from a power of minor importance more favors might be expected.

By letter of November 12, 1816 ²⁾ Monroe explained these arguments to Eustis. The British treaty was an experiment, he wrote, and the full effects of it could not yet be ascertained. Also for the settlement of commercial relations with the Netherlands a conventional agreement was preferred to "separate and independent legislative regulations". In a treaty each interest could be stated "in precise and explicit terms"; and it could be

¹⁾ See p. 226.

²⁾ Nov. 12 1816, Monroe to Eustis (D. o. S. Instructions; also L. o. C. Eustis Papers vol. 3, which contains the original).

given a fixed duration, which seemed desirable in view of the experimental nature which even this treaty would have in their international relations.

These arguments were not understood by Ten Cate, who had of course little occasion to learn about them. His suspicions only grew as the American policy of delaying the granting of reciprocity seemed to continue. Having received Monroe's letter of August 16th he did not hesitate to ask Van Nagell ¹⁾ that full powers be speedily sent him for the purpose of renewing the treaty of 1782 and of establishing additional stipulations for a perfect equality of trade duties. The whole affair could then be settled before the session of Congress terminated, in March 1817, and before Madison laid down his presidential functions. The American government should be given as little occasion as possible for more tarrying.

But the considerations of Ten Cate were not taken seriously by his government. Van Nagell's attitude was, though not quite consistent with preceding notes, very plain and simple. He observed in Monroe's proposition a readiness to negotiate a new commercial treaty, and found this disposition responded to by the views existing in the Netherlands. He advised the King ²⁾ to accept this proposal and to suggest that the negotiations take place in the Netherlands, where of course persons more capable for this commission could be found than the one chargé d'affaires at Washington. A Royal Decree of October 8, 1816 ³⁾ ordered him accordingly to authorize the chargé to inform the American government that their proposal was accepted and that Holland was suggested as the center of negotiation. At the same time the Director General for Commerce and the Colonies and the Director General for the customs duties ("de convoyen en licenten") were requested to report on such stipulations as could be adopted as a basis of the negotiations ⁴⁾.

On the 29th of October Van Nagell informed Eustis of the

¹⁾ Aug. 30 1816, No. 8 (R. A. B. Z. 2: bur. I. S. 1816 No. 4110).

²⁾ Oct. 7 1816 (R. A. B. Z. 2: bur. U. S. 1816 No. 2552; in Dossier 724).

³⁾ R. A. B. Z. 2: bur. I. S. 1816 No. 3887; in Dossier 724 and in Coll. Goldberg Port. 209.

⁴⁾ „Om ons te dienen van consideratie en advies, nopens de bepalingen, welke dezerzijds zouden kunnen worden geadopteerd om te strekken tot grondslag voor de eventueel te openen negociatiën”.

acceptance of the American proposition ¹⁾ and ordered Ten Cate to communicate it to Mr. Monroe „et de convenir avec ce Ministre que des négociations seront ouvertes à cet effet dans les Pays Bas” ²⁾. The chargé d'affaires did so by a note of January 10, 1817 ³⁾, to which on the 5th of February Monroe replied that he was happy “to learn that the views of our governments as to their commercial regulations are in accord, and that there is reason to hope they may be reduced into the form of a commercial treaty” ⁴⁾. No objections existed to opening the negotiations in the Netherlands; the Secretary of State promised to make the arrangements thereto “at as early a period as practicable after the adjournment of Congress”. This was to be after the 4th of March, the date of his inauguration to the Presidency.

This consecution of correspondence, which had started with Ten Cate's instructions on the subject of the treaty of 1782 and his first resulting note to Monroe — which had induced the latter to make his proposition —, thus ended in the mutual agreement to open negotiations in the Netherlands. Further developments apparently waited only for the Department of State to appoint and instruct the American commissioners. Meanwhile the other series of notes, commenced by Lechleitner, was still pending. It had caused the draughting of Goldberg's extensive report of June 16, 1816, about the liberal conditions upon which Americans were admitted in all parts and dominions of the Kingdom. This report, having been transmitted to Ten Cate, served him as the basis of a note promptly addressed to Monroe, September 16, 1816 ⁵⁾, in which he again vehemently urged a speedy issue of reciprocating measures. Basing his communication upon the statements of Goldberg, he boldly announced „que la réciprocité indiquée dans l'acte du Congrès du 3 Mars 1815 est depuis plus d'un an ⁶⁾ en pleine exécution aux

¹⁾ Oct. 29 1816, Van Nagell to Eustis (R. A. B. Z. U. S. 1816 No. 2768, dossier 724; also in L. o. C. Monroe Papers, vol. 16). The minister transmitted it with his despatch of Nov. 7 1816 (D. o. S. Desp. Neth.).

²⁾ Oct. 29 1816, Van Nagell to Ten Cate (R. A. B. Z. 2: bur. U. S. 1816 No. 2767).

³⁾ Jan. 10 1817, Ten Cate to Monroe (D. o. S. Notes from Neth. Leg.; a copy is enclosed with R. A. B. Z. 1817 I. S. No. 2033).

⁴⁾ Febr. 5 1817, Monroe to Ten Cate (D. o. S. Notes to Foreign Legations; R. A. B. Z. 1817 I. S. No. 1953, enclosure).

⁵⁾ D. o. S. Notes from Neth. Leg.; R. A. B. Z. 2: bur. I. S. 1816 enclosure with No. 4989, Sept. 28 1816, Ten Cate to Van Nagell.

⁶⁾ Since May 27 1815.

Pays Bas; et qu'en conséquence tout délai de l'établir aux Etats Unis ne peut plus se prolonger sans provoquer de la part de Sa Majesté des mesures équivalentes". He pressed the matter upon the American government in explicit disregard of Monroe's important note of August 16th which he considered as only a new reason for delay. Fearing delay above everything and convinced apparently of the immense injustice daily going on in the ports of the United States, he even proposed to the Secretary of State immediately to discuss and thereby solve the question, „à s'entendre par rapport au nivellement des divers droits et en particulier de ceux de tonnage . . .". The President would then no longer find any reason to doubt either the fulfillment of the requirements of the Act or the obligation to give in return the most perfect reciprocity. In this way he tried to maintain the hold which he imagined he had obtained on the Secretary until the full powers for entering upon negotiations, requested from home at the end of August, should have arrived.

In both respects his expectation was disappointed. The government in Europe, although deciding upon negotiations, did not charge him with the commission. And the President was still not convinced that terms really existed authorizing an execution of the Reciprocity Act. Neither from Eustis' nor from Bourne's despatches did it appear that the Netherlands had introduced a systematical and total equalization of the American with the national trade. Even Ten Cate's own note, though stating the extensive liberalism of the Dutch measures, did not provide explicit proof thereof.

He received no reply. During the rest of 1816 Monroe observed his usual silence. Having declared his readiness to negotiate a treaty, he waited for a reply from the Netherlands government. There was no reason to consider, in the meantime, a question which was to be a subject of investigation at the negotiations. This attitude was, politeness apart, sound and reasonable; but it caused Ten Cate several unpleasant months of idle expectation. In October he again brought his note to the attention of the Secretary ¹⁾, at the same time writing home, however ²⁾, that

¹⁾ Oct. 10 1816, Ten Cate to Monroe (D. o. S. Notes from Neth. Leg.).

²⁾ Oct. 12 1816, Ten Cate to Van Nagell (R. A. B. Z. 2: bur. I. S. 1816 No. 4990, in Dossier 724). He enclosed a copy of his note to Monroe.

little would probably be gained by this step as the American government would adhere for the time being to its treaty proposition „, sans prendre des mesures intermédiaires, tant par le désir d'allonger la marche des affaires, que par le système de ne pas traiter différemment avec une autre puissance, qu'on n'a traité avec la Grande Bretagne". Upon this presumption he advised retaliation. On the 4th of November he once more requested a reply ¹⁾, but again in vain. This correspondence also ended, then, with the note communicating Monroe's final acceptance, Febr. 5, 1817, of the Dutch suggestion that they hold the negotiations in Holland. Ten Cate concluded, to Van Nagell ²⁾, that it was unnecessary to insist any further upon a reply to the note of September 16th. Both lines tended, from now on, to the negotiations themselves.

Being finally convinced of the American intention to solve the question of reciprocity by a treaty stipulation, and believing that the Dutch tariff law of October 3, 1816 had established, in accordance with his repeated advice, a discrimination between American and national vessels ³⁾, Ten Cate kept silent for a while. When, however, in May the news of Wichers' erroneous decision on the execution of that law, repudiating his threats of retaliation, reached him, he could not well abstain from communicating it to the Secretary of State ⁴⁾. The American government should not hesitate any longer, he urged, to reciprocate this measure promptly by applying the Act of Congress to the vessels of the Netherlands, as it was not the King's intention, apparently, to make the equalization of duties depend upon the conclusion of a treaty.

Richard Rush, charged ad interim with the Department of State ⁵⁾, considered this note with fresh attention. Information soon told him that the Reciprocity Act required abolition of discriminations for "the whole length, that is, unless it takes in the colonies as well as the parent country". Writing on the envel-

¹⁾ Nov. 4 1816, Ten Cate to Monroe (D. o. S. Notes from Neth. Leg.).

²⁾ Febr. 15 1817, Ten Cate to Van Nagell (R. A. B. Z. I. S. 1817 No. 1952).

³⁾ March 8 1818, Ten Cate to Van Nagell (R. A. B. Z. XXI, Legation Archives, No. 49), in which he reviews his conduct of the preceding years.

⁴⁾ May 29 1817, Ten Cate to Rush (D. o. S. Notes from Neth. Leg.; a copy is enclosed with R. A. B. Z. I. S. 1817 exh. July 11).

⁵⁾ From March till August 1817. Adams, who had been appointed to this function, entered upon his duties only in the middle of September.

ope in which he transmitted the letter, on the 11th of June¹⁾, he asked the President's approval "to shape a reply to it which shall embody such a view of the act, and consequently of the duty of the executive under it". The President in office, being since March 4th Monroe himself, was of course much better informed about the policy which had been followed. His reply, written hastily under Rush's words, is short enough: "The authority given to com.^{rs} to form a commerc.^l treaty with Holl.^d is of itself, a sufficient answer to Mr. Ten Cate". And so the Secretary in his reply²⁾ again rebuffed the chargé d'affaires with the argument that the reciprocity offered was not complete enough, and that the whole matter was referred to the commercial treaty under negotiation, the work of which "may even now have been commenced".

¹⁾ This envelope is found bound in the volume of Notes from the Neth. Leg., in the D. o. S.

²⁾ June 23 1817, Rush to Ten Cate (D. o. S. Notes to Foreign Legations; R. A. B. Z. I. S. 1817 No. 4090, enclosure; the original in R. A. B. Z. XXI Port. 21 No. 9).

XII. THE DUTCH PREPARATIONS FOR THE NEGOTIATIONS

PRELIMINARY MEMORANDA AND REPORTS, AND THE DRAUGHTING OF A TREATY PROJECT IN THE DEPARTMENT OF COMMERCE AND THE COLONIES. — THE CRITICAL OPINION OF THE DIRECTOR-GENERAL OF THE CUSTOMS DUTIES. — TRANSMISSION TO THE KING OF THE PROJECT TREATY AND APPENDANT DOCUMENTS; THE DRASTIC INFLUENCE OF VAN NAGELL ON THE CONTENTS OF THE FINAL INSTRUCTIONS. — APPOINTMENT OF THE DUTCH COMMISSIONERS, GOLDBERG AND VAN DER KEMP; THEIR OPINIONS ABOUT THE TREATY

In 1817 Van Hogendorp wrote down in the memoirs of his political career that he had taken pains more than once in the question of the American treaty, with Baron Van Nagell as well as with the King himself, but that he had never observed any response to his efforts nor noticed any fruits thereof ¹⁾. What we find of these efforts are two memoranda on "North America", of September and of October 1815 ²⁾, the latter of which is for the most part a more extensive version of the contents of the former³⁾. Basing his observations upon the despatches and letters from Changuion and upon Ten Cate's report on the mission of August 15, 1815, the author concludes in both documents that, considering the political tendencies of the two countries as displayed in the Act of Reciprocity and in the Law of May 27th, it should not be difficult to arrive at an agreement between the United States and the Netherlands. He advises that the Department of Commerce and the Colonies be authorized to draught a report

¹⁾ Brieven en Gedenkschriften V p. 77.

²⁾ Both to be found in R. A. Coll. Goldberg, the former in port. 205, the latter in port. 206.

³⁾ The October memorandum bears no author's name, but copies whole sentences and paragraphs from the former.

on the subject and project a treaty of commerce ¹⁾. The United States having a great many articles to export, and the Netherlands but little of their own produce to give in return, it would be of importance to the movement of trade if articles of foreign origin could also be shipped to the United States from the Dutch staple markets. Hence it was necessary to see that the reciprocity of the Act of Congress, with its equalization of navigation duties, be extended so as to include not only the importation of national produce but also that of all goods of foreign origin. Since the Dutch tariff system did not discriminate in its navigation regulations between these kinds of imported articles in vessels of other nations, it seemed justifiable to demand the same condition of reciprocity from the United States; the more so, because in the colonies the government granted favors to American trade which from the European point of view could never be reciprocated on the other side.

Van Hogendorp repeated his advocacy of the establishment of an American treaty in a memorandum of April 1816 ²⁾, in which he discussed the reciprocity policy of the United States and their failure to apply it to the Netherlands. An agreement became desirable because the American trade was received in Holland on conditions of reciprocity, and actually carried a good deal of the Dutch commerce. Besides, as he stated again, the Americans had the advantage of being admitted in the Dutch colonies, even though they had no colonial possessions of their own.

No direct result in practical policy is found to have followed these general observations, except perhaps that they may have influenced the government's final disposition to negotiate with the United States. Another document which it received was the memorandum of Schas of May 1816, dealing especially with the propriety of admitting American trade to the West Indian colonies. Its contents have been discussed in Chapter X in re-

¹⁾ „Om na dit alles bij elkaar te komen zal waarlijk geen grote moeyte vereischen, en het Departement van Koophandel zoude kunnen een Tractaat van Koophandel ontwerpen, met een instructie, ten einde de handeling daarop aan te vangen” (Memorandum of September).

For this purpose he distinguished two cases: one treaty for ordinary conditions, the other for war-time circumstances. With regard to the latter he discussed the principle of “free ship free good”, which may be left outside the scope of this investigation.

²⁾ Published in: Van Hogendorp, *Bijdragen tot de huishouding van Staat*, I p. 92 f..

lation to the tariff regulations for the Dutch colonial possessions¹⁾. The general tenor of Schas' observations was that because of her geographical situation, separated from the system of European relations, and of her economic conditions which were somewhat industrial but mostly agricultural, North America should not be treated on a par with the nations of Europe in respect to the colonial trade.

When it came to the point of actually draughting project articles Van Hogendorp's ideas were at least taken into serious consideration. We know that he had been occupied in 1814 with the writing of a memoir on the general nature of commercial treaties, to which he had added a treaty plan ²⁾. Its tenor was, briefly resumed: total freedom of navigation in the ports of each of the two parties concerned for the subjects of the other (articles 1 & 2); complete equality of navigation duties (art. 3); and for the rest, insertion of the most-favored-nation clause (articles 4 & 5). He had submitted it to the Prince Sovereign but had never noticed any results of it, himself ³⁾. When however, in the fall of 1815, the Department of Commerce and the Colonies was occupied — perhaps at Van Hogendorp's instigation — with the draughting of a concept commercial treaty with the United States, his suggestions were given due attention indeed. Goldberg, head of this Department since September 14, 1814, usually employed a first clerk ⁴⁾, C. G. L. Zimmermann, as his assistant to provide him with the results of preparatory investigations, with projects and ideas for a course to be followed. Although his name is never mentioned as the author of any document, there is no reason to doubt that the departmental preparations for the present treaty project were also made by this officer. In the first instance he considered as the principal elements of such a treaty of commerce ⁵⁾: 1° the question of "an equal footing with the most favored nation, or with the proper subjects" [of the Netherlands]; 2° the question "on what footing the colonial trade should be carried on". Drawing a comparative table between the stipu-

¹⁾ Chapter X, p. 217.

²⁾ See p. 171.

³⁾ Brieven en Ged. VI p. 455.

⁴⁾ „Commies”.

⁵⁾ „P. M. Stellingen welke bij een tractaat van Commerce dienen in acht genomen te worden” (R. A. Coll. Goldberg Port. 210), in a handwriting which is not that of Goldberg.

lations of the treaty of 1782 and those suggested by Van Hogendorp, he noted his remarks thereto ¹⁾. From these it appears that he was not in favor, at first, of Van Hogendorp's article 3, on the complete equalization of navigation duties ²⁾, but inclined to accept a general most-favored-nation treatment, like that of 1782, as the foundation of the treaty. In the final project, however, this mercantilistic idea of favoring the national enterprise through fear of foreign competition appears to have been overcome by the liberal influence of, presumably, his principal. When he transmitted it to Goldberg, still in 1815 ³⁾, it breathed a spirit as liberal as Van Hogendorp himself would have given it.

Besides a perfect equality of tonnage duties for the vessels of both parties in each other's ports (articles 1 & 2), the project contained a total equalization of import and export duties on all goods carried by vessels of either party with those on goods carried by the national vessels of the other party (articles 3 & 4). But "the Netherlands" would apply in this respect to the European dominions of the Kingdom alone. The colonies would be opened on the footing of the most favored nation (Art. 5) ⁴⁾.

A memorandum exhibiting the arguments for the stipulations proposed was added to this project ⁵⁾. In articles 1, 2, 3 and 4, which suggested a complete equalization of trade between the parties, the writer considered that according to the Reciprocity Act of Congress an understanding might easily be obtained as far as duties on tonnage and on the imports and exports of the national produce of each party were concerned. It was to be understood, however, that an equalization to this extent would affect unfavorably the commerce of the Netherlands, as it would make the balance of trade disproportionately profitable to America. Summing up the many products of American agriculture and forestry — sugar, cotton, indigo, tobacco, grain, pot- and perlashes — and observing the rapid development of

¹⁾ Ibid. In the same handwriting as the preceding memorandum.

²⁾ „Kan niet wel geschieden. Ieder moet tehuis meester blijven”, is his remark.

³⁾ A copy, to be found in Coll. Goldberg Port. 205, mentions that it was „ontworpen en overgegeven aan Z. Exc. den Directeur-Generaal van het Departement van Koophandel en Koloniën in 't Najaar 1815”.

⁴⁾ The following articles, 6—18, dealt mostly with questions of international law and wartime conditions (the rights of neutrals, etc.), which are of no concern to this subject. They go back also to the treaty of 1782.

⁵⁾ R. A. Coll. Goldberg Port. 210.

industry in the United States, he stated that the remaining needs of the American people — mostly articles of luxury and taste, fine manufactures, etc., imported from France, Great Britain and Germany — could be produced to a very small extent only by the Netherlands themselves. Consequently the bulky American imports would in no way be counter-balanced by the Dutch national exports to the United States. It was necessary therefore, as had already been suggested by Van Hogendorp, so to extend the Act of Congress that articles of foreign produce, when imported by vessels of one party into the ports of the other, should also fall under the duty equalization offered. Only in that event would the importation by Dutch merchants into the United States cover the whole field of the needs of the latter, just as exportation from the United States into Holland already included the entire list of American productions. The staple and transit trade by American vessels through the Netherlands to the European hinterland was thus to be justly balanced by the trade from Europe via Dutch ports and vessels to the United States. This happened to be of equal interest to the market position as well as to the transit functions of the country.

This whole reasoning followed closely the ideas previously expressed by Van Hogendorp's memoranda. It is very curious that the same argument — about the bulkiness of American exportations — which the United States government repeatedly alleged as a consequence of the Act of Reciprocity greatly favorable to foreign *shipping* ¹⁾ was thus put forward by the Dutch authorities as a heavy objection to the interests of their *commerce*.

In order to convince the American government of the desirability of extending the Act of Congress in this respect, the memorandum gave several, though not very striking, arguments: that trade was best favored when treated in the most liberal fashion; that the perfect reciprocity proposed would give no chance for frauds whereas the restricted system offered by the Act would do so²⁾; that the policy of the King aimed, in general, at a favoring of trade, including the transit trade which led many goods for Germany, France, Switzerland, etc. to be shipped through the

¹⁾ P. 167, 194.

²⁾ A poor argument, yet often repeated.

Netherlands; all of which would justify the United States in reciprocating his measures.

Article 5 of the project, on the colonial trade, was inspired, Zimmermann declared, by the same spirit of liberalism which had governed the former propositions, but restricted by the acknowledged principle of the justice of a colonial system which gave privileges to the subjects of the mother country. In the case of the United States an equal treatment with other foreign nations was the more liberal, since, having no colonies themselves, they could grant no equivalents. Since they had been admitted already by the existing regulations on the footing of the most favored nation, it was presumed that the United States would find little difficulty in accepting this article.

To these documents Goldberg added a few provisional remarks ¹⁾, but for the rest the matter remained unattended to until by Royal Decree of October 8, 1816 — the same Decree by which the American proposition for treaty negotiations was accepted — he and Wichers, Director General of the customs duties, were authorized to report on articles which might be used as a foundation for these negotiations ²⁾. Goldberg then turned his attention again to the above project of his department ³⁾. In March 1817 he draughted a concept report to the King ⁴⁾, which had to be submitted to Wichers for approval. His present observations agreed with the preceding documents. Stating the desire of both governments to establish mutual reciprocity, and the great interest of Dutch commerce in an extension of the equalization of duties so as to include the shipping of all merchandise whatsoever, he declared “the main purpose of the project treaty” to be that of cancelling in regard to the Netherlands the limitations of the Act of Congress ⁵⁾. A remark at the end of this report is typical of the influence of British diplomacy and of the awareness of the Dutch government in this respect, as they were

¹⁾ „Aanmerking op eenige artikelen van het projecttractaat”, enclosed with the other documents (R. A. Coll. Goldberg Port. 210). They deal only with some of the later articles concerning questions of international law.

²⁾ P. 237.

³⁾ This becomes evident from his footnotes and remarks in the margin, the date of which follows from the fact that they mention the tariff law of Oct. 3 1816, which had replaced for American trade the law of May 27 1815.

⁴⁾ March 1817, concept report (R. A. Coll. Goldberg Port. 210).

⁵⁾ „. . . om de generale restrictie in de voormelde Acte van het Congress voorkomende met betrekking tot dezen staat te doen wegvallen”.

considering acting independently. Goldberg assures the King that the policy proposed here could never be "a stone of offence to the government of Great Britain", since this had also adopted a liberal system for the trade with America and had obtained, by the treaty of 1815, the most-favored-nation treatment with the United States. Enclosing the projected treaty ¹⁾ almost entirely in its original shape, he resumed the tenor of the articles in question as follows:

Art 1. „Navigation libre des sujets de S. M. le Roi des Pays Bas sur les Etats Unis de l'Amérique, sur le même pied que les propres vaisseaux de ces Etats”.

Art. 2. „Stipulation réciproque pour la navigation des sujets des Etats Unis sur le Royaume des Pays Bas en Europe”.

Art. 3. „Denrées et marchandises, de quelque nature qu'elles soient, apportées dans des vaisseaux des Pays Bas ne payeront aux Etats Unis d'autres droits, que si elles y fussent apportées dans des propres vaisseaux”.

Art. 4. „Stipulations réciproques à l'égard des marchandises apportées par des vaisseaux des Etats Unis dans le Royaume des Pays Bas en Europe”.

Art. 5. „Concession aux sujets des Etats Unis d'être admis avec leurs vaisseaux et marchandises dans les possessions étrangères de S. M. le Roi des Pays Bas, sur le pied de la nation la plus favorisée” ²⁾.

To this last article is attached, in pencil, the following remark: „N.B. Cet article pourra être susceptible de changemens”, meaning doubtless changes in other than a liberal sense.

A memorandum entitled "Adstruction to the treaty project" ³⁾, with eight complementary documents, was added as another enclosure. It stated again the advantages resulting from the largest possible extension of freedom to the development of commerce, and exposed the justice and desirability of cancelling the restrictions involved by the Act of Congress. In its present form the execution of this Act would turn out to the advantage

¹⁾ R. A. Coll. Goldberg Port. 209. Published by N. W. Posthumus in Ec. Hist. Jaarboek I p. 220.

²⁾ R. A. Coll. Goldberg Port. 209. Art. 6, of less concern: „Il ne sera payé dans les Etats respectifs aucun droit d'entrée ou de sortie pour les vaisseaux qui abordent sans décharger ou entamer la cargaison”.

³⁾ „Adstructie tot het project-tractaat" (R. A. Coll. Goldberg Port. 210).

of the United States only, "because these states are rich with products, apt to be imported in or transported through this country, whereas the Netherlands do not produce, in sufficient quantity, articles of importance to the Americans" ¹⁾).

The same extensive argumentation which had been submitted by Zimmermann was used to prove the preceding statements. The „Adstruction" is mostly a true copy of Zimmermann's memorandum. In order to convince the American government of the rightness of the Dutch attitude, however, it proposes only the one argument of the advantages which American trade derived from the liberal treatment of transit trade in the Netherlands, expediting manufactures from Germany to the United States and American articles to Central Europe. This argument was simply an acknowledgement of the transit trade functions of the Dutch seaports.

The admittance of Americans to the colonies is a favor, Goldberg states without further explanation, a privilege which they cannot reciprocate; it may serve the better, therefore, in supporting the demand for an extension of the Act of Congress ²⁾. The result of this reasoning is remarkable. The United States had made the admission to the colonial trade one of the principal objects of the Reciprocity Act, especially because they expected to gain it merely in exchange for that increase of trade participation in the big American exports which would fall to European merchants as a result of the application of this Act. In the present report, however, the Dutch government was invited to use the eventual admittance of Americans to the colonial trade as a means of breaking down those restrictions of the Act which were expected to bear an ill effect on the commerce of the Netherlands, under the presumption that under the Act the scanty national exports would never counterbalance American exports into Holland because of the very bulkiness of the latter. On the one

¹⁾ „daar die Staten rijk zijn in producten, geschikt om in dit Rijk te worden in- of doorgevoerd, terwijl de Nederlanden onderscheidene artikelen van aanbelang voor de Noord-Amerikanen niet, immers niet in genoegzame quantiteit voortbrengen". The most important products of Holland, exported to the United States, were gin and cheese, but these encountered a heavy competition from American industry itself.

²⁾ „Dit artikel alzoo aan den handel der V.S. een voorregt waarborgende, hetwelk dezelve ons niet wederkeerig kan aanbieden, billijkt dezerzijds het verlangen, om niet in de restrictive bepaling van de Acte van het Congres begrepen te worden, maar om alle waren, zonder onderscheid te mogen in- en uitvoeren".

side the bulky exports were presented as an offer in order to obtain the colonial trade, on the other colonial trade was to be offered in order not to increase the unfavorable balance of trade in consequence of those bulky exports.

These three documents, the concept report to the King, the project treaty and its Adstruction, in which, contrary to his expectation, Van Hogendorp's ideas still found decided expression, were transmitted to Wichers, the Director General of the customs duties, for approval. Wichers kept them during several months, and returned them to Goldberg by note of August 5, 1817 ¹⁾ only when strongly pressed by the arrival of the American plenipotentiaries ²⁾; in a memorandum of observations and objections he added his own opinion on the course suggested ³⁾.

In his objections to Goldberg's project Wichers proves to be both the man of caution in foreign commercial policy, which his general attitude in office has shown him to be ⁴⁾, and the partisan of radical protection, as he appeared in his work on the tariff law of October 1816 ⁵⁾. To him it was almost the question to what foreign places the old Dutch trade of the former century would go, rather than whether it would really return or not; he deemed it better to protect industry than to listen to the interests of commerce. In the light of his observations, the expectations of Goldberg suddenly appear ill-founded and unrealizable in practical policy.

He summed up the whole matter of the American treaty in two questions, which by their sense of reality were able to act as a just counterweight to the unrestricted optimism of Goldberg's project:

¹⁾ Aug. 5 1817, Wichers to Goldberg (R. A. Coll. Goldberg Port. 210).

²⁾ June 25 1817, Van Nagell to Goldberg (R. A. B. Z. U. S. 1817 No. 2080), communicating the appointment of Gallatin and Eustis. July 26 1817, Goldberg to Wichers (R. A. Coll. Goldberg Port. 210), in which he requests, Gallatin having arrived at Ghent, the return of the documents in question, in order that Van Nagell may make up his instructions to the Dutch commissioners. Aug. 3 1817, idem (Ibid.), asking to press the matter.

³⁾ „Memorie van bedenkingen”.

⁴⁾ Groeneveld Meyer l.c. p. 47: “An honest man, not afraid of serious opposition”. Hendrik Ludolf Wichers was born in 1747 at Groningen and died in 1840. He had been, before 1813, prefect of the Department of the Western Eems, and had had various other functions there, in the province of Groningen. (Cf. H. Brugmans' article on him in Nieuw Ned. Biogr. Wdb. III p. 1417.)

⁵⁾ Groeneveld Meyer, p. 127.

- 1°. Is it likely that the American government will deem it suitable to deviate from their Act to the advantage of Dutch trade, and have we sufficient arguments to prove the profits of such a course to American interests also?
- 2°. Is it desirable, in respect to the present situation of the Netherlands, to insist upon a total equalization of trade?

As for tonnage duties, both governments having offered equalization, no difficulties were to be expected. With regard to the duties on importations, however, the Netherlands had adopted a system which did not discriminate between foreign and national vessels. This could never serve as a reason, he said, for demanding reciprocity from the other country. The same was the case with regard to colonial regulations in force for all nations. It would in no way be possible to except Americans from measures adopted as a general system; neither reasons for reciprocity nor means of retorsion, should this be declined, were really available. And then, was it likely that the American government would be disposed to encroach upon her system in a way which would affect, by most-favored-nation clauses, their relations with other powers also? Wichers put the question, although he did not object to having the matter pressed upon the other party; but the fact that only insignificant arguments were suggested in the "Adstruction to the treaty project" to convince the Americans of the desirability of extending the Act of Congress, gave, as he thought, a significant answer to it. The point which he put forward here was highly important to the issue of the negotiations. With sceptical realism he duly refuted the optimism displayed in Goldberg's speculations; the government should not expect too much, was the tenor of his exposition.

It annoyed Goldberg. Many comments from his hand on the above memorandum show the evil mood in which he read these observations. "It looks as if a citizen of America were speaking here!"¹⁾, is an example showing his irritation when his optimism felt injured. But his exclamation was right as regarded Wichers' discussion of the second question, about the desirability for the Netherlands to enter upon a perfect equalization of trade.

On this point Wichers had observed (*a*) that the Americans would doubtless demand in return admittance into the colonies

¹⁾ „Het is of hier een ingezetene van Amerika spreekt!”

upon the same footing with national vessels instead of most-favored-nation treatment, as suggested in the treaty project; (b) that in that case the carrying of tea from China and Japan, which was about to be made a special privilege of national vessels ¹⁾, would have to be granted to Americans also, a favor highly prejudicial to the home trade; (c) that since the trade between the United States and the Netherlands was carried on principally by American vessels ²⁾, the advantages of perfect equality to the Dutch would turn out to be so small as not to justify these inconveniences. By these considerations the Director General of the customs duties advised that an equalization of import and export duties should not be demanded, but suggested instead reciprocal most-favored-nation treatment, as in the treaty of 1782 ³⁾. Anticipatorily he thus hit in a clever way the very conduct of the American commissioners, the weakest point of the Dutch proposals and the fields where American and Dutch ideas did not meet. But on the other hand it is clear that the first point mentioned above, which took into consideration the possibilities of the American attitude, could never form a material obstacle to a pursuance of Goldberg's course. It was not up to the Dutch to follow, against their will, a political design of the American government.

Having received this remarkable document at his department, Goldberg at once made another report in order to refute its contents ⁴⁾. He did not conceal his embitterment at the objections thrown at his plans and ideas, which he exposed again with invigorated emphasis. The tea trade, which subject had been brought into discussion only after the treaty project and report had been draughted, could not be taken into account, he argued, as long as no law had been passed for its definite regulation. As

¹⁾ By a law of Dec. 24 1817 (Staatsblad No. 36). See chapter XIX.

²⁾ A consequence, said Goldberg, of the unjust American discriminations.

³⁾ „De ondergeteekende is dus niet alleen van gevoelen, dat het aan de zijde van het Nederlandsche Gouvernement onraadzaam is op de dikwijls gemelde gelijkstelling van de regten op de goederen aan te dringen; maar vermeent integendeel, dat ten aanzien dier regten in het te sluiten tractaat eenvoudig moet worden gestipuleerd, dat partijen op den voet van artikel 2 & 3 van het verdrag van 1782, wederkerig zullen worden behandeld als de meest begunstigde Natie”.

⁴⁾ „Memorie van solutiën op de bedenkingen bij het Departement van Konvooyen & Licenten gevallen op een bij het Departement van Koophandel en Koloniën ontworpen tractaat van Commercie met de Vereenigde Staten van Noord-Amerika, alsmede op de daarnevens gevoegde memorie van adstructie, en concept-rapport aan Zijne Majesteit”.

for tonnage duties, there was on both sides a tacitly corresponding willingness to equalize them. If the Act of Congress did not already provide for equality of the most extensive scope, its spirit of reciprocity would be able, he reckoned, to inspire the American government to grant such equality. A mere comparison of the favors granted by the Netherlands and by the United States showed such a heavy balance on the Dutch side that this justified completely the Dutch demands, and would convince the Americans of the necessity of complying with them. Speculation on the tendencies of the Reciprocity Act thus supported his intention of adhering to the old treaty project. We know that for the next decade his presumption about these tendencies would have been right. It was questionable, however, whether for the present it could be made an avowed element of American policy.

It was, however, Goldberg's correct opinion that what was desired could be asked for, and that if it were not given, there could be no objection to taking retorsive measures; also, that no account needed to be taken of the most-favored-nation policy of the United States. With regard to Wichers' assumption of American demands for admittance to the colonial trade, Goldberg declared again that the rights or privileges granted to foreigners in this respect could be withdrawn at any moment.

Five documents were submitted to the King on the 11th of August 1817: the project treaty, the Adstruction thereto, and the concept report — all from the hand of Goldberg —, the memorandum by Wichers, and Goldberg's concluding remarks. Goldberg's accompanying letter ¹⁾ sketched his proceedings following the instructions in the Decree of Oct. 1816; his disappointment when he at last received Wichers' objections, which set forth all the arguments that could have been expected from the American side ²⁾; and the difference, in brief, between his own and Wichers' views. He asked for a decision and instructions about the attitude which should be adhered to. The projected treaty, Goldberg

¹⁾ Aug. 11 1817, Goldberg to the King (R. A. Coll. Goldberg Port. 210).

²⁾ „... eene memorie . . . , waarin het project tractaat, zoo in het algemeen, als in deszelfs bijzondere deelen, wordt bestreden, en daartegen al datgeen, zoo niet meer, aangevoerd, wat men eenmaal van de zijde der Amerikaansche Negociateurs zoude kunnen verwachten”.

stated to Van Nagell ¹⁾, was based upon the Act of Congress of 1815, and its supposed tendencies, rather than on the treaty of 1782.

However, in an interview which he had had a few days earlier with the American commissioners ²⁾, Van Nagell had assumed that the Dutch policy would be based upon the former treaty, with a view to extending its bearing to the territories which both parties had acquired since its conclusion in 1782, as had recently been done by the Dutch and Danish governments with regard to their commercial convention of 1701 ³⁾. It must have been owing to his ignorance about American affairs and about Goldberg's preparations that he had thus made the mistake of evincing an attitude which was essentially different from that developed at the Department of Commerce and the Colonies. The expression of his astonishment at reading the treaty project proves this clearly; he had expected only suggestions for the instructions which he was to draught ⁴⁾. Although his own opinion had been communicated to the Americans only in an unofficial interview, it could not be easily disavowed. He was well aware of this difficulty and accordingly attempted an important turn in the course of the preparations.

Unlike the project, Van Nagell's report to the King ⁵⁾ consequently advised that the old treaty be adopted as the foundation for the negotiations. The stipulation of the most-favored-nation treatment, it contended, would include every favor that might justly be desired on either side. As we know, Van Nagell was not much concerned about the interests of commerce; he shared Wichers' objections to a complete equalization of Dutch and American trade. In regard to the colonial trade, however, his attitude in

¹⁾ Aug. 11 1817, Goldberg to Van Nagell (R. A. B. Z. I. S. 1817 No. 3534; Coll. Goldberg Port. 210).

²⁾ See for this interview the reports of the American ministers, below p. 268.

³⁾ Declaration published July 21 1817 (De Amsterdamsche Courant of July 26), signed at Copenhagen on July 10 1817: „Déclaration entre le Danemarck et les Pays-Bas, relative à l'extension du traité de commerce de 1701" (Lagemans, Recueil I No. 60, p. 218). It extended the provisions of the old treaty „à toute l'étendue actuelle du Royaume des Pays-Bas", granting to the subjects and vessels of Denmark the same treatment in the Southern Provinces of the Netherlands with that given them in the Northern Provinces, „où ils n'ont point cessé d'en jouir". Cf. p. 273.

⁴⁾ This particular shows how little the heads of the Departments under King William's reign were informed of their respective activities. The project had been in preparation for nearly two years!

⁵⁾ Aug. 15 1817, Van Nagell to the King (R. A. B. Z. U. S. 1817 No. 2635).

consequence of the American communications suddenly appeared to be quite liberal. He advised that whenever the Americans might want to obtain the favor of equal rights with the national navigation in the colonial trade, this should be granted if not too disadvantageous to the interests of the King's subjects; upon the condition, however, that as the United States could not reciprocate it, they should give an equivalent in privileges to the Dutch trade with America.

In accordance with this report the King decreed ¹⁾ 1°. that his plenipotentiaries should extend the treaty of 1782 to apply to the present conditions; 2°. that if more favors than already existed should be accorded to the United States in the colonies, this should be done only on condition that an equivalent of special privileges be granted to the trade of the Netherlands; 3°. that in every case that this should be deemed necessary, a report should be sent to the King's government and new instructions asked for.

Thus very little was left of the project of Goldberg and of the response to the Act of Reciprocity; but this little concurred with the general cautious policy of the King. Commercial interests were not his only concern; and the commissioners were duly restrained from too liberal a course and too inclusive a reciprocity. The treaty of 1782, which formed the only material basis of their commission, forced them to keep on the safe side and, perhaps, to follow the wishes of Great Britain. A most-favored-nation clause is never a dangerous step; no prominent or exceptional position will result from it.

The various facets of the economic mind of the country and of the government are curiously displayed in the preceding preparatory measures: the extensive liberal plans in the interest of commerce, with, on the other hand, the colonial theory of Goldberg and Van Hogendorp; the objective, impartial attitude and the dissenting ideas of Wichers; the safe policy of the King and the Foreign Department. The final instructions were narrow-minded in comparison to the preparative considerations. They clung to facts and did not aim high. It seemed impossible that they should fail to produce an agreement.

¹⁾ Aug. 18 1817 (R. A. B. Z. I. S. 1817 No. 3626).

The instructions were sent ¹⁾, with all the relative documents, to the negotiators, appointed since July 16, 1817 ²⁾, Goldberg and Van der Kemp. To a nomination of Wichers the objection prevailed, apparently, that he was not a suitable partner for Goldberg who, more than anybody else was the man to lead these negotiations. It becomes appropriate here to consider the personality of the latter.

Johannes Goldberg was born in 1763 at Amsterdam ³⁾, where he entered the insurance business, staying in it till 1795; he was an active member of the Patriots' party. In 1799—1801 he was Agent for the National Economy ⁴⁾; in 1805, '06 and '07 member of the Council of State, and as such mostly occupied with the Financial Department; and in 1807—1809 he was appointed by King Louis Bonaparte to the Legation at Berlin. The Prince Sovereign soon resorted again to his economic abilities, making him member of the Council of Commerce and the Colonies in April 1814, and placing him at the head of the Department of Commerce and the Colonies a few months later, September 14, 1814 ⁵⁾. Goldberg kept this position until March 19, 1818, when his department was united with others in charge of Falck, in part probably because of Goldberg's unpopularity. But that same day he was ennobled, and made a member of the Council of State, which office he held till 1827. He died in 1828. He was one of the best authorities in Holland on financial and commercial questions, and was greatly interested in all aspects of economy, statistics, history, etc. ⁶⁾. His ideas of liberalism and free trade may be explained by his connection with the Amsterdam merchant class. He was a man of rather authoritative ways,

¹⁾ Aug. 19 1817, Van Nagell to Goldberg & Van der Kemp (R. A. B. Z. U. S. 1817 No. 2692).

²⁾ Royal Decree of July 16 1817 (R. A. B. Z. Dossier 724).

³⁾ Most particulars here given have been taken from an article in *Nieuw Ned. Biogr. Wdb.* VIII p. 621, in voce, by J. C. Ramaer; and from Groeneveld Meyer l.c. p. 56, 57, and 77 f., revealing his economic ideas. Cf. P. H. van der Kemp's rather derogatory opinion about him in: *De teruggave der Oost-Indische koloniën 1814—1816*, p. 112 f.; and: *Oost-Indië's inwendig bestuur van 1817 op 1818*, p. 1, 2.

⁴⁾ „Agent voor de nationale economie”.

⁵⁾ Sept. 14 1814 provisionally at the head of this department, Sept. 16 1815 its Director General.

⁶⁾ His very valuable collection of documents, reports and data hereon, of his own period and of the past, is preserved in the archives at The Hague, R. A. Coll. Goldberg (*Verslagen van 's Rijks Oude Archieven 1913 No. XXXVI*, p. 275).

adhering to his own principles and fixed aims, not much liked because of his unpleasant manners and highly unpopular at the end of his term of office ¹⁾).

Goldberg's attitude with regard to colonial policy was perfectly "European"; firm and safe, as Van Hogendorp declares ²⁾). Commerce, that is, the staple commerce of Amsterdam, and its interests, meaning its freedom, were his predominant concern. Like Van Hogendorp he was the liberal economist convinced of the all-importance of free trade for the country, and opposed to protection in any form whatever ³⁾). It was his maxim, as he told the American chargé d'affaires in 1818 ⁴⁾), to consider "the navigation of this country as subordinate to its commerce". "Holland ought to be the great mart of Europe, and low prices secured by a fair competition among all the carriers could alone give her that advantage". He was not in favor of a policy "that could have no other result but keeping away foreign vessels from its ports". Hence the liberalism of a complete equalization of foreign with the national navigation, which he expressed in his treaty propositions, — a liberalism not in accordance with the tendency of the government policy and duly checked therefore by both Wichers and Van Nagell.

It is evident that no official like Wichers, with his own strong personality and dissentient beliefs in strong central power and protectionism ⁵⁾), could be paired with a man of such a character. Instead, with Goldberg was appointed Johannes Cornelis Van der Kemp ⁶⁾), an expert on colonial matters ⁷⁾ who had been commissioned to London in 1815 for the question of the restoration of the Dutch colonies, and who was solicitor-general of the high court of justice at The Hague ⁸⁾ and a member of the Council of Commerce and the Colonies. With eager pleasure he accepted the

¹⁾ The Hague, March 25 1818, Appleton to Adams (D. o. S. Desp. Neth.): his "excessive impopularity".

²⁾ Brieven en Gedenkschr. V, p. 71.

³⁾ Groeneveld Meyer l. c., p. 75 f., gives Goldberg's characteristic opinions on the tariff system.

⁴⁾ June 14 1818, Memorandum by Mr. Appleton, transmitted to the D. o. S. by Gallatin, with his despatch of July 31st next (D. o. S. Desp. France, vol. 18).

⁵⁾ Wichers' ideas are explained by Groeneveld Meyer p. 49 f.

⁶⁾ Was born in 1768, died in 1823 (Nieuw Ned. Biogr. Wdb. IV p. 829).

⁷⁾ „... doorkundig in de West Indische zaken" (Van Hogendorp, Febr. 1814, Brieven en Gedenkschr. V p. 296).

⁸⁾ Advocaat-generaal bij het Hooggerechtshof.

nomination on July 24th ¹⁾). Goldberg also was pleased with this association ²⁾).

Van der Kemp found very little time to study beforehand the subject of the negotiations and the nature of the relations with the United States which formed their background. Because of Wichers' delay and because of the rather sudden appearance and, then, waiting presence of the Americans the preparations had to be hurried up. Only 6 days after having received the documents from Wichers, Goldberg transmitted them to the King (August 11th); 4 days afterwards Van Nagell sent in his final report and advice, and 3 days later, August 18th, the official instructions were issued by Royal Decree. Only then did Van der Kemp find occasion to take the documents into consideration and form a fixed opinion.

Though admitting that he could not yet offer a well-founded opinion, he gave as his principal idea ³⁾ that any stipulation of a most-favored-nation treatment in the colonies would be dangerous, and wrong. There is no place in colonies for most-favored-nation *rights* exercised by other powers. The Sovereign to whom colonial possessions belong regulates their commercial intercourse according to his own will, and when granting certain privileges to foreigners must never feel bound by obligations towards other powers. The Americans, says Van der Kemp, have too firm a footing in the colonies; if any measure be taken, this must be restrictive; no article like the proposed no. 5, granting the most-favored-nation treatment to foreigners in the colonies, is ever justified ⁴⁾. This was the European system in its most

¹⁾ July 24 1817, Van der Kemp to Van Nagell (R. A. B. Z. I. S. 1817 No. 3304).

²⁾ July 20 1817, Goldberg to Van Nagell (R. A. Coll. A.W.C. van Nagell). In this same letter he requested that W. G. van de Poll should also be appointed — another member of the Council of Commerce and the Colonies, the same person who became presiding director of the Dutch Trading Society in 1824. But Van Nagell did not agree with this suggestion on the ground that the United States also had only two commissioners.

³⁾ Aug. 19 1817 (R. A. Coll. Goldberg Port. 210).

⁴⁾ Probably Van der Kemp was influenced in these considerations by a letter from F. Smeer, a well-known Rotterdam shipbroker and member of the Chamber of Commerce, whom he had asked for information on the subject, (Aug. 16 1817, Smeer to Van der Kemp, R. A. F. Z. Dossier 724). Supposing that the proposal for negotiations originated on the American side, Smeer assumed that the principal aim of the Americans was to obtain a permanent admittance to the colonial trade. He warned Van der Kemp of their insistence in this respect, suggesting an outright refusal („een platte weigering") as the most suitable attitude. His letter ends with the statement that if anyone has anything to claim it is the Netherlands and not the United States; and that, although

radical expression. It was opposed to the more liberal views of Van Nagell and to the actual contents of the instructions which the commissioners had received.

With regard to the other articles, Van der Kemp refrained from giving explicit statements. Theoretically he was neither in favor of a perfect equalization of navigation, which he deemed not to be in accordance with the government's policy ¹⁾, nor of a most-favored-nation clause as contained in the treaty of 1782, because this clause had been so generally adopted in international treaties that it had lost its value entirely ²⁾. He deemed it best to arrive at a reciprocal equalization of all tonnage dues and of import duties as far as a satisfactory agreement could be obtained. But he objected strongly to complete equality of trade, in its widest extent.

The exposition of the conditions and regulations of each party, which took place at the first conference of the negotiations, gave Van der Kemp an occasion to study the data completely and to state his ideas more definitely. Right after this session he drew up a memorandum on the conditions of the treaty to be concluded, and submitted it to Goldberg ³⁾. Basing his observations upon the treaty of 1782, in accordance with his instructions, he accepted as fundamental principles: 1°. reciprocity, 2°. the liberty to be reserved to each party to regulate its own interests, independent of any obligations to foreign powers, and 3°. "the recognition of our rights to the colonies as *possessions*", i.e. not as integral parts of the country. This last point was duly stressed by him; he repeated his opinion that the colonial system should be more exclusive than it was at present.

With respect to the commercial intercourse between the United States and the Netherlands in Europe, he concluded with the following suggestions:

unlikely to be obtained, a reciprocal freedom of tariff duties would be most profitable to Dutch industry.

¹⁾ With hints at the regulation of the China tea trade which was being prepared, and at the fact that so far no conventions had been formed where this principle was unrestrictedly adopted.

²⁾ He preferred a general but vague preceding article, similar to that of the treaties between Russia and Portugal, and Russia and Naples, of 1787, reading as follows: „Il subsistera entre . . . , ainsi qu'entre leurs sujets, une paix perpétuelle, bonne intelligence et parfaite amitié; à quel effet . . . s'engagent . . . de se traiter mutuellement en bons amis dans toutes les occasions, tant par mer, que par terre, et sur les eaux douces, . . .” etc.

³⁾ R. A. Coll. Goldberg Port. 210.

- (a) complete equality as to tonnage duties, following from the present regulation in force in the Netherlands;
- (b) the abolishment of all discriminations between the vessels of both parties when carrying cargoes of national produce or manufacture;
- (c) the most-favored-nation treatment for the vessels in indirect trade when carrying articles of foreign produce, „venant des ports étrangers et chargées des articles autres que des productions nationales”. Although the wording of this point is vague and leaves doubt as to whether the direct trade of cargoes of foreign produce was to be included therein, or not — as Goldberg understood it —, the trend of Van der Kemp’s ideas and the tenor of point (b) lead us to assume that his intention was to subject this trade also to the most-favored-nation treatment, i.e. to withhold from it an equalization with national trade.

It should be noticed that the same system of *restricted* reciprocity, as proposed here by Van der Kemp, was contained by the Reciprocity Act and had found an expression in practice in the British-American convention of 1815, which the United States commissioners had received as the basis of their instructions. Apparently he adopted it from them, and thus introduced it with the Dutch government. It was a combination of the treaty of 1782 and the Act of Congress. Van der Kemp supported it upon the consideration that, when extended to a general policy, it would favor the national navigation — preserving this in a privileged situation for all indirect trade from abroad — without affecting the industry of the country to any considerable extent.

Goldberg was of course against these suggestions. He did not view the interest of national trade in the light of favors granted to it by regulations at home, but he viewed it in the light of favors withheld by the tariff systems of foreign countries. He was opposed to a partial trade reciprocity because, as he dryly remarked in a note in pencil-writing to point (b), it meant the exclusion of all *other* than national products from equalization of trade, even when carried directly by national vessels from Holland to the United States. Just this branch of shipping involved the staple commerce and the transit trade, the great export of articles shipped for transportation to America from the ports of the Netherlands; it was in order to equalize *this* trade that since Van

Hogendorp's memoranda they had been working at an extension of the Reciprocity Act for the treaty to be concluded.

In this point lay the essential difference between the ideas of Goldberg and Van der Kemp. Like Wichers and Van Nagell, Van der Kemp was of opinion that an abolishment of all discriminating duties on trade was too radical a measure and granted too many rights to foreign interests to be consistent with the welfare of the country. They were not convinced, as was the merchant class of which Goldberg was a representative, of the absolute importance of commerce to the economy of the Kingdom. It was they who had carried, against the others, the tariff of 1816.

It throws a curious light on the choice of negotiators by the King and Van Nagell that they should have appointed in combination two persons so unhomogeneous in their ideas on a really important subject of these negotiations *without* giving them explicit instructions to determine their attitude on this point. Agreeing on the colonial system, in opposition to Van Nagell's concessive attitude, their views differed essentially about the propriety of discriminating duties. Already in their preliminary observations on the future negotiations the instructions of the King, which ignored the question of an equalization of trade, had been exceeded by both commissioners, but in a manner which showed hopeless disagreement with each other.

These difficulties, especially when compared with the natural ease with which the American delegation ultimately defined its policy, prove the defectiveness of the preparations of the Dutch for these negotiations, or rather, by their incapacity for doing better, the entire uncertain and doubting attitude of the new Kingdom in respect to its foreign commercial policy.

The Hague was appointed for the place where the negotiations were to be carried on ¹⁾, the city where the Royal Court, annually moving between Brussels and The Hague, was to take up its residence for the winter of 1817—1818. A room was chosen in the building of the Department of Foreign Affairs, and Mr. D. Delprat, private secretary ²⁾ of the Department, was instructed to act as a scribe during the conferences ³⁾. To all practical purposes he became the secretary to the Dutch plenipotentiaries.

¹⁾ This was communicated to Eustis, July 23 1817 (R. A. B. Z. U. S. 1817 No. 2383).

²⁾ „Geheim secretaris“.

³⁾ Aug. 6 1817, Van Nagell to Goldberg (R. A. B. Z. Dossier 724; Coll. Goldberg Por t. 210).

XIII. THE AMERICAN PREPARATIONS FOR THE NEGOTIATIONS

THE INSTRUCTIONS FOR THE AMERICAN PLENIPOTENTIARIES. —
APPOINTMENT OF GALLATIN TO ASSIST EUSTIS; GENERAL ARRANGE-
MENTS FOR THE NEGOTIATIONS. — PRELIMINARY INTERVIEW
WITH VAN NAGELL ABOUT THE PURPOSE AND OBJECTS OF THE
NEGOTIATIONS; ITS EFFECT ON THE FINAL ATTITUDES OF THE
TWO PARTIES

The tendencies of American policy have been sufficiently discussed to explain the course pursued in this particular case. By the Act of Reciprocity the United States aimed at a reciprocal regulation with other powers of an equalization of tonnage duties and of import and export duties on cargoes of national produce, for the vessels of any party. The inclusion of the colonies of the other powers in this regulation had been their avowed purpose. Although the first treaty concluded with Great Britain upon these principles had proved an obvious failure in the latter respect, the Secretary of State had stated several times to the American minister in the Netherlands that it was the intention of the President to adhere as much as possible to their first settled policy ¹⁾).

No preparative activity is shown by reports, considerations and memoranda on the American side. The governmental machine did not work with so much paper as did the administration of the Netherlands. Most of the deliberations were oral, indeed, taking place in Cabinet meetings and personal interviews, and they were probably more effective ²⁾ and certainly more practical than the King's habits of "consideration and advice", which hindered the intercourse between his ministers more than they helped him.

¹⁾ P. 234.

²⁾ Cf. footnote No. 4, p. 254.

The only documents to be found which may have influenced the draughting of instructions to the negotiators in Europe are letters from Eustis' correspondence.

On the 12th of November 1816, when informing Eustis of the desirability of a treaty with the Netherlands, Monroe had provisionally declared that such a treaty, established upon "a footing of reciprocal advantage", "shall extend to all the possessions of that government, including its dependencies as well as its European dominions, and shall put the exports of foreign produce from this country in Holland, on a footing with the exports from Holland of the produce of other countries in the United States. A participation by the Dutch vessels, on equal terms with those of the U.S., in the carriage of our bulky productions, which are in such vast amount, is entitled to that return". At the same time he had stated that the treaty with England — being too limited, evidently, — should not be accepted as an example for further steps, since its effects could not yet be ascertained ¹).

The tenor of this note is not clear. It remains doubtful whether Monroe really suggested an equalization of the trade in foreign merchandise with that in national produce. Certain it is that he was conscious of the fact that the bulky American exportations could be balanced only by cargoes from Holland of national *and* foreign produce; and that he was not going to refrain from urging an inclusion of colonial trade in the agreement desired.

At the same time Eustis was writing despatches likely to push the Secretary back to the reality of mercantilism. From a conversation with Van Nagell in October 1816 he learned that since the Dutch East Indies were already open to other nations and since it was preferred that the provisions of the West Indies be supplied by the mother country — "without which they were not worth having" —, there was very little chance that the colonies would be embraced in the arrangement ²). Eustis was so much impressed by this statement, and by the advantages which American trade derived from the present conditions, that he warned his government, January 17, 1817 ³), against stirring up the colonial question, "lest the attention of this Govt. might be

¹) D. o. S. Instructions vol. 8; L. o. C. Eustis Papers vol. 3.

²) Oct. 18 1816, Eustis to Monroe (D. o. S. Desp. Neth.).

³) Jan. 17 1817, idem (ibid.).

drawn to the arrangement with Great Britain respecting her Indies-East and induce a proposal for similar restrictions". Any regulation of this kind would spoil the present favorable situation.

Thus informed, the government could prepare the instructions, after the termination of the session of Congress, as promised to Ten Cate. The instructions suffered, however, from a lack of continuity in foreign policy. Monroe had become President, on March 4th, but was absent for the time being on a trip to the North-Eastern and Western States¹). John Quincy Adams, having accepted the office of Secretary of State, arrived only at the end of that summer, and, till then, as has been stated, Richard Rush acted in his place as Secretary of State. The short despatch of April 22nd, which contained the instructions for the treaty negotiations with the Netherlands²), exposes only too clearly that a well defined policy had not been shaped at the Department. Although, largely in conformity with Monroe's note of November 12th, it expressed the desire of the President that "the commercial intercourse between the two countries should be established upon a footing of equality by the abolition of all existing discriminations", at the same time it instructed the commissioners to pursue, "as a general guide", the principles and conditions of the British convention as far as this dealt with the intercourse with the European dominions. This meant that an equalization of tonnage dues should be proposed and also an equalization of import duties, but only in so far as they were levied on merchandise, the produce of each country, when carried in vessels of either party. In regard to all other importations the rule of the most favored nation was to be applied. And the negotiators must make all possible attempts to include the colonial trade in this arrangement. Here, however, Eustis' warnings found expression: failure to include the colonies "need not prevent the formation of a Treaty". The duration of the treaty should be limited to 8 years.

It is evident that this practical advice for a restricted trade equality, on the example of the British treaty, was in contradiction with the desire of the President to arrive at an abolishment of all discriminations. It is possible that Rush, while outlining the

¹) Ralston Hayden, *The Senate and treaties, 1789—1817* (New York 1920), p. 209.

²) April 22 1817, R. Rush to Gallatin and Eustis (D. o. S. Instructions vol. 8).

most general *principle* of American policy, deemed it expedient to stipulate, besides, a deviating course for *practical* use. It is more probable, however, that he did not quite perceive the bearing of the problems in question. The result was, at any rate, that the document became rather ambiguous.

On the whole, it appears, the Secretary of State ad interim treated these instructions with insufficient care. It is noteworthy, for instance, that he kept perfect silence on the question of a renewal of the treaty of 1782. Evidently he paid no attention at all to the special connections with the Netherlands, but merely followed a general policy, which he found initiated by the British convention. Even a superficial glance at the propositions made by Changuion a few years earlier would have suggested the renewal of the former Dutch treaty. When we compare these with the contents of the present instructions, a curious similarity appears. It was nevertheless purely accidental. No traces have been found that his action had been taken into consideration by either the Dutch ¹⁾ or the American government in the shaping of its policy. With Rush's Department the obsolete treaty seemed to have been completely forgotten. And Monroe, who had studied it himself two years before, was absent on his presidential trip.

The circumstance that the instructions authorized the commissioners not to insist à tort et à travers upon the colonial trade implicitly reflected a recognition of the political reality — though not of the rightness — of European colonial systems. On the whole, the fact that while England was still controlling the Dutch policy the British treaty was presented as a basis for the negotiations would justify expectations of success. Also the American desires seemed not to aim too high.

Besides Eustis, who was named as a matter of course, the minister to France, Albert Gallatin was appointed commissioner for the negotiations. Born at Geneva, Switzerland, in 1761, he had settled in America in his 19th year, and had become an important person in the American government ²⁾. Under President Jefferson he had been Secretary of the Treasury and had fulfilled

¹⁾ Neither Van Nagell nor Goldberg mention his representations in their respective documents.

²⁾ About him, the biography by Henry Adams, *The life of Albert Gallatin* (Philadelphia 1879). Also: *The National Cyclopaedia of American biography*, III p. 9; *Dictionary of American biography*, VII.

the duties of this office with marked financial ability. After 1813 he became representative of the United States in their European relations, being one of the American peace commissioners at Ghent, then minister to France, till 1823, and finally to Great Britain, 1826—1827 ¹⁾. In these years he took part in the most important American negotiations transacted in Europe, in 1815 concluding at London, together with J. Q. Adams, the convention with Great Britain, in 1818 assisting Rush in prolonging the same, and many other times treating the question of the West Indian trade. Thus, he was thoroughly initiated into the tendencies and intricate details of American policy, being in fact its very leader in Europe.

His representative place on this side of the Ocean became him well. Having passed his childhood and received his education in Europe, and speaking the English language as well as he spoke French, he did not encounter at European courts and in European circles that difference of tone, spirit and morals which used to strike genuine Americans as condemnable; nor did Europeans find in him that reserved, almost unfriendly attitude which, resulting from this difference, so often rendered Americans unsociable at foreign residencies ²⁾. He was able, as Webster writes ³⁾, "to combine a devotion to America with an understanding of the European point of view". To this should be added Gallatin's amiable faculty for compromise and understanding, which had been one of the main causes of the final conclusion of peace at Ghent, and which made him liked by most people who knew him.

As the negotiations approached he was indeed the only person to assist Eustis. Adams was about to leave London for America and the State Department, and after him no man of his quality, skill and experience was at hand except Gallatin. At the end of June 1817 he received his commission, and, happy with the occasion to have a diplomatic mission joined in this way with a

¹⁾ He was a well-known partisan of free trade. From 1831—1839 he was President of the National Bank of New York. He died in 1849.

²⁾ Cf. the author's article in *Tijdschr. v. Gesch.* 49, p. 45, 52, 54. — It was a natural antagonism, arising from the lack of knowledge of each of the mentality of the other, and from a misunderstanding of the reactions caused thereby: the American judging Europeans immoral and being himself narrow-minded in their eyes.

³⁾ C. K. Webster in the Cambridge history of British foreign policy, 1783—1815, I p. 531. See also p. 533, 539.

pleasant summer trip through the Netherlands, he at once informed Eustis ¹⁾ of his preference for having the negotiations started very soon, and at Brussels. He was ready to depart immediately with his family and wished to return early in October. On the 24th of July he arrived at Brussels where, on the 30th, he and Eustis presented their credentials to the King ²⁾ and were received at a dinner in his Castle at Laeken ³⁾. They soon learned, however, that on the Dutch side arrangements could not be made so quickly as they desired. Even Wichers' report had not yet been received; only by unpleasant hurrying did the government manage to get its preparations ready by the end of August. Moreover The Hague was chosen for the place of negotiation, another disappointment to Gallatin. Much of the time had to be spent there in waiting for the Dutch commissioners; only on the 28th of August could the first session be held.

The American staff of assistants consisted of John J. Appleton, who was secretary of legation under Eustis ⁴⁾, and of James Gallatin, the son of Mr. Gallatin ⁵⁾, who acted as secretary to his father. They would make notes for the private use of the Americans. Mr. Delprat, the Dutch secretary, was charged with draughting the official protocol of the conferences, which would briefly relate the discussions, and which would have to be approved of by both parties in order to be used as the official account of the negotiations ⁶⁾. It was likewise agreed ⁷⁾ that in

¹⁾ June 24 1817, Gallatin to Eustis (L. o. C. Eustis Papers). He travelled with Mrs. Gallatin, "our three children & some servants" (July 11, to Eustis, *Ibid.*), and went by way of Ghent — for the purpose of reviving his recollections of this town—, where he arrived on the 21st of July (July 23, to Eustis, *Ibid.*).

²⁾ July 28 1817, Van Nagell to Eustis (*Ibid.*; R. A. B. Z. U. S. 1817 No. 2429).

³⁾ De Amsterdamsche Courant, Aug. 4 1817.

⁴⁾ After Everett had left (Aug. 23 1817, Eustis to Adams, D. o. S. Desp. Neth.), J. J. Appleton was from Cambridge, Mass. His name is not in the Dictionary of American biography.

⁵⁾ From his hand a diary: *A great peacemaker, 1813—1827* (New-York 1916), in which he describes most of Albert Gallatin's doings during these years. P. 111 deals with their stay at The Hague, but does not treat the subject of the negotiations themselves.

⁶⁾ It became the custom that Delprat draught the protocol after each session, send it to Goldberg for his approval or amendments, and then submit it to the Americans for their approval (Sept. 2 1817, Delprat to Goldberg, R. A. Coll. Goldberg Port. 210). In this way no time would have to be spent at the next session with discussions on its editing. Later the American secretaries made a copy and signed it. Consequently we find in the D. o. S. a protocol signed by J. Gallatin and J. Appleton, and in the archives at The Hague one with Delprat's signature, the texts of both copies being completely identical.

⁷⁾ Aug. 27 1817, Delprat to Goldberg (R. A. Coll. Goldberg Port. 209).

order to facilitate extensive discussion, "notes verbales" could be exchanged. Also that the use of both French and English would be permitted during the conferences ¹⁾. As a matter of course, however, the discussions were held mostly in French, of which language Eustis' knowledge was greatly inferior to that of Gallatin ²⁾. Whereas Goldberg was the leader of the Dutch commissioners because of his superior knowledge of the subject, Gallatin became, through his experience and greater capacities, the spokesman of the Americans, his opinion the decisive voice, and his son the chief secretary of their delegation.

Except for making their own preparations and deciding upon the course to be pursued — all of which took place by discussion, of course, and left no documentary evidence —, the Americans concluded that they might help to promote the object of their mission and expedite the transaction to be performed by explaining what they had in view. This could then be taken into consideration for the framing of instructions to Goldberg and Van der Kemp ³⁾. While still at Brussels they requested a preliminary, and unofficial, discussion of the matter with Baron Van Nagell ⁴⁾. From the interview this gentleman learned, as he hastened to communicate to Goldberg ⁵⁾, that the treatment of the following points was particularly intended by the Americans: "a the stipulations of the commercial treaty of 1782 and their application to the Southern provinces of the country; b a perfect reciprocity in regard to navigation duties; c the trade with the colonies".

It appears that neither in his project nor in his conclusive remarks did Goldberg make use of this important communication. But Van Nagell did, both in his advice to the King and in his consequent instructions to the commissioners. It was he who again based Dutch policy for the negotiations on the Treaty of 1782, and who at the same time made the attitude of the govern-

¹⁾ In the first session it was decided that the protocol should be draughted in French but that the text of the treaty concluded should be in English and Dutch.

²⁾ Cf. Oct. 9 1817, Gallatin to Eustis (L. o. C. Eustis Papers): "What was said on the occasion, being in French, must be more within my recollection than yours".

³⁾ Oct. 8 1817, Gallatin to Adams (D. o. S. Desp. France, Vol. 18).

⁴⁾ Aug. 4 1817, Eustis to Van Nagell (R. A. B. Z. I. S. 1817 No. 3401); Aug. 4 1817, Van Nagell to Eustis (Ibid. U. S. 1817 No. 2513).

⁵⁾ Aug. 6 1817, Van Nagell to Goldberg (Ibid. Dossier 724).

ment as liberal as could well be afforded in regard to the colonial trade ¹⁾).

We learn from this announcement of their aims that the American plenipotentiaries, having investigated the relations with the Netherlands, had decided, in accordance with the hints of Van Nagell, but against their own instructions, that the Treaty of 1782 should be taken as the basis of their negotiations. Although up till that very day neither side had, during the preparations for the negotiations, considered the merits of the old treaty as an aid to determining their course of procedure, this unofficial interview thus brought it to the attention of both of them again. Whereas an official renewal of the treaty by mutual agreement was supported on the Dutch side by the conclusion of a like agreement between their government and that of Denmark, in the preceding July, it was supported on the American side by the recent precedent of a treaty of the United States with Sweden and Norway concluded in September 1816, which contained a stipulation reinforcing their old treaty of 1783 ²⁾).

From Van Nagell's accommodating attitude during their conversation, the Americans concluded that the matter would be duly settled. "The result is thus far satisfactory", Eustis writes home, August 6th ³⁾, "and we have reason to expect that we shall be able to continue the Treaty of October 1782 in its present form, making it applicable to Belgium . . . and adding articles to equalize the tonnage and other duties on principles of reciprocity". But, although in a previous despatch ⁴⁾ he had stated that every possible effort would be made to obtain an equalization of the colonial trade also, now after Van Nagell's communications he expressed an uncertainty as to how far they would be able to include this in the arrangement. He hoped, nonetheless, for some concession, e.g. an admission to the Java trade ⁵⁾. The colonial trade was not, however, of ultimate concern, a *conditio sine qua non*, to the American attitude. Their instructions authorized them not to insist upon it to the point of preventing the conclusion of a treaty.

¹⁾ See p. 254, 255.

²⁾ Malloy II p. 1742.

³⁾ Aug. 6 1817, Eustis to Adams (D. o. S. Desp. Neth. vol. 5).

⁴⁾ In the report accompanying his despatch of July 9 1817 (Ibid.).

⁵⁾ Sept. 27 1817, Eustis to Adams (Ibid. vol. 6).

Upon comparison of the situation on both sides, it appears that the Americans had managed to outline and state their intentions firmly enough, whereas the Dutch attitude still remained rather uncertain. The treaty could be renewed; and the Dutch negotiators were authorized, although wholly against their own good judgment, to make colonial concessions in exchange for some, unexplained, equivalent. About an equalization of navigation duties their instructions remained silent, suggesting only, in case of necessity, a reference to the government. Just here, however, lay the main point of difference between Goldberg and Van der Kemp and the main interest of an agreement between the Netherlands and the United States. The geographic situation of Holland and the consequent nature of her commerce were questions of special concern, not sufficiently known at first by the Americans and not fully realized by the Dutch themselves. During the preparations these factors had found expression only in the suggestion of Goldberg to include not only the carrying of national products but the whole trade in a reciprocal equalization of duties; in the final instructions, however, they were not further considered. How the difficulty which they caused developed into an obstacle to mutual agreement will be treated in the following chapter.

XIV. THE NEGOTIATIONS

THE AMERICAN PROPOSITIONS. — THE DISPUTE OVER COLONIAL TRADE. — THE QUESTION OF TRADE RECIPROCITY. — THE QUESTION OF A RENEWAL OF THE TREATY OF 1782

“The radical principle of all commercial
intercourse between independent nations
is the mutual interest of both parties”.

(President John Q. Adams, Annual
Message to Congress, December 4,
1827.)

The first conference ¹⁾ of the negotiations, held on the 28th of August 1817, was merely preparative and explanatory. Full powers were exchanged and verified. Gallatin for the United States, Goldberg for the Netherlands, stated and elucidated the existing laws and regulations and the tendencies arising from them concerning the commercial and tariff policies of their respective countries ²⁾.

Knowing the hesitating spirit in which the Dutch had made their preparations, and their disagreement in regard to the equalization of duties, one may easily conclude that the best way

¹⁾ Most data on the course of the negotiations are found in the official protocol of its sessions — the American copy being signed by Appleton and Gallatin, the Dutch copy by Delprat (see p. 267 footnote 6) — with enclosures, consisting of the “Notes explicatives” and “Notes officielles” exchanged during the negotiations (D. o. S. Despatches Netherlands vol. 4; R. A. Coll. Goldberg Port. 209, 211 and R. A. B. Z. Dossier 724). To these documents many of the following statements are referred, even when this is not expressly stated.

Another source of information is the official report of the American plenipotentiaries to their government (Sept. 22 1817, Gallatin and Eustis to Adams, D. o. S. Desp. Neth. vol. 4) and the report of the Dutch negotiators (The Hague, Oct. 27 1817, to the Minister of Foreign Affairs, R. A. B. Z. Dossier 724; published in „Economisch-Historisch Jaarboek” I p. 226); both with many informative documents.

²⁾ That these policies were so unevenly liberal was not mentioned in the protocol itself, but was stated in the concept-protocol of the first session, as draughted by Delprat (R. A. Coll. Goldberg Port. 209).

for the American plenipotentiaries to obtain an arrangement in accordance with their instructions would have been to urge a convention of the same general tenor as the British treaty. The question of equalizing the trade in national products alone was the uncertain spot in the Dutch attitude. Doubtless if it had been attacked there without delay the opposition of Goldberg and his party would have been duly conquered.

In the beginning, however, the Americans aimed higher than at a mere copy of the British treaty. In accordance with their instructions, which left them an alternative, they chose the more magnificent way of attempting to wrest from the Netherlands what Britain had refused to grant, i.e., admittance to the colonial trade on a complete equality with the national vessels. In the second session, of August 30th, they expressed as follows their principal propositions:

- 1°. the extension of the provisions of the treaty of 1782 to cover the actual state of the two countries, so as to include the Southern Netherlands in the Dutch Kingdom, on the one hand, and the additions to the United States, i.e. Louisiana, the enormous territory in the West, purchased from Napoleon in 1803, on the other. Although their instructions were silent on this head, their conference with Van Nagell had led them to adopt this proposition on the correct supposition that it would not be contrary to the intention of their government ¹⁾).
- 2°. Complete equality of duties on tonnage and on the importation and exportation of merchandise with the national vessels in the ports of the one party for the vessels of the other when coming from any port anywhere in the world with cargoes of any nature and origin whatsoever. This meant the most general and complete equalization of trade possible between two countries. This involved as a matter of course in the American policy:
- 3°. the unrestricted admission of vessels and cargoes of the United States in the overseas possessions of the Netherlands on the same terms with those of the Dutch; and it was expressly stated that in case any restriction or exception should be thought necessary in this respect, the second proposition

¹⁾ Report of Sept. 22 1817.

would have to be subjected to modifications also „d'après le principe de réciprocité" ¹⁾).

Finally they proposed, as ordered by their instructions, that 4°. the duration of the treaty should not exceed the term of eight years.

To neither the first nor the last of these propositions did the Dutch plenipotentiaries find serious reasons for objection. As for bringing the validity of the treaty of 1782 into accordance with actual conditions, their instructions had authorized them to agree to this. A like agreement had been made between the governments of Denmark and the Netherlands with regard to their old treaty of 1701 ²⁾. It would involve a joint official declaration rather than a new framing of the treaty and only some articles of minor importance concerning the neutral trade, they stated, would have to be adjusted to the altered conditions and ideas ³⁾; Goldberg and Van der Kemp at once gave a favorable answer therefore on this point ⁴⁾.

Nos. 2 and 3 required a more thorough investigation. The combination of these two liberal propositions was very radical indeed. Equalization of trade in the colonial possessions as well as in the mother country — it was impossible that the Netherlands would be able to live up to such an advanced idea. Not before the second half of the century was opinion to reach the point where mother country and colonies could be placed upon the same footing in regard to international economic policy.

But also from the American point of view it appears that Gallatin and Eustis played a high game when offering these articles. Monroe, when Secretary of State, had hinted at an extension of reciprocity (for the direct trade with foreign merchandise) in his note of November 1816 to Eustis. But the final instructions, although stating the principle of a general equalization of trade, had *not* supported it by pointing out the practical course to be pursued for its realization. And, at any rate, Congress had never been known actually to agree with such liberalism.

The trade with foreign colonies was a natural aim of every

¹⁾ Protocole Seconde Séance.

²⁾ Lagemans, Recueil, I p. 218 No. 60. Cf. p. 254.

³⁾ Report Goldberg and Van der Kemp, Oct. 27 1817.

⁴⁾ „Notules non-officielles de la conférence du 30 Août 1817" (R. A. Coll. Goldberg Port. 209).

American interested in commerce and navigation, and against a provision freeing it from restrictions no serious objection would ever be made; it was simply the general interest of the country to be admitted to it. But about complete trade equalization no opinion had yet been definitely expressed. In the Reciprocity Act of 1815 the tendency towards it already existed, as was to be shown by the passing of the Acts of 1824 and later. But still the question whether as early as 1817 the time was ripe for accepting this system could not be answered. The important difference between equalization of the direct trade for national produce and equalization of all trade whatsoever makes it doubtful whether such a provision would at the time have been ratified by the Senate.

As it was, this offer was merely made by way of necessary compensation for admittance to the colonial trade on equal conditions. The connection between the two points proves this clearly. Admittance to the colonies being demanded on an equal footing with the national vessels made simply inevitable the proposal of the same conditions for the trade with the mother country. The proposition is remarkable because it expresses to what lengths American diplomacy would be willing to go for the sake of a rightful admittance to colonial trade; it was merely an attempt to obtain this, rather than the consequence of a settled policy. Gallatin knew, from his experience in European diplomacy, that he had to offer all that could possibly be given in order to have a chance of success. He was probably the more eager to do this, because the result of such an offer might become a useful precedent; and he was more inclined to try out this experiment with a country of minor importance than in negotiations with a power like Great Britain. Hence, the combination of these two propositions without full authorization from the home government — weren't they in fact *plenipotentiaries*? — has the character of a doubtful offer in a game of chess, the eventual acceptance of which by the opponent is not certain to be advantageous to the first player. The fact of its being actually made, even if not accepted, however, is by itself important.

On the Dutch side Van der Kemp had already suggested a doubt arising from a consideration of the Reciprocity Act as to whether the Americans were really authorized to go so far as to

include merchandise of foreign origin (instead of the national produce alone) in the abolishment of discriminating duties for the vessels importing them ¹). To Goldberg's ideas a complete equalization of navigation would naturally appeal as far as the Netherlands in Europe alone were concerned ²). The other commissioner, however, held strongly to the point that such liberalism should be avoided ³). And Goldberg had to admit that his government had already digressed from the general policy of equalizing foreign with the national navigation. At the very time the negotiations were being held, two projects were under consideration for backing the national shipping business against foreign competition. One planned to charge the importation of salt by foreign vessels with an additional duty of fl. 1 per 100 pounds ⁴); the other, already mentioned by Wichers in his memorandum, involved an imposition of discriminating duties on the importation of tea by foreign vessels ⁵). Both projects induced the Dutch delegation to refuse to accept by conventional agreement a perfect trade equality which might eventually find itself in opposition to the legislative commercial policy of their country ⁶).

The treaty project of Goldberg had originated, however, in the correct consideration that a great deal of the commerce of the Netherlands consisted of the trade in foreign goods to other countries, by way of the Dutch markets ⁷). The supplying of the country's needs and the exportation of its national produce were

¹) Sept. 2 1817, Van der Kemp to Goldberg (R. A. Coll. Goldberg Port. 210). He admitted that this was a matter for their own concern, and not for the Dutch. Yet, it shows that the doubt existed whether the Americans should be taken entirely seriously or not; whether they could grant what they promised. The question treated here is similar to the one found in Wichers' objections to Goldberg's project.

²) In this opinion he must have been strengthened by an address of the Amsterdam Chamber of Commerce (Aug. 28 1817, 't Hoen and Westrik to Goldberg, R. A. B. Z. Dossier 724; enclosure No. 18 to Report of Oct. 27 1817), who urged, upon the grounds of justice and reciprocity, that they obtain from the United States a total repeal of the discriminations on tonnage and import duties levied in American ports on vessels of the Netherlands.

³) As Goldberg later on assured Appleton: "that during the late negotiations he was tenacious on no other point but that of the colonies. That it was Mr. Van der Kemp who objected to the extension of the principle of equality to the indirect trade". (Memorandum of Appleton enclosed with July 31 1818, Gallatin to Adams, D. o. S. Desp. France vol. 18.)

⁴) Enforced by law of March 6 1818 (Staatsblad No. 10). See chapter XIX.

⁵) It resulted in the law on the tea-trade of Dec. 24 1817. See chapter XIX. Also Van der Kemp had used this argument to refute Goldberg's treaty project.

⁶) Report of Oct. 27 1817.

⁷) This had been laid down already at the end of 1815 in Zimmermann's memorandum to his treaty project (R. A. Coll. Goldberg Port. 210). See p. 246.

but a small part of its entire commercial activity. Besides, the transit trade to and from Central Europe was rapidly on the increase; it comported with national interests to reserve a due portion of this to Dutch shipping, by obtaining equal conditions for the latter in foreign ports when carrying on this trade. To exclude the staple and the transit trade from the equalizing act would mean a denial of the geographical and commercial opportunities of the country. If Goldberg were obliged to drop his total-equalization scheme, the views of Van Nagell, Van der Kemp and others, which advised a restriction of trade equalization to the carrying of national produce alone in accordance with the policy of the United States, could not well be maintained either.

By the third session ¹⁾, consequently, the Dutch negotiators had adopted a middle attitude on this point. They expressed their agreement with the first and fourth propositions of the Americans, declined the third and accepted the second to the extent of equalizing the navigation duties on tonnage in general and those on merchandise as far as actually carried *directly* from one country to the other ²⁾. This counter-proposition meant a successful compromise between the two different sets of interests and ideas. Although the tariff system of the Netherlands did not discriminate between direct and indirect trade with foreign countries, it appeared that the interests of commerce and of navigation in the present state of affairs would make such discrimination necessary ³⁾. Therein lay the solution of the question. Only a provision equalizing the carrying of goods in the direct trade could, on the one hand, involve the most important part of the Dutch commerce towards America and, on the other, preserve for free regulation the various cases where the interests of navigation required a special protection. This solution, outlined by Goldberg and Van der Kemp during the negotiations, was something new; it became a cornerstone for the future commercial policy of the Netherlands in their relations with the United States.

With regard to the indirect trade, i.e. the importation of goods from a foreign port into either country, they proposed a recipro-

¹⁾ Sept. 3 1817.

²⁾ „... les droits sur les marchandises, pour celles chargées effectivement dans un des deux pays pour être exportées ou importées en droiture d'un pays à l'autre”.

³⁾ Report of Oct. 27 1817.

cal treatment of the vessels of each party on the footing of the most favored nation.

As for proposition No. 3, the admission to the colonial trade, the general attitude of the Dutch government has been treated in chapter X. The colonies should not be the subject of privileges in favor of other powers which might become binding upon the Dutch government. The principle of discriminating between foreign and national trade had been officially proclaimed as a basis for future regulations. In the year 1817 the colonial policy had not yet been definitively outlined, but each special favor to foreigners, however harmless at present, had to be avoided, for the sake of keeping free of obligations as well as for reasons of principle. This line of reasoning induced the Dutch commissioners to show as little leniency as possible ¹⁾. An equal place with other powers, the usual most-favored-nation clause, was the best that the United States could obtain by treaty, — but in exchange, of course, for counter-favors.

Goldberg and Van der Kemp's reply to this proposition set forth the colonial system of their government, the footing upon which the Americans were already received, and the necessity for asking an equivalent from the United States. They declined upon these grounds the third proposition, but offered to amend it so as to admit Americans as the most favored nation in His Majesty's overseas possessions in return for an obligation of the United States to grant such a favor to the navigation of the Netherlands as might counterbalance this concession. Informally they suggested therefor a reduction of the American duties on Dutch cheese, gin, etc. ²⁾.

The insertion of a provision granting the right to participate in the colonial trade on a footing of equal advantage with national vessels was absolutely out of the question. The government of the Netherlands simply could not consider the colonies as an integral part of their country, any more than could the British ³⁾ or any

¹⁾ Report of Oct. 27 1817.

²⁾ Report Gallatin and Eustis, Sept. 22 1817.

³⁾ As Adams, Clay and Gallatin himself had experienced in 1815 at London, when negotiating the commercial convention with Great Britain. The same questions with regard to colonial trade, to the West Indies, to the equivalent demanded, etc. had arisen there as would come up here. (Correspondence in A. S. P. Foreign Relations, IV p. 8, 11 f.)

other colonial power. Here also American diplomacy would bump its head, as Gallatin and Eustis already felt they were doing. "On this point the commissioners on the part of the King appear inflexible", wrote Eustis to the President ¹⁾ after the experience of the third session, in a rather disenchanted and now uncertain mood. For even the admittance upon a footing of the most favored nation had become doubtful through the demand for equivalents. They would need all their power to obtain it. The whole first set of propositions must be abandoned and the aim of their negotiations entirely changed. Gallatin and Eustis came back to the hard facts of their instructions. Neither reciprocity in the colonies nor complete trade equality in general could be maintained as suitable points of discussion. They arrived thus at what rationally should have been urged from the first moment, if they had known the details of the attitude of the other party. Having already expressed the dependence of the proposition of trade equality upon that of reciprocity in the colonies, they now withdrew their extensive and far-reaching offers, and worked from this time on for the adaptation of the more ordinary scheme of the British treaty.

In the next, the 4th, session they communicated this change of mind, declaring by a special "Note Verbale" that the reciprocity-stipulation had been proposed only on condition of admittance to the colonies upon an equal footing; moreover, they had no authorization to offer any equivalent for the colonial trade. The new proposition which they consequently made ²⁾ concerning the trade between the United States and the Netherlands in Europe contained an equality of tonnage duties, an equality of importation duties on the merchandise of *national* produce alone — according to the Act of Reciprocity — and no more than the most-favored-nation treatment with regard to all other trade. The question of the colonial trade then became a separate point, sub-divided into the admission to the West Indian and to the East Indian possessions. In both they followed closely the British treaty and especially with regard to the West Indies they adhered carefully to the general American policy. An Official

¹⁾ Sept. 3 1817, Eustis to Monroe, private, (L. o. C. Monroe Papers, vol. 16).

²⁾ This proposition is not inserted in the Protocol. It is found as a special enclosure (No. 3) with the report of Gallatin and Eustis of Sept. 22 1817.

Note addressed to the King's plenipotentiaries on the 8th of September, before the opening of the Fourth session, gives full evidence of their arguments. The trade between the United States and the West Indies being of special interest to each party owing to the geographic situation of America and its ability to supply these colonies with articles of provision and lumber — as had been proved in every period of war conditions —, the United States government felt that they had special claims with regard to this trade, based upon the natural rights of geographical conditions and avowed commercial advantages; “. . . . the injustice [they wrote] that one of the parties should exclusively regulate an intercourse avowedly beneficial to both, and at times absolutely necessary to the existence of the colonies, [has] long been felt in the United States and call'd forth the anxious attention of their government”. “A total removal of all restrictions, would not only be advantageous at this time to the United States, but would also, by augmenting and facilitating the means of supply, increase the productions of the colonies and add thereby to the wealth of the mother-country”. A mere admission upon the footing of the most favored nation, which still left the mother country's trade in a special position, could never be in agreement with these natural rights of the United States. Rather than be satisfied with such admission, therefore, they kept refusing any regulation which did not grant the concessions due to their natural rights.

The matter touched closely their controversy with Great Britain. It made them the more cautious about making any concession to the European colonial system ¹⁾. Since in the Dutch West Indian possessions and Surinam the Americans already enjoyed an especially favored position, caused by this very necessariness of American trade to the provisioning of those colonies, a most-favored-nation treatment would involve no advantage ²⁾. Consequently in the present negotiations with the Netherlands the commissioners preferred to stipulate nothing that might be taken as a precedent by other powers; but simply to adhere to the settled policy, expressed in regard to Great

¹⁾ Ratification of a compromising provision on this head in a treaty concluded with Sweden in 1816 had been withheld by the Senate for the same reason. See below p. 335.

²⁾ Report Sept. 22 1817.

Britain, of demanding a further abolishment of all restrictions. This they did, stating explicitly that a regulation of the trade to these colonies like that offered by the other party could never be accepted as satisfactory to their home government.

As for the East Indies — the Java-trade —, the United States could not claim special rights from geographical conditions. They simply wanted for their own advantage a participation in this trade, if not upon an equal footing with the mother country, then at least upon the same footing as other foreign powers. Following the provisions of the British treaty, the commissioners proposed the most-favored-nation treatment and continued to urge it strongly on subsequent occasions. At the same time they declared that the only equivalent which the Netherlands could expect in return was to be found in the advantages which the mother country would derive from this regulation itself and from the whole intercourse with the United States in general; at any rate they were *not* authorized — and probably would never be — to give any other equivalent as the price of such admission. That would simply be inconsistent with the ideas which prevailed in the United States regarding the colonial system. They explained this attitude by the contention that the whole question of the colonies was only a matter of name; that Louisiana actually produced “colonial” wares (sugar, cotton) and that therefore, since the United States had opened this territory to all foreign trade by recognizing it as a state of the Union, they had a right to claim the admission of their national vessels to like “colonial” territories of other nations, upon the principle of reciprocity.

With this by nature one-sided American view the Dutch could not be brought to agree. It involved a real collision of the two attitudes, expressed in the exchange of several Notes ¹⁾ and verbal communications. Van der Kemp, the expert on colonial affairs, draughted in reply a note “sur les colonies” ²⁾, which breathed most emphatically the spirit of an exclusive colonial system, as generally in vogue in Europe, and which we have described in Chapter X. Colonial possessions, it said, were maintained in the first place for the service and profit of the mother-

¹⁾ The American note of Sept. 8th, the Dutch note of Sept. 12th, the American reply of Sept. 16th and the final Dutch answer of Sept. 30th.

²⁾ In R. A. Coll. Goldberg Port. 210.

country, and were not united with other parts of the State as equals under the same general laws; it was this fact, and not the nature of their produce, that determined their character. Hence the admission of foreigners was considered a favor, and the Dutch negotiators had no instructions „de permettre des concessions plus spéciales à l'avantage des Américains dans les colonies dont ils ne jouissent à présent”.

These observations, supplemented by those of Goldberg, were shaped in an official Note which was transmitted to the Americans on the 12th of September. It dwelt extensively upon the colonial system and upon the present favors enjoyed by American trade and it repeated the conclusion that a most-favored-nation clause, to be inserted on condition that a just equivalent be accorded in return, was all that could be granted ¹⁾. As the American plenipotentiaries found themselves without authorization to offer such an equivalent advantage to Dutch commerce, the only thing that remained to be done was to omit the colonial trade from the provisions of a convention ²⁾. In the conference of the following day this statement was repeated verbally by Goldberg. The American plenipotentiaries „ayant déclaré ne pas se trouver autorisés de faire aucune concession subséquente pour balancer cette admission, nous préférons de ne rien stipuler du tout par rapport aux Colonies”.

American diplomacy had not met with so firm an attitude even in England, which had at least granted a most-favored-nation treatment in the East. It is typical of the Dutch policy, of the cautious management of its colonial system, that not even the British example made them give way to American insistence ³⁾.

The Dutch negotiators certainly did adhere closely to their instructions — and doubtless to their own opinions — when they asked for an equivalent. At last they went so far as to give up

¹⁾ In this wording: „les plénipotentiaires du Roi se trouvent dans la nécessité de déclarer qu'ils ne peuvent faire aucune stipulation à l'égard de la navigation et du commerce des Etats Unis dans les colonies de S. M. le Roi, avant que Messieurs les plénipotentiaires des Etats Unis se trouvent à même de proposer tel équivalent”.

²⁾ Upon the consideration that the extension of the U. S. by Louisiana, after 1782, was sufficiently counterbalanced by the extension of trade possibilities which the Netherlands offered to the U. S. by the addition of Belgium to their former territory.

³⁾ In their report of Oct. 27 1817 the Dutch afterwards explicitly declared „dat het voorbeeld van Engeland in dezen niet toepasselijk is, omdat de belangen verschillend zijn”.

for the moment the equivalents themselves, but in order, it seems, to maintain the legitimacy of their colonial system they insisted that the right to demand equivalents be recognized. We find from the hand of Goldberg a small note purporting as follows: „Si les Etats Unis n'ont pour le moment aucun équivalent à nous offrir, nous nous contenterons de leur promesse de nous admettre sur le même pied dans de pareilles possessions qu'ils acquerront dans la suite” ¹⁾. Accordingly a provision was proposed to the American commissioners that should the United States ever acquire colonies in the future, they would grant similar favors to the Netherlands for the colonial trade. Thus, missing the whole point of the American attitude, the Dutch negotiators demanded by implication a recognition of the righteousness of that very colonial system which it was one of the primary aims of American policy to break down. The reply of Gallatin and Eustis briefly stated that their country had neither any desire of acquiring colonies nor could “on the face of a treaty” admit such an intention ²⁾.

A note of the 16th of September replied to the Dutch note of the 12th. The Americans again expressed their preference that in case no extensive rights could be given in the West Indies, no provision at all should be made about them. “We were aware”, they stated later on in their report of September 22nd, “that we ought not to accede to any stipulation on that subject, which might be inconsistent with the general policy of the United States towards Great Britain and the other Powers who have Colonies in the West Indies”. Furthermore, although expressing their gratitude to the régime of the King who had *de facto* placed American navigation upon the footing of most favored nations, they discoursed extensively on the colonial system and its detrimental effects for the United States. The latter had adopted the policy of recognizing each enlargement of their country as an integral part thereof, and of opening the ports of such acquisitions to all foreign navigation by making them states. From this liberal course resulted, however, the consequence that other powers now demanded equivalents for an admission to their colonial trade. Thus its liberalism placed the United States on a less favorable

¹⁾ R. A. Coll. Goldberg Port. 210.

²⁾ Report Sept. 22 1817.

footing than nations which had preserved the mercantilistic system ¹⁾).

The note became a stern protest against the tendencies of the European system and the "preposterous ground" of colonial equivalents ²⁾; as such and couched as it is in a general style, it is a typical document in the development of the American non-colonization principle. It ends with the threatening suggestion of an aggressive policy, into which the injustice of other powers might force the government of the United States: „l'on ne voit pas quel intérêt l'on pourrait avoir à les forcer, contre leur gré, afin de se mettre sur un pied d'égalité avec les autres puissances commerçantes, de sortir de la ligne politique qu'ils se sont tracée, et de former, ou disputer avec d'autres nations, des établissemens dans les Indes".

The Dutch reply was given only after the negotiations had been terminated. They had however, made clear their standpoint, that no privileges could be granted in the possessions except when balanced by an equivalent. The Americans having expressed their refusal to give such an equivalent, it is obvious that no agreement was any longer possible.

On the other point proposed by the Americans in the fourth session, concerning the trade between the Netherlands in Europe and the United States, the Dutch attitude was, as we have seen, not nearly so cohesive as it had been about the colonial system. The proposition to limit the Dutch suggestion of an equalization of the direct trade between the two countries to the trade in *national* produce only found a certain agreement at The Hague. Van der Kemp declared that in general he had no objections ³⁾. But Goldberg, who had been in favor of a complete equality of shipping conditions, could not be made to agree with any such regulation as would tend to neglect the trade in foreign merchandise, which was essential to the staple commerce of the country. „Notre situation géographique nous défend d'accepter la réduction de ces stipulations, aux produits et fabriques des

¹⁾ They dwelt also on the eventual balance of commercial interest between Louisiana and the Southern Netherlands.

²⁾ Report Sept. 22 1817. Quoted also by Henry Adams: *The Life of Albert Gallatin*, p. 568.

³⁾ Sept. 1817, to Goldberg (R. A. Coll. Goldberg Port. 210).

deux Pays", he declared in the next session (Sept. 13). He had rejected the former American proposition because it included the colonies, but could not accept the present one any better. Only an inclusion of the whole direct trade between the two countries, in the proposed equalization, would, he figured, give a suitable balance in the mutual intercourse ¹). And although Van der Kemp represented, as we have seen, the opinions of a whole faction in his government, Goldberg managed to make his own views prevail in the final attitude of their delegation.

This attitude was fully discussed in an official Note of the same day from the Dutch negotiators. It analyzed the nature of the trade of the Netherlands. The country was, they said, or was to be a market for all sorts of foreign merchandise. Only a small part of its exports consisted of articles of national produce. Whereas the United States exported chiefly the products of their own agriculture, the Netherlands exported — or reexported — merchandise from the surrounding countries to the United States. An equalization of the trade of national produce alone would therefore not be at all equally and reciprocally advantageous to both countries. The result would be that Americans arriving with their exports in Dutch harbors would be treated upon the same conditions with the national ships, but that Dutch vessels carrying goods from their home markets into the United States would be equalized with the national vessels only for a small part of their cargoes. In the Eastbound voyage of the mutual intercourse the vessels of both countries would be treated on equal conditions (in the Netherlands), whereas in the Westbound voyage Dutch navigation would enjoy not more than a partial equality of duties with the American (in the United States) ²). Only an equalization of *all* direct trade between the two countries would afford sufficient reciprocity, and had therefore been proposed in the third session.

This reasoning was sound, contained good arguments, and gave

¹) Report Oct. 27 1817.

²) For example: „Un fabricant d'Allemagne et de la Suisse pourrait convenir sur un marché avantageux avec une maison de commerce à Philadelphie, à Boston, à New York, et faire passer sa marchandise en transit par le territoire des Pays-Bas pour être transportée dans un navire américain, tandis que le négociant néerlandais ne pourra débiter cette même marchandise qui fait partie de l'assortiment qu'il conserve à grand frais, ni choisir un navigateur compatriote pour transporter sa marchandise, à frais égaux avec le navigateur américain”.

full evidence of the characteristic elements in the nature of Dutch commerce ¹). It tended to open the eyes of the Americans to the peculiarity of conditions in this special case; they duly admitted in their final report home that the interests of Holland in her natural function of being the highway from Central Europe to the sea could not be denied, nor could her government be expected to neglect them. It is to be remarked, however, that this recognition of the international character of Dutch trade did not quite concur with the object of Goldberg's observations. Whereas the latter wanted to rebuild in the Netherlands a general market for the surrounding countries, for world trade if possible, — an ideal from the past —, the American concession was meant for an ordinary transit trade. Gallatin and Eustis consented to admit that the geographic situation of the Netherlands, at the estuaries of several great European rivers, gave Dutch trade an international basis by the natural connection which these rivers established between the sea and the respective countries through which they flowed. There was "considerable force" in the Dutch argument, they wrote, so far as it applied to "that part of Germany and Switzerland of which Holland and Antwerp may be considered as the natural sea-ports" ²). Although neither their instructions nor the British treaty contained a provision for this particular situation, they took it so seriously that, as they afterwards declared — observing that Congress had countenanced similar conditions by an Act of March 1, 1817 ³) — they would have been disposed to consider the Dutch proposal favorably if

¹) The note went on defending its case by poorer motives, e.g. the possibility of frauds, a free-trade argument never successful with a power whose general commercial system does not recognize its value.

²) Report of Sept. 22 1817. The same thing had been admitted by England in 1667, at the peace of Breda, where she consented, in one of the additional articles of navigation and commerce to the treaty of peace, to exempt from the provisions of the Acts of Navigation the goods of the German hinterland, carried in transit by Dutch vessels: "II. That for the elucidation of that act which the King of Great Britain caused to be published in the year 1660, for the encouragement of navigation in his own subjects, whereby strangers are prohibited to import any commodities into England, but such as are of their own growth or manufacture; it may be lawful for the States General, and their subjects, to carry also into England in their ships, all such commodities as growing, being produced, or manufactured in Lower or Upper Germany, are not usually carried so frequently and commodiously unto seaports (thence to be transported to other countries) any other way but through the territories and dominions of the United Netherlands, either by land or by rivers". Translation, from the Latin text, in "A collection of treaties between Great Britain and other powers, by George Chalmers", I (London 1790), p. 152.

³) See below, chapter XVIII, p. 336.

it had been limited to the natural objects of the ordinary transit trade, the articles "most usually first shipped [in overseas trade] from the ports of the Netherlands". In that case they might have accepted it, they said, in exchange for a suitable admission to the East-Indian colonial trade. American most-favored-nation relations with England, France and other European powers, however, forbade them to accept a regulation of direct-trade equality which included the produce of those countries on reshipment from the Dutch staple market ¹).

It is remarkable that the Dutch negotiators paid no attention to this new possibility. We find mention of it in the American final report on the negotiations, but not even a reference to it anywhere else. Apparently it was never given serious consideration on the Dutch side, where aspirations for a general staple commerce still prevailed in the desire to favor the trade in *all* merchandise, exported and reexported, to the United States. It is a curious coincidence, however, that while the Americans were disposed to make this concession of equalizing what was in fact *the most important part* of the direct trade in return for an admittance to the colonies, the Dutch, in the last conference, declared that if the American delegation had accepted the equalization of *all* direct trade, they might have found this a sufficient equivalent for admittance to the East Indies upon the footing of the most favored nation ²). If this is so, we may conclude that only the fact that they themselves had not yet acknowledged the transit trade to their natural hinterland as the essential element of their reexporting business prevented the Dutch from arriving at an arrangement at this juncture. The issue turned upon the recognition of the existence of the transit-trade over the historical pretensions to staple commerce; it is a regrettable circumstance that the Dutch documents do not give any information on this point.

As it was, the American negotiators felt so strongly bound by their instructions and by the existing relations of the United States with other nations that they were not prepared to accept the Dutch proposition. In their reply (of September 18th) they

¹) This argument was later on emphasized by Adams, to Ten Cate (Jan. 3 1818, Ten Cate to Van Nagell, R. A. B. Z. I. S. 1818 No. 541).

²) Report American delegation, Sept. 22 1817.

easily refuted the minor arguments of Goldberg and Van der Kemp. To the argument for the interests of the Netherlands they opposed the advantages of the United States. Their country, they said, in its isolation from other foreign ports, would never receive profits from a total equalization of direct trade in the same way as would the Netherlands. The double freight costs for a shipment via the United States of, for instance, Brazil sugar to Amsterdam, would at any time prevent an actual competition with the direct shipments by Dutch vessels from Brazil to Amsterdam; on the other hand, by their proximity to foreign countries, Dutch merchants could easily compete with American navigation in having foreign merchandise shipped from Europe to America via their ports. This argument did not affect the natural transit trade, going in the least expensive and most convenient way along the Rhine and other rivers to and from Central Europe. It was used only in order to decline a provision which would have assisted the Dutch in reestablishing their country as a central market of Europe. The Americans refused, as we have seen, to accept a regulation which would put the Dutch shipping business and staple trade in an especially favored situation at the cost of the direct intercourse of other countries with the United States.

The whole question was unprecedented, and no solution fitted smoothly into the policies of either party. Neither delegation was instructed on this problem, nor would accept the responsibility for solving it. Therefore Gallatin and Eustis decided to refer it for consideration to their government. They maintained formally the proposition they had actually made concerning the trade in national produce alone ¹⁾, and stated that, as the attitudes appeared to be opposed at many points, it seemed impossible to arrive at an agreement upon this subject.

Neither upon the colonial trade nor upon the trade between the United States and the Netherlands could an understanding be reached. The extensive American proposition to equalize all trade, including that of the Dutch colonies, had been declined by the King's commissioners in regard to the colonies and limited to the direct trade solely for the intercourse between the United States and the Netherlands in Europe; it had then

¹⁾ Also in the discussions of the 6th Conference, Sept. 18th.

again been restricted by the Americans to the carrying of national produce alone, but was refused in that form. Not even the strongest insistence, which Gallatin continued until the last moment ¹⁾, could obtain from the Dutch a concession of lawful admittance — either on a basis of reciprocity or on the footing of a most favored nation — to the colonial trade, a point to which from the beginning the American delegation attached the greatest importance. The stipulation of the mutual abolishment of discriminating tonnage duties alone had not met with objections on either side. The Dutch refused, however, to make this a subject of arrangement when no agreement could be obtained on the repeal of discriminating duties on merchandise, since it suited the commercial policy of their country better to countervail the American additional import duty on merchandise in foreign vessels by levying a discriminating tonnage duty than by making any other kind of charge ²⁾.

Perforce attention then returned to the first of the original American propositions. The treaty of 1782 had still to be renewed. The Dutch negotiators were much in favor of effecting at least this arrangement, which seemed certain of success, to judge from the expression of willingness of the Americans, and they worked for it during the following days. Van der Kemp sent to Goldberg his project-proposition for extending provisionally the treaty of 1782 to cover the present size of both countries, and for referring the other questions to the respective governments ³⁾; at the same time a draft of a declaration was made, similar in tenor to the Danish-Dutch declaration of July 10th, reinforcing the old treaty and applying it also to the present dimensions of either party ⁴⁾. In regard to commercial policy this did not have much importance. The treaty contained a most-favored-nation clause and excluded the colonies from its provisions; that was all there was to it.

The reservation, however, which the Dutch had made at the beginning of the negotiations with regard to some points of international law became of greater weight than had been expected.

¹⁾ As appears from two letters, Sept. 16 and 23 1817, of Delprat to Van Nagell, who was on a vacation on his estate in Guelderland (R. A. Coll. Van Nagell).

²⁾ Report American plenipotentiaries, Sept. 22 1817.

³⁾ R. A. Coll. Goldberg Port. 210.

⁴⁾ Ibid. Cf. p. 254.

The attitude of the government of the Kingdom of the Netherlands about the international rights of neutral trade proved to be different from that of the old Republic, which was expressed in the treaty of 1782. The two memoranda on North America of September and October 1815, presumably from the hand of Van Hogendorp ¹⁾, had expressed the desirability of abandoning the binding obligations of the principle of "free ship free goods" contained in the treaty. During thirty years, the former observes, "we have experienced the consequences of this principle and we have lost our commerce and our colonies; if we had abandoned it, we should have preserved neutrality and an extensive commerce for ourselves". It considers the possibility that England may be at war again with America, as in 1813, and not disposed to involve Holland in the hostilities. In that case the opposition between, on the one hand, the rule of "free ship free goods", which would entitle Americans to ship their merchandise in Dutch vessels, and, on the other, the British policy of denying this rule combined with the British dominion of the Ocean, would force the Dutch to give up the neutral trade entirely ²⁾. The latter memorandum proposes therefore to adopt the principle only for cases between the two parties, and to free them from the obligation of enforcing it against the divergent rules of other nations, which either would result in war or would involve the necessity of abstaining from all neutral trade for as long as the maritime power failed to enforce its observance with success.

In accordance with these considerations the treaty project of Goldberg did not contain the disputed principle ³⁾. Also Van der Kemp stated as his opinion ⁴⁾ that its application would depend upon its general acceptance by all nations, and that before deciding upon a definite policy, one would have to know the attitudes of other powers, and of Great Britain especially.

This complete change in the Dutch attitude is accounted for by their position of dependence on the power of Great Britain. As late as 1780 they had still confronted her policy of confiscating all enemy goods with an open avowal of the right of neutrals to convey these goods, prepared to defend their right against

¹⁾ See p. 242.

²⁾ Compare chapter IV p. 69 f.

³⁾ Econ. Hist. Jaarboek I p. 225, art. 15. See p. 248.

⁴⁾ Aug. 19 1817. See p. 258 f.

attacks by her navy forces. But since 1813 they were so tightly under the influence of this protecting ally that they meekly admitted the impossibility of opposing any of her rules.

The present propositions of the Dutch commissioners evinced therefore perfect submission to the British dominion of the seas. They objected to Article 5 of the old treaty, which pledged each party to protect in certain cases the merchant vessels of the other against a common enemy, for the reason that this might involve one party in the wars of the other ¹⁾. And they "particularly insisted", as the Americans report ²⁾, that the stipulation of the "free ship free goods" principle and of the protection of foreign subjects on board a neutral vessel should be struck out from Article 11 ³⁾.

Upon the assertion of the Americans that they did not feel authorized to agree with any important alteration, Goldberg and Van der Kemp finally withdrew these amendments, stating that they would make a written declaration in order to express the meaning which the government of the Netherlands attached to these articles. Gallatin and Eustis were apprehensive, however, of the precariousness of any settlement of this matter. The second point of the rejected paragraph in Article 11 touched the very question of the impressment of seamen which had become a *casus belli* in 1812 ⁴⁾. Although the peace treaty of Ghent had not settled this question in any way, the American government still aimed in their foreign diplomacy at an agreement by which Great Britain would pledge herself to abstain in future from such practice of impressment. Any deviation from their formal attitude

¹⁾ The final report of the American commissioners to their government states this reason as the prevailing objection used on the Dutch side. A note in pencil-writing to Art. 5 of a copy of the old treaty (in R. A. Coll. Goldberg Port. 210) expresses however the more plausible opinion that this article was to be reserved for a treaty of alliance in case of war.

²⁾ Report of Sept. 22 1817.

³⁾ Report of the Dutch commissioners, Oct. 27 1817: „de stelling van „vrij schip, vrij goed”, welke in het slot van artikel 11 van het traktaat van 1782 uitdrukkelijk wordt gehandhaafd en welke de voorzigtigheid gebiedt tegenwoordig of geheel met stilzwijgen voorbij te gaan of niet dan voor zooverre mogelijk obligatoir te maken”. — The relative paragraph of article 11 stipulates "most expressly" that "the free vessels shall assure the liberty of the effects with which they shall be loaded, and that this liberty shall extend itself equally to the persons who shall be found in a free vessel, who may not be taken out of her, unless they are military men actually in the service of an enemy".

⁴⁾ See chapter IV, p. 63.

with regard to other powers would of course tend to weaken the cause of the United States with Great Britain. In order to avoid compromising themselves, the American plenipotentiaries therefore preferred not to treat this subject at all. Even such a declaration as was proposed by the Dutch would have embarrassed a reënforcement of the old treaty.

As a matter of fact they were in the dark as to the opinion of their government about the whole question of a renewal as well as about the "free ship free goods" principle. Seeing that there was no prospect of concluding an arrangement on any of the points on which they were instructed, they decided to abandon the negotiations entirely, and chose the most friendly manner of doing so, namely by proposing to suspend them for the present ¹⁾. Especially Gallatin was disappointed by what, as he must have realized, was a diplomatic defeat, namely that he had not obtained the slightest concession in regard to the colonial trade. Besides, he found the long duration of the affair disagreeable ²⁾ and became impatient to return home to his legation in Paris ³⁾.

In the 7th session, on September 20th ⁴⁾, the American commissioners consequently digressed again from their first attitude, stated that probably the United States would want to shape the whole matter into a new treaty, and proposed to refer it to the respective governments, meanwhile suspending the conferences. Only after prolonged discussions did the Dutch negotiators consent, "par une condescence amicale" ⁵⁾, to agree with this unexpected proposal.

It is obvious that this rather sudden, although from the American point of view highly reasonable, breaking up of the conferences made it seem to the Dutch as though the Americans must be in great need of sufficient instructions, and led them to infer that this had been the main reason for suspending the

¹⁾ Report of Sept. 22 1817.

²⁾ Both Goldberg and Van der Kemp were occupied by their regular offices during most of the time.

³⁾ James Gallatin, l.c. p. 112. As soon after the termination as he had made out in coöperation with Eustis the report to their government, he left for Paris.

⁴⁾ See, besides the protocol, a P. M.-document, written by Delprat, on the actual course of this last session (R. A. Coll. Goldberg Port. 209).

⁵⁾ P. M. by Delprat.

negotiations, which they supposed were to be taken up again as soon as new instructions had been received ¹⁾).

They were mistaken. The suspension was meant to be of indefinite duration. The negotiations had failed owing to a lack of that knowledge of each other's principles and special interests which is the very foundation of a good understanding.

¹⁾ As such it was represented for instance to the King in a provisional report of the two commissioners de dato September 22 1817 (R. A. Coll. Goldberg Port. 209). The same opinion was officially expressed in a notification inserted in the „Staatscourant” of Sept. 25th. Eustis duly protested against this representation and obtained a better wording and amended view on the matter by a new notification („Staatscourant” of October 8) stating that the negotiations were provisionally suspended, both governments being referred to by the respective plenipotentiaries (Compare R.A.B.Z. 1817 I. S. No. 4329 in *Verbaal* I. S. No. 118).

Likewise on Sept. 23 Delprat stated to Van Nagell (R. A. Coll. Van Nagell): „Aujourd'hui M. Gallatin repart pour Paris d'où nous l'attendrons en bonne dévotion”.

XV. THE AFTERMATH OF THE NEGOTIATIONS; THE DUTCH RETALIATORY DECREE OF NOVEMBER 24, 1817

IMPRESSIONS OF THE FAILURE OF THE NEGOTIATIONS, IN AMERICA; — IN THE NETHERLANDS. — REPORT OF GOLDBERG AND VAN DER KEMP, AND THE CONSEQUENT ROYAL DECREE OF NOVEMBER 24TH.

Directly after the suspension of the conferences, before Gallatin rushed away to Paris ¹⁾, the American plenipotentiaries performed the final duty of their joint commission, the draughting of the official report of the negotiations to their government. They finished and dated it on September 22, 1817 ²⁾.

The report gives a detailed and extensive account of the course pursued, of the difficulties encountered and of the reasons which had finally induced them to suspend the negotiations. Whereas it dwells mostly on the reasonable demands of the United States, it gives credit also to the many liberal regulations in force in the Netherlands. From the tenor of their observations it appears that they had little expectation of a resumption of the negotiations in the near future. But their conclusion conveyed the opinion that if ever a new arrangement were to be made with the Netherlands, it would most likely contain nothing more than most-favored-nation treatment in the East Indies, and would have to extend reciprocity in the repeal of discriminating duties at least to those for the manufactures of Germany and Switzerland as well.

In the last part of their report they stated the complaints of the other party that the general repeal of discriminating duties for American navigation in the ports of the Netherlands had not

¹⁾ The 22d of September he departed from The Hague, arriving at his residence on the 29th (Oct. 8 1817, Gallatin to Adams, D. o. S. Desp. France).

²⁾ The Hague, Sept. 22 1817, Gallatin & Eustis to the Secretary of State (D. o. S. Desp. Neth., vol. 5).

been met with reciprocal measures in the United States. They admitted the justice of these complaints and said that they had regretted during the negotiations that no such reciprocation had been made. Under the impression, evidently, that there might be danger of retaliatory measures by the King's government, and considering that "the mutual repeal is at this time clearly in our favour, since the number of American vessels which enter the ports of the Netherlands is much greater than that of Dutch vessels which enter the ports of the United States", they submitted to the views of the President the question whether the discriminating duties should not be repealed in regard to the vessels of the Netherlands. They advised that such repeal be given a retroactive effect to the date of the Dutch regulation, and that, in conformity with the British convention, the discriminative tonnage duties as well as those on merchandise of national produce be included in it ¹⁾. This measure would at present satisfy the King's government, and "prevent their again imposing their extra-tonnage duties on American vessels".

From other documents also it appears that the impression existed in the United States that the question of the discriminating duties had unfavorably influenced the course of the negotiations. In two letters which Eustis wrote to the Secretary of State ²⁾ he intimated the dissatisfaction felt by the Dutch government on account of the failure of the United States to reciprocate their steps, and seemed impressed, as Adams writes in 1818 ³⁾, that the going astray of his despatch communicating the repeal of discriminating tonnage duties with regard to American vessels by the Dutch government was an important cause of the failure of the negotiations. If this be the case — and without doubt the undue postponement of reciprocal measures at least affected Dutch faith in the goodwill of the American government ⁴⁾ —, the shortcoming on the American side was caused

¹⁾ On this head, as appears from a comparison with their above-mentioned conclusion, they made a difference between the content of a conventional agreement and that of an American legislative arrangement.

²⁾ The Hague, Sept. 27 1817, and Bordeaux, March 7 1818, (both in D. o. S. Desp. Neth.).

³⁾ Aug. 10 1818, Adams to A. H. Everett (D. o. S. Instructions). See p. 227, 228, chapter XI.

⁴⁾ Compare, for instance, the tenor of Ten Cate's despatches on this head, chapter XVI. Also: Goldberg and Van der Kemp's letter of Sept. 30th, treated below, p. 301.

by a misunderstanding among the Executive officials, and was mostly owing to the negligent attitude of Monroe. Notwithstanding the constant prompting of Ten Cate at Washington, Monroe had kept postponing the question of the repeal of discriminations for vessels of the Netherlands until he could refer the *chargé*, in the spring of 1817, to the proposed negotiations. Letters from Eustis had arrived at the same time, also advising reciprocation, but these had likewise not been given serious consideration. Nevertheless, when the instructions for the commissioners appointed for the negotiations were made out, they contained not a word suggesting that the question even existed, let alone that treatment of it had been promised to the Dutch *chargé d'affaires*. When consequently at The Hague the failure to reciprocate was complained of to the American plenipotentiaries, these were not informed about the attitude of their government, and could only express a vague hope that the corresponding arrangement would soon be made. Thus they had to depend on the measure they hoped their government would take at home, whereas the government was depending on what *they* might be able to obtain in the negotiations. One can hardly call this a well-arranged understanding.

Another thing which had struck Gallatin and Eustis was that although their preliminary interview with Baron Van Nagell had given them reasonable hopes that a suitable agreement would in due time be obtained, the final attitude of the Dutch negotiators had been much less concessive. Especially in regard to the colonial trade had this change been noticed, as Secretary Adams afterwards said to Ten Cate: „Depuis l'ouverture des conférences entre les commissaires les affaires avaient entièrement . . . changé de face”¹⁾. However, our study of the preparations and of the negotiations themselves shows clearly that the attitude of the Dutch commissioners had been only too consistently European. If Van Nagell had expressed a spirit evoking expectations which Dutch policy could not afford to realize, this was a private mistake on his part. When the unofficial interview took place, the preparations for the negotiations were still under Goldberg's leadership and Van Nagell had had no information about them, nor

¹⁾ Febr. 16 1818, Ten Cate to Van Nagell (R. A. B. Z. Dossier 724).

had he made any study of the attitude which the Netherlands would have to assume therein. Thus, after all, it appears to have been an unconscious mistake of the Americans that they went to the Minister of Foreign Affairs for a provisional exchange of thought. The interview did induce the Minister to meet the American points, in his instructions, in opposition to Goldberg's plans, but it also led the United States commissioners to shape their course in conformity with his unfounded intimations and consequently to attack at the start the colonial system of the Netherlands which was so firmly established in the ideas of their opponents. Only when it was too late could they realize that this procedure had been wrong.

As it was, however, Eustis, not being aware of all this, when he observed the difference between the attitudes of the Minister and the commissioners decided that the Dutch policy had undergone a change, and ascribed this to outside influence. "How far the refusal to admit us by treaty to their possessions in the East Indies is to be ascribed to the influence of the merchants of Amsterdam, who are very jealous and have not been inactive on this occasion, we may judge from the very different view of the subject communicated to us by Mr. de Nagell", he writes home ¹⁾, and such was doubtless the opinion of Gallatin also.

There is no reason for denying that in many ways the merchant class had tried to influence the attitude of their representatives at the negotiations. It was a general question at the time in what way the colonies could be made of greater economic advantage to the mother country, and most of the people concerned held the view that they should be more effectively closed to foreign competition. For this purpose Van der Kemp had been approached by the Rotterdam merchant F. Smeer ²⁾. Likewise Goldberg had twice been addressed by a person interested in the colonial trade on the desirability of not binding the government, by any restriction in the form of a favor to foreigners, in its policy of

¹⁾ Sept. 27 1817, Eustis to Adams (D. o. S. Desp. Neth.). Hence Adams' communication to Everett (Aug. 10 1818, D. o. S. Instructions): "He [Mr. Eustis] thinks it had excited the commercial jealousy of the merchants of Amsterdam, who roused an influence to prevent any liberal concession of the Government in regard to our intercourse with their colonies".

²⁾ See p. 258 footnote No. 4.

making the Java trade advantageous to the national commerce ¹⁾. Also the Chamber of Commerce of Amsterdam, in their address to Goldberg at the beginning of the negotiations, expressed the opinion that the trade of American vessels to the Indies should be sufficiently restricted to preserve the main profits of the colonial trade to the mother country herself ²⁾.

Considering, however, that the question of the colonies was one of continuous concern to the government, and that the ideas of Goldberg and Van der Kemp were well settled from the outset, there seems to be no possibility that these addresses could have produced an about-face in their attitude.

Concerning another subject the Americans were suspicious of the working of British influence. The insistence upon amendment of the articles on neutral trade, by the Minister of Foreign Affairs as well as by the Dutch commissioners, had been quite unexpected, as the renewal of the old treaty had been considered a mere question of form. The reasons which led the Dutch government to this change in their attitude have been treated at the end of the preceding chapter. The commissioners had insisted upon their point, as Goldberg himself intimated afterwards to Appleton, "because they had been especially instructed by Baron de Nagell to that effect". And Gallatin, who transmitted this communication to the State Department, observed in cypher "that Nagell is considered as belonging entirely to the British party" ³⁾,

¹⁾ This person signs himself with the initial S., and the date of his letters is left out. Both must have been written in August or September 1817 (R. A. Coll. Goldberg Port. 210). The author cannot be ascertained; he might be Severijn, Swarth, Schas, Suermondt, Smeer, etc., all of whom may be expected to have shared the interest here expressed. The handwriting, however, is not that of Smeer's letters.

²⁾ „Het komt ons verder nog van bijzonder belang voor, dat er behoorlijke bepalingen en restrictiën daargesteld worden, betrekkelijk de vaart en handel der Noord-Amerikaansche schepen op onze koloniën, zoo in Oost, als West-Indië, en dat deze vaart uitsluitend voor de schepen van dit land gereserveerd worde, of ten minste, dat men bepale, welke artikelen door Amerikaansche schepen in dezelve zouden mogen worden in- en uitgevoerd." (Aug. 28 1817, 't Hoen and Westrik to Goldberg; R. A. B. Z. Dossier 724; enclosure No. 18 with Report of Oct. 27 1817.)

³⁾ July 31 1818, Gallatin to Adams, enclosing Appleton's memorandum, June 14 1818 (D. o. S. Desp. France). It is not probable that Van Nagell would have used any influence during the negotiations themselves. On the 9th of September he left The Hague for a short vacation (Sept. 8 1817, Circular to foreign diplomats, announcing his departure and that Le Clercq was to be charged with current affairs; R. A. B. Z. 1817 U. S. No. 2903). He returned only after the termination of the negotiations. The provisional report of the Dutch negotiators, of Sept. 22 1817 (R. A. B. Z. Coll. Goldberg Port. 209), was therefore addressed to the King himself.

a hidden accusation¹). Also Eustis hints at some foreign political influence when writing: "For the real ground of the objection to an extension of the treaty of 1782, we must look, as I imagine, beyond the simple relations of commerce"²). There is certainly reason to suspect British influence on the attitude of the Dutch delegation in this respect. There is, however, no trace of evidence of it. Knowing the apprehensions of both Gallatin and Eustis, we understand at any rate that as soon as they tasted the flavor of British foreign policy their mistrust of this most feared diplomacy made them cautious to the utmost degree and induced them finally to take their hands off this whole question of a renewal of the treaty.

The suspicion of Adams, Secretary of State, was aroused at once. It was strengthened by his habit of suspecting all expressions of Great Britain's policy as an attempt at increasing her domination of the seas. We have seen that the Dutch government was disposed to meet the British rule on the rights of neutrals so as to avoid all reasons for future conflicts with her in this respect. Adams understood this attitude as a complete subjugation to the other's power. His opinion was that the failure to arrive at an agreement between the United States and Holland upon the old footing of the principles of 1782 had been caused by an actual interference of British statesmanship. The instructions which he wrote in August 1818 to Everett, the new chargé d'affaires to the Netherlands, give full evidence of his suspicion³). The mere proposal of the amendments in question was "an acknowledgment", he writes, "of dependence upon another Power". And he confirms therefore the attitude of Gallatin and Eustis with regard to the question of the stipulation in the 11th article "that free Ships shall make free Goods, and *Persons*":

"although the principle of Free Ships Free Goods may probably hereafter be far less useful to the United States than to the Netherlands

¹) It was not more than a sober confirmation of the remarks of an agent of the Czar of Russia, in July 1817, representing the baron de Nagell as „ne se maintenant dans son poste que par son aveugle soumission aux volontés de l'Angleterre" (Colenbrander Gedenkst. VIII 1815—1825, I Nos. 722, 723).

²) Sept. 27 1817, Eustis to Adams (D. o. S. Desp. Neth.).

³) Aug. 10 1818 (D. o. S. Instructions): "Mr. Eustis is persuaded that a change of policy in the Dutch Government itself was effected during the progress of the negotiation"; except for "the commercial jealousy of the merchants of Amsterdam", "he conjectures that an external and political interposition was likewise used to defeat the Negotiation".

in a Treaty between them, we cannot consent to expunge an article, the omission of which would have the appearance of giving countenance to the practice of Impressment'.

The Dutch declinatory attitude, encountered by the Americans in their efforts to obtain admittance in the colonies, induced Adams to give expression, in the same document, to his whole hatred of the European colonial system, which was constantly interfering with his policy. The merits of his opinion that it represented a general conspiracy against the United States¹⁾, as contained in this passage, have been treated in chapter X. His reaction to the failure of the negotiations is most clearly evinced by his conclusion that it was not desirable to resume them, without really good prospects of success, in order not to enable adverse interests to jeopardize again the friendly relations between the two countries.

In the Netherlands the impressions of the failure of the negotiations were quite different. Gallatin and Eustis had regretted the circumstance that the repeal of discriminating duties had not been responded to in due time by their government. At The Hague this caused more than regret: the fact that again no advantages had been obtained led to embitterment and to a belief that bad faith and ill will on the part of the United States were responsible. This spirit of suspicion found a ready support in Ten Cate's despatch of June 27, 1817, which arrived at the end of the negotiations²⁾. The chargé intimated his conviction that the only aim of the American policy was to postpone the reciprocation of equal duties for the vessels of the Netherlands, and gave as his conclusion that in view of the especially favored and already flourishing state of American trade in the Dutch colonies it was in no way necessary or desirable to extend the privileges

¹⁾ Much the same views are represented, 10 years later, by a writer on the diplomatic intercourse of the United States, Theodore Lyman Jr., *The diplomacy of the United States*, who (vol. II p. 282) calls the Dutch attitude above mentioned: "a refusal partaking somewhat of an invidious air, for as most other nations held colonies, whethersmall or large, the prohibition appeared to apply exclusively to this country". It is conceivable that such ideas would arise in a country which felt itself the only dupe of this system. There is little use in explaining it by a hostile attitude, however, when it was merely national interests which directed its adoption.

²⁾ June 27 1817, Ten Cate to Van Nagell, Desp. No. 18 (R. A. B. Z. Dossier 724; enclosure No. 17 with Report of Oct. 27 1817). It was forwarded to Goldberg and Van der Kemp on Sept. 20th 1817 (R. A. B. Z. 1817 U. S. No. 2998).

of this trade. The main reason that Dutch participation in the commercial intercourse with the United States was so disappointingly insufficient was easily ascribed by Ten Cate to the high and unjustly discriminating American tariffs. Van der Kemp, in his provisional memorandum on the conditions of a treaty ¹⁾, had plainly stated that as the execution of the tariff of the Netherlands did not make a distinction between American and national navigation, whereas that of the United States did, it was for the Dutch to make any complaints. An address to the King from the States Provincial of Western Flanders ²⁾ had asked, on the grounds of justice, „d'user de réciprocité" and to enforce the discriminations of the Law of October 3, 1816 against American vessels. Besides, the same memorandum from the Amsterdam Chamber of Commerce ³⁾ which advised an exclusive colonial policy and urged the obtaining of a perfect equality of navigation duties in the United States had complained of the high, almost prohibitive, tariff rates in America upon the importation of Dutch manufactures (gin, sailingcloth, cheese, etc.), and had stated that a reduction of these duties would favorably affect the national industries.

Under these impressions Goldberg and Van der Kemp drew up their final reply to the still unanswered notes of the American plenipotentiaries. Both notes, of September 16th and 18th, one on the colonial trade and the other on the reciprocity of duties, had been left unanswered by the sudden and unexpected suspension of the negotiations ⁴⁾. Nevertheless the Dutch delegation was desirous of giving these subjects a final treatment. They announced in one of the last sessions that they intended to transmit one more official note, but only after the termination of the negotiations, stating by way of excuse that no reply to it would be necessary or expected ⁵⁾. On the 30th of September they

¹⁾ Aug. 19 1817 (R. A. Coll. Goldberg Port. 210).

²⁾ „Extrait de l'adresse présentée au Roi par les Etats-Provinciaux de la Flandre Occidentale" (R. A. B. Z. Dossier 724; enclosure No. 19 with Report of Oct. 27 1817).

³⁾ Aug. 28 1817, 't Hoen and Westrik to Goldberg (R. A. B. Z. Dossier 724; encl. No. 18 with Report of Oct. 27 1817).

⁴⁾ A concept-reply to the former is found in R. A. Coll. Goldberg Port. 210. The tenor of it is largely followed in the final letter of September 30th.

⁵⁾ Gallatin to Adams, Oct. 10 1817 (D. o. S. Desp. France): "They assured us that what they intended to write would require no answer from us".

addressed it to the American minister ¹⁾. It is evident that although this letter was a part of the whole series of correspondence exchanged during the negotiations, it could no longer in any way influence the outcome, and in fact therefore belongs to their aftermath.

The Dutch commissioners, in the knowledge that this note would be submitted to the American government, grasped the occasion to explain again their complaints about the tariff system of the United States. They recapitulated the whole list of regulations enacted by their government, showing the liberal disposition of the King towards American commerce and navigation, and opposed to it the lack of a reciprocating spirit in the United States, as well as the high American tariff duties. „De tous côtés notre commerce se plaint des énormes droits d'importation, qui frappent les marchandises dans les Etats Unis, et qui ressemblent à un système prohibitif . . . ; tandis que les dix pour cent ensus de ces droits, continuent à frapper notre navigation”. „Jusqu'à présent nous avons été les premiers à tout offrir, à tout céder en faveur de la navigation et du commerce des Etats Unis, sans avoir rien obtenu en revanche”. A spirit of embitterment prevailed in this note ²⁾, which actually accused the American government of bad faith for not keeping the promises which the Act of Reciprocity was assumed to imply. They hinted at a threat that the Netherlands might change their system towards retaliatory measures which would put the balance of reciprocal advantages, hitherto unequal, again in equilibrium. Besides, they stated that the bulky exports of the United States and the rich markets of the Netherlands would tend to make the mutual commercial intercourse on both sides equally advantageous were it not that the high American tariff duties rendered the balance of trade disproportional ³⁾.

Proceeding to a direct reply to the notes received, the Dutch commissioners then countered the argument on double freight costs used by the Americans in their note of September 18th with the statement that all foreign merchandise exported from

¹⁾ Sept. 30 1817, Goldberg and Van der Kemp to Gallatin and Eustis (enclosed with the protocols in D. o. S. and R. A. B. Z.).

²⁾ "Excitement of temper", Adams calls it, to Everett Aug. 10 1818, (D. o. S. Instructions).

³⁾ Importations of cloth, linens, gin and cheese were said to suffer especially.

Dutch ports, coming either over-land from Central Europe or by sea from France, England, the Baltic and the North, were subjected also to double freight costs. It is evident, however, that the difference in distances concerned — from Brazil to the United States and from the surrounding countries to the Netherlands — made this reply only partially accurate. They reiterated their conclusion that the proposed equalization of the direct trade, if limited to the products and manufactures of either country, would be far from offering reciprocal advantages, and that for the sake of a just balance it would have to be extended to the carrying of all merchandise whatsoever. Finally, in regard to the colonial trade, they briefly recapitulated their settled attitude ¹).

The principal content of the document was thus a reconsideration from the Dutch point of view of the present relations between the two countries; instead of being a conclusive note, as had been promised, it renewed the old complaints and needed a proper refutation. Eustis' unpleasant surprise upon receiving it is clearly shown by his immediate recourse to Gallatin: "My anticipations are exceeded!" "In this long uncourteous tautological paper . . . every subject of discussion is renewed and enlarged in an extraordinary manner" ²). Things which had been sufficiently explained verbally were returned to in this official note "very improperly and in my judgement very unfairly". It was necessary for the sake of justification towards both governments that the arguments used should again be refuted on paper also, and he asked Gallatin's opinion for the course to be pursued. This gentleman ³) agreed that "in order to prevent or correct erroneous impressions" the note should not be left unnoticed ⁴).

¹) The note ended by the treatment of another question, of no concern here, suggested by an address of W. Willink to Goldberg, Sept. 16 1817 (R. A. B. Z. Dossier 724; enclosure No. 17 with Report of Oct. 27 1817). It requested the insertion of an article in the treaty to be concluded, stipulating the equal treatment of Dutch landowners in the U. S. with American citizens as for disposing freely of their possessions. This matter was regulated, however, in the Constitution of the United States, and could not be made subject to a deviating conventional agreement (Oct. 16 1817, Eustis to Van Nagell, D. o. S. Desp. Neth.; R. A. B. Z. Dossier 724; Nov. 22(?) 1817, Goldberg to Willink, R. A. Coll. Goldberg Port. 209).

²) Oct. 2 1817, Eustis to Gallatin (D. o. S. Desp. Neth.).

³) Who judged it "far from according with our understanding on the subject", Oct. 10 1817, Gallatin to Adams (D. o. S. Desp. France).

⁴) Oct. 9 1817, Gallatin to Eustis (L. o. C. Eustis Papers vol. 4).

In a long despatch he reminded Eustis of all that had been verbally discussed regarding the questions here brought forth again by the Dutch. The preceding chapter contains most of it. In regard to the high American tariffs ¹⁾ Gallatin declared that the enormous annual foreign importation of the United States showed that they could not reasonably be considered prohibitive; if not so many Dutch manufactures were being used as before, it must be owing to other causes, e.g. to foreign or American competition, rather than to the rates of import duties.

In respect to Goldberg's and Van der Kemp's threat of retaliatory measures, Gallatin advised a certain leniency in the American attitude, which is remarkable because it shows, for the first time, the rather vulnerable position in which the Americans felt themselves to be: "it must not be forgotten that the maritime poverty of Holland does, for the present, give in all negotiations, an advantage to its government over ours. They care but little for our extra-duties, so long as one hundred American vessels visit their ports for one from the Netherlands that enters ours."

Eustis composed the note which he addressed to Van Nagell in accordance with this advice ²⁾. In respect to the high tariff duties on imports, he added the observation that they were equal for all foreign nations and had nothing to do therefore with the special relations between the Netherlands and his country; "every government claims and exercises the right of regulating them", according to its own views and the interests of its citizens. Eustis ended the note with an expression of his conviction that the letter — that is, he meant, the impropriety of the letter — of the King's plenipotentiaries would be viewed in a just light by their government. Thus, he denounced for his own justification the one-sidedness of the Dutch representation. His note closed this short incident of correspondence, which is important to us by the evidence it gives of the respective pretensions rather than by its results.

In the meantime Goldberg and Van der Kemp were also occupied in draughting the final document which was to give

¹⁾ Which had not come into full discussion during the negotiations.

²⁾ Oct. 16 1817, Eustis to Van Nagell (R. A. B. Z. Dossier 724; D. o. S. Desp. Neth.).

an official account of their policy ¹⁾. They retraced therein the course which the negotiations had taken, and the conflict between their own and the American attitudes.

Their conclusion was that in view of the expectation of further overtures on the part of the United States, and considering the present unequal conditions under which the commercial intercourse between the two countries continued to labor, it was advisable to reënact the discriminating tonnage duties in the ports of the Netherlands upon American vessels, as prescribed by the law of October 3, 1816. The United States continued to levy higher duties on Dutch vessels than on their own; in conformity with Article 206 of that Law, this fact was a sufficient reason for reëstablishing the additional tonnage duty on American vessels. Such discrimination was, as the negotiators stated and proved ²⁾, generally desired by the commerce of the Kingdom. And they even advised, for some occasion when it might be convenient, that the import duties on articles from the United States should also be increased in order to restore the balance of trade. Such were the consequences of their threatening, and, in fact, of the failure of the negotiations.

On the 27th of October they addressed this report to the Minister of Foreign Affairs ³⁾, who on November 14th transmitted to the King his opinion on the course to be pursued ⁴⁾. Van Nagell admitted the righteousness of the proposition to reëstablish a more just reciprocity by retaliatory measures. Having learned, however, from Eustis that the American government had delayed taking steps on this head until a treaty should have been signed, but was apparently still willing to give effect to their Act of March 3, 1815, he was induced to advise postponing the enforcement of the proposed measure until, after three or four months, the American attitude following the suspension of the negotiations might have become evident.

Thus once more the Minister of Foreign Affairs showed, against

¹⁾ A provisional report which they addressed to the King, Sept. 22 1817 (R. A. Coll. Goldberg Port. 209) had contained little more than a communication of the suspension of the negotiations.

²⁾ When transmitting the addresses from the Amsterdam Chamber of Commerce, and from the States Provincial of Western Flanders, treated above.

³⁾ Oct. 27 1817, Goldberg and Van der Kemp to Van Nagell (R. A. B. Z. Dossier 724).

⁴⁾ Nov. 14 1817, Van Nagell to the King (Ibid.).

the advice of other, less lenient members of the Cabinet, his faith in the goodwill of the United States government. On the other hand, he was supported in his course of issuing an ultimatum by a recent success of his Department in its reciprocity policy, namely, the securing, in September, 1817, of an agreement with Prussia reciprocally equalizing the vessels of both in the mutual intercourse ¹).

On the 24th of November, accordingly, a Royal Decree was issued ²) ordering that, in anticipation of the news about an application by the United States government of the Reciprocity Act placing the vessels of the Netherlands in American ports on the same footing with national vessels in respect to tonnage duties, American vessels in the ports of the Netherlands should, up till February 28, 1818, continue to be treated on their present basis of equality with Dutch vessels; but that after this date unless the Department of the Customs duties had received the expected communication, they would be subject to the higher differential duties on tonnage as prescribed by the tariff ³).

The only remarkable point in this logical result of a consistent policy was that it deviated from the wishes of Goldberg and Van der Kemp, inasmuch as it limited the application of the American Reciprocity Act to reciprocity in tonnage duties alone. Van Nagell's above-mentioned report had already been silent about the discriminations of import duties in the American tariff. This omission is easily explained by his lack of knowledge and understanding of the commercial policy of the United States; but the

¹) Posthumus, Documenten III No. 20 f. It had followed from a note of Van Nagell to the Prussian minister Von Hatzfeld, of April 6 1817, in which the former explained — more explicitly than he had ever expressed his policy to Eustis — that the only trade discrimination contained by the Dutch tariff law was that of tonnage duties, so that „tout vaisseau qui par rapport à ce droit est traité comme national, est assimilé en toutes manières aux vaisseaux néerlandais”.

²) November 24 1817, No. 81 (R. A. B. Z. Dossier 724). — It also ordered that the negotiators be informed of the satisfaction of the King about the performance of their duties, and that they deposit their report in the Archives of the Foreign Department, until the United States should show an inclination to renew the suspended negotiations.

³) „4°. Te bepalen, dat in afwachting van dat berigt, de Amerikaansche bodems ten aanzien van last en havengelden, blijven zullen in het genot hunner tegenwoordige gelijkstelling met de Nederlandschen, echter niet langer dan den 28en Februari eerstkomende, na welken tijd zij aan de verhooging zullen onderworpen zijn, zoo niet vroeger door het Departement van Buitenlandsche Zaken aan dat van de konvoyen en licenten mogt zijn medegedeeld dat, op den alleszins billijken grond der wederkeerigheid, en volgens den inhoud van bovengemelde acte, aan onze vlag in de havens der Vereenigde Staten eene gelijke behandeling als aan de Amerikaansche zelve verzekerd is”.

next chapter will show that it was to involve several difficulties for the American government in its efforts to shape a proper response.

Four days later Van Nagell wrote the chargé d'affaires, Ten Cate, on the subject ¹⁾ instructing him, in accordance with the decree, to inform his government as soon as possible of any measures which the United States might take to apply the Act of Reciprocity to the navigation of the Netherlands.

Thus, the scene of action changed again, to Washington, D.C.

¹⁾ Nov. 28 1817, Van Nagell to Ten Cate (R. A. B. Z. B XXI No. 4).

XVI. THE ACT OF CONGRESS OF APRIL 20, 1818 AND THE DUTCH RESPONSE

THE QUESTION OF RECIPROCITY OF TONNAGE DUTIES REFERRED TO CONGRESS. — ADOPTION OF THE ACT OF APRIL 20TH. — THE ROYAL DECREE OF JUNE 19, 1818. — ADAMS' AVERSION TO A RENEWAL OF THE NEGOTIATIONS

At the end of November Ten Cate moved to Washington in order to attend the session of Congress, and established himself permanently there ¹⁾. He found Mr. Adams in the position of Secretary of State. In the last days of December the accounts from the American plenipotentiaries arrived, and on New Year's Day the Secretary of State had occasion to discuss the relations with the Netherlands with the Dutch chargé ²⁾. It appeared that Adams was really concerned about the settling of this affair. He deemed it improbable that the suspended negotiations could be renewed.

It had become evident to him from the intimations of the commissioners and the despatches of Eustis ³⁾ that both justice and the danger of Dutch retaliatory measures demanded a return by the United States for the repeal of discriminations. Adams had by this time learned enough about European colonial ideas to realize that the purpose of the Act of Reciprocity of including the colonial trade in an equalization of duties could not be maintained in practice. The failure of the Dutch negotiations had again proved this. It implied that Monroe's former attitude, using the existence of colonial restrictions as an argument for his delay in executing the Act, could not be continued. But Adams saw other difficulties in applying the Act to the Netherlands.

¹⁾ Dec. 3 1817, Ten Cate to Van Nagell (R. A. B. Z. I. S. 1818 No. 164).

²⁾ At the „lever ordinaire du Président”, Jan. 3 1818, idem (Ibid. No. 541).

³⁾ The last one of Sept. 27 1817 (D. o. S. Desp. Neth.).

In the first place an official notification of the total abolishment of discriminating duties had never been received from the Dutch government ¹⁾. Ten Cate, promising to procure such evidence on the first occasion, could of course easily repair this omission. But in the second place a careful study of the Act had revealed to Adams that even so the matter was not so simple as the Dutch demands represented it. He was under the impression that what the Netherlands offered and wanted was only an equalization of tonnage duties, which they considered to be in accordance with the Reciprocity Act. This impression was based ²⁾ upon the execution of their tariff law of October 1816, as reported home by Eustis ³⁾, and overlooked the fact that no differential duties on merchandise were enforced by that law. The Dutch discriminative policy had so far found its only expression in the tonnage duties. Adams could not discover this, however, either from his study of the despatches, or from Ten Cate's intimation that it was especially the differential tonnage duties which handicapped Dutch trade. He reasoned that since the Act of Reciprocity required a repeal of the discriminations of both the tonnage duties and the duties on merchandise, the government was not authorized to treat and reciprocate either one of these items separately. For the present case of reciprocity in tonnage duties alone, a special arrangement would be needed therefore in order to come to an agreement with the Netherlands. This erroneous belief of Adams that the Dutch demands were based upon a misunderstanding of the Reciprocity Act had for the greater part the effect of serving him to defend the American procedure of not reciprocating the King's measures. As soon as the Dutch government, by the law on the tea trade passed on December 24, 1817 but announced long before, deviated from their previous policy by enacting a regulation favoring the national navigation by differential import duties ⁴⁾, his attitude

¹⁾ Eustis' despatch of January 31 1817 having gone astray.

²⁾ As becomes evident from his long instructive letter to Everett, Aug. 10 1818 (D. o. S. Instructions), where Adams treats all questions which had arisen in relation to the Netherlands. It serves as a source of much that is to be explained here.

³⁾ To Monroe, Febr. 21 1817 (D. o. S. Desp. Neth.); to Dallas, Secretary of the Treasury, April 2 1817 (L. o. C. Eustis Papers, vol. 3). In both letters he states that the Dutch measures had been taken in anticipation of reciprocation. Cf. p. 228.

⁴⁾ See chapter XIX.

proved better founded. And the Decree of November 24th — issued in consequence of the negotiations —, which demanded an equalization of tonnage duties by the United States but omitted to do the same for import duties, came ultimately to back his standpoint. Both he and President Monroe ¹⁾ were, nonetheless, convinced of the rightness and justice of the Dutch demand, and impressed by the danger of retaliatory measures. They were looking for a way to solve the problem. In the meantime Ten Cate's expectations were kept warm ²⁾; and through him, they hoped, his government's.

On the 11th of February 1818 the chargé d'affaires received Van Nagell's letter of November 28th containing the Royal Decree in question; the next day he had a long discussion with Adams in which he urged the application of the Reciprocity Act in regard to the tonnage duties, „le point le plus important de nos relations commerciales” ³⁾. The Secretary quite naturally replied that since the President had no power to treat the two items of this Act separately, such execution could not be made without a special authorization by Congress ⁴⁾. But, said Adams, a message to Congress was in preparation to propose a measure providing for the case. And he hoped that, once this question was settled, they would arrive at an understanding respecting the other points also. This hopeful conversation was immediately reported home by Ten Cate. He notified Adams officially of the attitude of his government, as decided by the Royal Decree ⁵⁾, but abstained from mentioning the final date of February 28th, fearing that the notion of so early a date might only obstruct the present case; he merely hinted at the chance of retaliatory measures in the case of non-reciprocation. Also he transmitted Wichers' proclamation of April 9, 1817 in order to prove the

¹⁾ Febr. 13 1818, Monroe to Madison (The writings of James Monroe, ed. Hamilton, vol. VI p. 49), where he hints at “the danger of restraints on our commerce” in the Netherlands.

²⁾ Febr. 2 1818, Ten Cate to Van Nagell (R. A. B. Z. Dossier 724), communicating that the President had confidentially informed him that an arrangement might soon be expected.

³⁾ Febr. 16 1818, Ten Cate to Van Nagell (R. A. B. Z. Dossier 724).

⁴⁾ From *these* words, apparently, Ten Cate derived the erroneous opinion (March 8 1818, R. A. B. Z. B XXI No. 49), that it was the President only who objected to an immediate application of the Act.

⁵⁾ Febr. 13 1818, Ten Cate to Adams (D. o. S. Notes from Neth. Leg.; R. A. B. Z. Dossier 724).

equalization of tonnage duties for American vessels in the ports of his country.

It is easy to understand that the Secretary of State did not think it necessary to reply to this note as long as the American attitude had not been decided upon. In the interview of February 12th he had informed Ten Cate that in view of the many other affairs under discussion the preparation of the Congressional measure would need some time. But he and the President did not allow the matter to lapse ¹⁾. They considered that, after the experience of the previous failure, it was best wholly to abandon the suspended negotiations and, instead, to arrive at a solution by legislative regulations ²⁾. The best expedient for the present case seemed to be a law extending the principle of the convention with Great Britain to the Netherlands, the Hanseatic cities, and other countries which had likewise claimed the benefits of the Act of Congress and were in the same situation as the Netherlands ³⁾. An application to other powers also would prevent this legislative act from dealing with too special a case.

The duration of the preparations, however, became too long for the patience of the chargé d'affaires, who dealt with the present subject only. He did not realize that the American government, not notified by him of the term fixed in the Royal Decree, knew of no particular reason for hurrying. From the silence which followed his note, he concluded that they had fallen back into their policy of delay ⁴⁾. In the beginning of March he verbally once more requested a reply and transmitted a full copy of the Decree, including its date of February 28th, now already passed. The prompt reply, dated March 5, 1818 ⁵⁾, did not bring him much satisfaction. Adams, convinced now of the necessity for stating the attitude of his government — an attitude of

¹⁾ "This thing shall be attended to during the present session", Monroe promised Ten Cate, "it is our wish also to settle this matter, but the multiplicity of business has hitherto prevented the immediate attendance to it" (Febr. 27 1818, Ten Cate to Van Nagell, R. A. B. Z. 1818 I. S. No. 1654).

²⁾ As Adams asserted in a discussion with the chargé d'affaires, March 26th (April 4 1818, *idem*, *Ibid.* No. 2248).

³⁾ As suggested, Febr. 13 1818, by Monroe to the Ex-President Madison (Writings of James Monroe, vol. VI p. 49).

⁴⁾ The following observations of Ten Cate are contained in his note to Van Nagell, March 8 1818 (to be found in the Legation letterbook, R. A. B. Z. Invent. B XXI No. 9; not in the ordinary archives of the Foreign Department, although duly received there).

⁵⁾ March 5 1818, Adams to Ten Cate (D. o. S. Notes to For. Leg.; the original in R. A. B. Z. B XXI, Legation archives).

goodwill, as he explained, — but of course not authorized to communicate the essence of their preparations as long as these remained in an unsettled state, limited his note to a statement of the reasons for the delay, of the difficulties of applying the Reciprocity Act, and of the earnest desire of the President to promote the cordial relations between their countries. It was the President's intention, he wrote, to recommend to Congress the adoption of a law providing for the present case. This disappointment to his expectations of rapid action roused Ten Cate's old suspicions. The difficulties mentioned appeared to him to provide the last excuse for the United States government for postponing their final decision, „pour perpétuer l'état actuel des choses qui offre beaucoup d'avantages pour les Etats Unis". And he made a long complaint about the obstacles which this dilatory attitude had been causing to regular enforcement of reciprocity ever since Mr. Changuion's arrival in America ¹⁾. The session of Congress was coming to an end, and again he saw no prospects of a treatment of the subject; „la libéralité de S.M. doit avoir un terme".

Not yet two weeks more were needed to prove the injustice of this suspicion. Adams had made up a report to Congress which he dated March 17, 1818 ²⁾. He stated therein the issue and the failure of the negotiations with the Netherlands, and explained the two causes from which difficulties had arisen: the principles of the colonial system and the provisions of the Act of March 3, 1815 in regard to the reciprocity of duties. His observations on the former have been treated in Chapter X as part of his foreign policy in general. With respect to the latter he gave an account of the attitudes of both governments and of the difficulty of making them agree under the provisions of the Act ³⁾. A new measure by Congress would have to respond to the Royal Decree of November 1817. As the Dutch government had equalized the tonnage duties on American vessels in their ports with those on the national vessels, "it is believed to be consistent with sound policy", he concluded, "to extend the same principle to the

¹⁾ To be found in his despatch of March 8th. He resumes therein all that had happened since he was connected with the functions of the legation.

²⁾ American State Papers, Foreign Relations, IV p. 172.

³⁾ In this paragraph he states the imperfection of the wording of the Act, in that it requires a total abolition of discriminations in return for the offer of only a partial abolition. See p. 165.

vessels of the Netherlands arriving in the ports of the United States". Consequently he advised the passing of a general act which would declare that the vessels of European nations in whose ports the same system was adopted in regard to American vessels should pay no higher or other duties in the United States than those paid by the national vessels; and which would therefore adopt a system of reciprocity solely for tonnage duties. In this way Congress would give the act of March 3, 1815 a more flexible character by making its two parts independent of one another. Prussia and the Hanseatic cities would be comprehended under the provision also, but with respect to the Netherlands the measure was, Adams added, "of immediate urgency".

When at the house of the President this report was discussed with other members of the Cabinet, Monroe approved of it, but the Secretary of the Treasury, W. H. Crawford, made a different proposition. This gentleman was of opinion — to quote the notes in Adams' diary ¹⁾ — "that it would be better to assume a broader principle, and offer the abolition of all discriminating duties to every European nation that will do the same"; he had draughted a bill to that effect, upon consultation with General S. Smith ²⁾, Senator from Maryland. The next day, however, he appeared to have changed his mind ³⁾ and withdrew his proposition with the reflection that if Congress wanted to extend the merits of Adams' report, they could easily do so of their own accord.

Thus approved of without alterations the report was transmitted to Congress on March 19th by a message of the President ⁴⁾, also draughted by the Secretary of State ⁵⁾. Recommending to legislative regulation what could not be arranged by conventional stipulation, this message exposed in brief the tenor of the more extensive report. "Congress may think it advisable to leave the subsisting treaty in its present state". It recommended that, in return for the liberal measures in Holland, the new regulation be made to commence from the time when the equalization of duties had been granted there and to extend the

¹⁾ J. Q. Adams, *Memoirs*, IV p. 61: March 17 1818.

²⁾ A merchant at Baltimore and a well-known Congressman, who represented the most liberal ideas in the American legislation.

³⁾ Adams, *Memoirs*, IV p. 62, March 18 1818.

⁴⁾ A. S. P. For. Rel. IV p. 172. To be found also, with Adams' report, in *British and Foreign State Papers*, V p. 1019.

⁵⁾ Adams, *Memoirs*, *ibid.*

benefits of it to the vessels of Prussia, Hamburg and Bremen also; and that it be made "prospectively general in favor of every nation in whose ports the vessels of the United States are admitted on the same footing as their own".

To Congress, which received this message on the 20th of March, was thus entrusted the final decision. The Senate referred it, on the 23d, to the Committee on Foreign Relations ¹⁾. From that moment Ten Cate became active again ²⁾. On two points of importance he succeeded in influencing the draughting of the proposed bill in deviation from the Executive's proposition. First, in several interviews, he convinced the chairman of the Committee, James Barbour, one of the most influential Senators ³⁾, of the desirability of extending reciprocity to a total abolishment of discriminating import duties on all merchandise shipped in Dutch vessels from the ports of the Netherlands ⁴⁾. In doing so he exceeded the Royal Decree of November 24th, cleverly understanding the real purport of the policy of his government.

This point gained, it appeared to him that it would yield the greatest profits to his country if reserved solely to Dutch vessels. The extension of the same privileges to Prussia and the Hanseatic cities, as advised by the President's message, should therefore be removed from the bill. Arguing that the important commercial relations with his country needed principles and regulations entirely different from those required by the rather limited commerce of the other states, and that the present special case could hardly serve as the basis of a general system, he succeeded „après quelques légers débats", as he reports, in obtaining this wish also.

On April 13th Mr. Barbour reported ⁵⁾ to the Senate a bill which contained the repeal of all discriminating tonnage duties

¹⁾ Annals of the Congress of the United States. The debates and proceedings in the Congress etc. (Washington 1854). 15th Congress 1st session vol. I p. 274, 278. This is the only official publication existing.

²⁾ For the following: Ten Cate's long despatch of April 21 1818, to Van Nagell No. 20 (R. A. B. Z. Dossier 724).

³⁾ James Barbour, 1775—1842, was Senator from Virginia from 1815 to 1825, chairman of the Committees of Military Affairs and of Foreign Relations (Dictionary of Am. biogr., in voce).

⁴⁾ „... embarquées généralement dans nos ports sur nos batiments".

⁵⁾ Annals p. 362.

for Dutch vessels "coming from a port or place in the Kingdom", to take effect from the moment that the Netherlands government had issued the same regulation for American vessels ¹⁾; and the abolishment of all discrimination in duties on merchandise, the produce of the territories of the Netherlands in Europe, or such "as can only be, or most usually are, first shipped from a port or place in the kingdom" by Dutch vessels. As a result of the latter restriction the projected regulation did not bear on all exportations from the Dutch markets to America. It brought a recognition only of the natural transit trade. Even so, it was important enough as an admission of the special commercial functions of the Netherlands.

Exactly what induced Barbour to consent thus quickly to the great liberality expressed by this bill cannot be ascertained. It is probable that when he was making his final decision he was influenced by the Secretary of State and by other members of the Cabinet as well, and was convinced by them of the justice and the necessity of granting sufficient reciprocity to the Netherlands. Besides, he was perhaps impressed by the statement in the report of Gallatin and Eustis — though it was contradicted by the ensuing Dutch Royal Decree — that an equalization of tonnage duties alone would not suffice to meet the wishes of the Netherlands. No documentary evidence is available, however, for either possibility.

One point with which Ten Cate did not agree in this bill was the limitation of the equalization of tonnage duties to those on vessels arriving in direct trade. He undertook to remove this in the next Congressional proceeding. Having considered the bill "as in Committee of the Whole" ²⁾ and introduced a few amendments, the Senate passed it on April 15th and transmitted it to the House of Representatives for approval. However, under the leadership of Messrs. Lowndes and Pitkin, both distinguished members of the House, opposition was aroused against the bill. It was caused mainly by the opinion that a subject dealing with the relations of one foreign country only should be arranged by a treaty. It was not the task, nor the habit, of Congress to make laws that had no general bearing, and

¹⁾ The British treaty contained the same retroactive stipulation.

²⁾ Annals p. 365, 369.

which might afterwards prove to encroach upon relations with other powers. Besides, as this was a question of principle, it should not be treated at a time when the session was almost terminated. Congress would adjourn on the 20th. It was a mere matter of precaution, they said, to delay the discussion till the next session ¹⁾.

Accordingly, when on April 17th Mr. Seybert, from the Committee on Commerce and Manufactures, reported the bill without any amendments, Lowndes moved to postpone its consideration and "the bill was ordered to lie upon the table", which meant indefinite delay ²⁾.

Ten Cate now showed fighting spirit. Only three days were left. Mr. S. Smith, who was known to favor the most extended commercial liberalism, told him that not enough emphasis had been laid upon the urgency of this act and upon the danger of Dutch retaliations. The very night of the 17th, therefore, Ten Cate drew up a summary of the relations between the United States and the Netherlands and their colonies. This paper he gave next morning to the two leaders of the opposition, explaining again the continuous insistence upon reciprocity by his government and the chance of irritation, at the least, which a new delay might involve.

This lobbying appears to have opened the eyes of the Representatives to the real situation. They promised him to vote for the bill when it was brought up again, in spite of their opinion „que la forme de cette concession était vicieuse et devait se faire uniquement par traité". Accordingly the bill was taken up that very day, and amended so as to remove all of Ten Cate's objections. The words which limited the equalization of tonnage duties were left out, and a passage was added making the provision about import duties retroactive also. In this form it was passed in the House ³⁾ and returned to the Senate, which upon a favorable report by Mr. Sanford, from the Committee on Commerce and Manufactures, resolved to concur with the amend-

¹⁾ Besides, Mr. Lowndes, who was a protectionist (Cf. Dictionary of Am. biography, in voce William L.), had a general objection to equalizing the duties on tonnage, upon the consideration that „la nature et l'origine de la cargaison d'un navire affectait l'application du droit de tonnage". Congressman Smith convinced him of his misunderstanding: tonnage duties concern navigation, not importations.

²⁾ Annals II p. 1448; 1738, 1739; 1764.

³⁾ Annals II p. 1769.

ments, April 20, 1818¹⁾. The President signed it that very day, under the title: "An Act concerning tonnage and discriminating duties, in certain cases":

"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That so much of the several acts imposing duties on the tonnage of vessels in the ports of the United States, as imposes a discriminating duty between foreign vessels and vessels of the United States, is hereby repealed, so far as respects vessels truly and wholly belonging to the subjects of the King of the Netherlands; such repeal to take effect from the time the government aforesaid abolished the discriminating duties between her own vessels and the vessels of the United States arriving in the ports or places aforesaid.

*Sec. 2. And be it further enacted, That so much of the several acts imposing duties on goods, wares, and merchandise, imported into the United States, as imposes a discriminating duty between goods imported into the United States in foreign vessels and in vessels of the United States, be, and the same is hereby, repealed, so far as the same respects the produce or manufactures of the territories, in Europe, of the King of the Netherlands, or such produce and manufactures as can only be, or most usually are, first shipped from a port or place in the kingdom aforesaid, the same being imported in vessels truly and wholly belonging to subjects of the King of the Netherlands; such repeal to take effect from the time the government aforesaid abolished its discriminating duties between goods, wares, and merchandise, imported in vessels of the United States and vessels belonging to the nation aforesaid."*²⁾

On the 19th of May a circular letter of the comptroller of the Treasury informed the United States collectors of the customs about the execution and application of this Act³⁾. He duly emphasized the fact that it involved goods shipped from the Dutch territories in Europe only, in the same way in which British trade had been regulated by the convention of 1815. He fixed the date for calculating the amounts of money to be refunded retroactively, for too high duties paid on the differential basis, at January 1, 1817, the day when the Dutch tariff law of

¹⁾ Annals I p. 384, 385, 389.

²⁾ United States Statutes at Large, vol. III (Boston 1846), p. 464, Statute I April 20 1818, Chapter CX. Also in Brit. and For. State Papers V p. 1022. The last seven words of the first section should have been removed when the amendments were made; they remained by mistake from the bill as first reported (April 27 1818, Ten Cate to Van Nagell, R. A. B. Z. Dossier 724).

³⁾ An extract of this circular is to be found in the archives of the American legation at The Hague (Miscellaneous 1806—1825).

October 3, 1816 had taken effect by Wichers' letter to the customhouse officers ¹⁾.

By the just intervention of the chargé d'affaires a really important advantage had thus been obtained for the Netherlands. The result of his short but intensive lobbying is certainly astonishing. It constituted an important step in the whole reciprocity policy of the United States. The misunderstanding which had prevailed with the President and the Secretary of State, that the Netherlands aimed solely at a repeal of discriminating tonnage duties, had been duly corrected; stipulations had been inserted about goods usually first shipped, to the special interest of Dutch transit trade; and the House of Representatives had been prevented from postponing the matter until December. There is little likelihood that letters from Europe influenced the course of events. Only one despatch, that of February 23rd from Appleton ²⁾, may have borne some weight, as it informs Adams of the intention of the Dutch government to reinforce the discriminating tonnage duties for American vessels after March 1st. There is no indication, however, that even if it arrived in time to do so, it actually affected the attitude of Congress ³⁾.

When Eustis, arriving at New York in July 1818 on his return home, found *at last* the Act of April 20th, he did not hesitate to express his gratification to Adams ⁴⁾: "It will perfectly satisfy and please that Government and so far as may depend on the minister of foreign relations, will be fairly reciprocated ⁵⁾". His

¹⁾ The period respecting the refundment mentioned could not be made to begin with May 27 1815, as Ten Cate had expected (March 15 1817, to Van Nagell, R. A. B. Z. 1817 I. S. No. 2606), because of the discrimination of tonnage duties which still existed at that time in the port of Antwerp (May 9 1818, Ten Cate to Van Nagell, R. A. B. Z. Dossier 724).

It appeared that with "tonnage duties" the American government had decided to imply all harbor duties, lighthouse-, pilotage-, and other duties, affecting the navigation; and that they expected the Dutch government to follow the same course (*idem*, *Ibid.*).

²⁾ To the Secretary of State (D. o. S. Desp. Neth.).

³⁾ After this one several other letters were written on the same subject, by Appleton (March 25 1818, *Ibid.*), and by Eustis (March 7 1818, *Ibid.*) from Bordeaux, where he was informed by Appleton of the current affairs (Febr. 5 1818, L. o. C. Eustis Papers vol. IV), and later on from The Hague (April 21 1818 D. o. S. Desp. Neth.), complaining that he was left in the dark about his government's attitude, and that the Dutch measures had not yet been met. But they all came too late for influencing the accomplishment of what they aimed at.

⁴⁾ New York, July 17 1818 (D. o. S. Desp. Neth.).

⁵⁾ A letter of Eustis to the President contains a remarkable comment: "With this in our hands, we might, I think, have formed an advantageous commercial treaty the last year" (Boston, Aug. 20 1818, L. o. C. Monroe Papers vol. XVII).

expectation was right, of course. Owing to the activity of Ten Cate much more than was required had been granted in reponse to the demands of the Dutch Royal Decree. The American reciprocity measure had become "as complete as the government of the Netherlands could wish ¹⁾".

After the last day of February 1818, the Department of the customs duties had executed the Royal Decree of November, notwithstanding strong objections from the American legation ²⁾, and had subjected United States vessels to the high additional tonnage duties which the law of October 3, 1816 stipulated for vessels of those foreign powers which maintained a system of discriminations against Dutch trade.

Upon instructions from Eustis ³⁾ Appleton, chargé d'affaires ad interim during the minister's vacation, had obtained the promise from Van Nagell that this reimposition of differential tonnage duties would be repealed as soon as the President had made use "in favor of Dutch vessels, of the powers confer'd upon him by the Act of Congress of the 3d of March 1815" ⁴⁾. When accordingly Ten Cate's despatch about the passage of the new Act of Congress was received, the Minister of Foreign Affairs at once took the necessary steps for reciprocating it. „Cette mesure va nous mettre en état de retirer celle que nous avons été obligé de prendre”, he wrote him in reply, much gratified ⁵⁾. The despatch containing the Act was transmitted to Falck, who had been Minister of Industry and the Colonies since March 18th ⁶⁾, with the suggestion of proposing to the King the reabolishment of discriminating tonnage duties on American vessels and an

¹⁾ Adams to Everett, Aug. 10 1818 (D. o. S. Instructions). But there is no reason to call it, as Adams does in another letter, "more than reciprocal on our part" (to Richard Rush, May 29 1818, Writings vol. VI, p. 339). The system of equalization of foreign trade with the national was still more extended in the Netherlands than in the United States.

²⁾ Appleton had in vain represented to Van Nagell "that the delay accorded was too short" and that there could be no doubt about the willingness of the American government to adopt the necessary measures (Febr. 5 1818, Appleton to Eustis, L. o. C. Eustis Papers vol. 4).

³⁾ March 7 1818, Eustis to Adams (D. o. S. Desp. Neth.).

⁴⁾ March 25 1818, Appleton to Adams (Ibid.).

⁵⁾ June 17 1818, Van Nagell to Ten Cate (R. A. B. Z. B XXI Arch. Leg. No. 5).

⁶⁾ On this day, March 18 1818, a reorganization of the Cabinet had taken effect. Goldberg, with Wichers, was dismissed and appointed to the Council of State. His department was combined with that of „Instruction" (Onderwijs) to the "Departement van het publiek onderwijs, de nationale nijverheid en de koloniën", under the direction of Falck, who was removed from his functions of general Secretary of State.

additional article to make this repeal retroactive to the time when their imposition had taken place ¹⁾. On June 16th Falck transmitted a report in the same sense ²⁾ and on June 19, 1818 a Royal Decree was issued which put American navigation once more on the footing of equality with national vessels and ordered a restitution of all extra-duties paid since March 1st last ³⁾.

Neither this decree nor the one of November 24, 1817 which it repealed, involved serious considerations of economic principle; they were measures *ad hoc*, necessary for the good execution of the provisions of the tariff law of October 1816. They did not form, as did the American Act, an important step in the development of the general commercial policy of the country. But they served well the purpose for which they had been issued: the establishment of a system of just reciprocity. As such they became a precedent for a successful countervailing policy and provided material support for the Dutch government in the following year, 1818/'19, in the steps it took to force from England complete reciprocity in tonnage duties ⁴⁾.

Thus was finally settled this question which had been pressing almost ever since the Act of March 3, 1815 had suggested possibilities of a reciprocity agreement. The actual effect was that retroactively, by the restitution ordered on both sides, American and Dutch navigation had been treated on a footing of reciprocity since January 1, 1817. Although apparently Dutch prompting had forced it upon the American government, the final settlement was entirely in the line of American policy. While the tendencies of both powers drove them towards the same point of balanced interests in commercial policy, it had been the function of diplomacy to prepare their meeting, and diplomacy had in three years performed this. Government policy had again reflected the ideas and interests existing in the respective nations.

Negotiations were not taken up again. The American commissioners had proposed suspending them in order that the matter might be referred to the respective home governments,

¹⁾ June 11 1818, Van Nagell to Falck (R. A. B. Z. U. S. 1818 No. 1449; Dossier 724).

²⁾ R. A. *Staatssecretarie*, encl. with Royal Decree of June 19 1818 No. 201.

³⁾ June 19 1818, Royal Decree No. 201 (R. A. B. Z. I.S. 1818 No. 2454; also in R. A. *Staatssecretarie*).

⁴⁾ See chapter XIX. Aug. de Vries, l.c. p. 28—30. Van Mechelen l.c. p. 82.

and new instructions eventually obtained. In the opinion of the Dutch a resumption depended wholly upon the attitude of the United States. They still had expectations of seeing the Americans back again some time.

At the end of March 1818, right after the President's message had been transmitted to Congress, Ten Cate discussed with Adams the possibility of renewing the negotiations for a treaty¹⁾; he did so without authorization from his government. The Secretary expressed the opinion that it might be better not to renew them if there were no better chance of success than before, but that the President would be perfectly willing to do so whenever a mutual sacrifice of interests might make the final conclusion of a treaty a certainty. In expectation thereof, he added, the American government regarded the treaty of 1782 as still in force²⁾, as the President's message had already stated. They decided that two schemes might be considered for the resumption of negotiations: 1° an exemption of additional import-duties on goods of Dutch produce when carried in Dutch vessels, into the United States, in return for a provision for the continuation of the present colonial regulations of the Netherlands for American trade; and 2° an exemption of additional import duties on all goods, carried by Dutch vessels, when arriving in the United States, in return for the admission of American vessels in the Dutch colonies upon an equal footing with the national vessels. In this way, Ten Cate reported home, the colonial trade could always be used as a means for obtaining trade privileges in the United States.

Their decision proved premature when Congress granted more favors to Dutch navigation than merely the equalization of tonnage duties. The duty question was now settled to the satisfaction of both parties, and as the admission of American trade in the Dutch colonies, although not definitively stipulated, caused neither serious complaint nor suspicions of discrimination in the following years, Adams refrained from taking up this conversation again, convinced as he was that it was in no sense

¹⁾ April 4 1818, Ten Cate to Van Nagell (R. A. B. Z. I. S. 1818 No. 2248). August 10 1818, Adams to Everett (D. o. S. Instructions).

²⁾ It is most probable that this sudden recognition of the old treaty was a consequence of the negotiations and of the renewed spoliation claims policy of the American government (cf. p. 94 f.).

desirable to renew the chance of failure of the negotiations. The main subject of discussion had been arranged by legislative regulations; and these, he reasoned ¹⁾, would realize "the liberal views of both parties as effectually as if they were effected by treaty".

This disinclination for renewing the negotiations, which originated in Adams' extreme cautiousness with regard to any subject on which he suspected the influence of British policy, is clearly set forth in the instructions he wrote to Everett, in August of the same year ²⁾. If the Minister of Foreign Affairs were to touch upon an eventual renewal, Everett was to point out to him "the natural tendency of *discussion*, unless it terminates in agreement, to generate mutual coolness and opposition"; and "that a second abortive attempt would probably be more strongly marked with the same result" than the suspended one; that no resumption should be entered upon therefore unless greatly needed and carefully prepared. Especially on the colonial question, which involved, as Adams was aware, a clash of antagonistic principles, no discussion would prove fruitful; while adhering to their demand for colonial equivalents, the Dutch had granted all they were prepared to concede. To avoid accepting any offer suggested by the other government for a renewal of the negotiations was, under the present circumstances, the best thing the American representative could do.

From the interview in March Ten Cate had obtained, however, a quite different impression of Adams' inclination. Van Nagell, taking his report thereon into serious consideration, asked Falck's views, June 11, 1818 ³⁾, on the subject of concluding a commercial treaty. Three days later it was broached by Falck in a conversation with Appleton. But the latter, felicitously expressing the views of his government, replied "that the measures respectively adopted made a new commercial treaty a matter of lessened interest, since they supplied in a great measure the deficiencies of the one in force" ⁴⁾. In this way, remarkable in that Appleton had not been instructed as to the attitude he was

¹⁾ To Jonathan Russell, June 22 1818 (Adams, Writings vol. VI p. 351).

²⁾ Aug. 10 1818, Adams to Everett (D. o. S. Instructions).

³⁾ R. A. B. Z. Dossier 724.

⁴⁾ Memorandum of Appleton, encl. with July 31 1818, Gallatin to Adams (D. o. S. Desp. France).

to take, the new overture of the Dutch government was duly checked.

In the same conversation Falck intimated to the American chargé that, although he wished to govern the colonies in the way he deemed best, i.e. according to the genuine *colonial* idea, he was well aware of the state of dependence of the Dutch West Indies in regard to American trade and that he "would never do anything to check this natural connection". Americans would continue to be admitted there on the same favorable conditions. In the East Indian colonies discriminating duties were to be levied in favor of the national navigation. But Appleton was assured that the United States would continue to be received as the most favored nation ¹).

After the solution of the greatest problem between them, this whole chapter of diplomatic intercourse between the two powers then drew to a close.

¹) See also July 21 1818, Gallatin to Adams (Ibid.).

XVII. RECALL OF EUSTIS AND TEN CATE. DEFINITIVE ABANDONMENT OF FURTHER NEGOTIATIONS

EUSTIS' DEPARTURE FROM THE HAGUE. — TEN CATE'S DEPARTURE
FROM WASHINGTON. — A PERIOD OF REST. — THE CONNECTION
BETWEEN THE BRITISH ANTI-SLAVE-TRADE POLICY AND ADAMS'
REFUSAL TO RENEW THE TREATY NEGOTIATIONS

The year 1818 saw not only the settlement of the reciprocity question but also the recall by the governments of both countries of their reciprocal diplomatic representatives. In 1814 and 1815 a tense expectation resulting from the cessation of war and the starting of a new period had induced the sending out of full-equipped missions. Soon the Dutch government had retracted from this step, judging that the purely commercial relations with the United States would not require a full mission. Little more than a year after his departure for America Changuion had returned to Holland and been replaced by a chargé d'affaires.

From the moment it became known that the Dutch government did not intend to appoint a new minister of equal rank, the position of Eustis, whose nomination had been made in reciprocation of Changuion's, became uncertain. But "considerations of a general nature, founded on the present state of Europe", as Monroe wrote in 1816 ¹⁾, induced the postponement of his recall. The American government, which had only a few good diplomats on this side of the Ocean, was glad, apparently, to have this representative during the period of uncertainty which still seemed to prevail in Europe. The minister was told to return home in the autumn of the next year if conditions did not change.

The ensuing negotiations kept Eustis occupied till October and

¹⁾ Nov. 12 1816 to Eustis, and Nov. 14 1816 to Everett (D. o. S. Instructions).

he preferred to avoid a winter voyage. But no suitable argument was to be found for his staying later than the following spring. In April 1818, in Congress, Clay actually blamed the Administration for keeping the minister in the Netherlands ¹⁾. Also Monroe deemed it advisable to recall him ²⁾; an appointment in Europe suitable to his position and ability was not available.

Eustis himself was desirous of returning home on account of his health. As soon after the suspension of the negotiations as his functions allowed him to leave his post, he had started on a trip to Southern Europe, in October, to spend the wintertime in a milder climate. From there he sent to Appleton, the secretary of legation, who was in charge of current affairs during his absence, his instructions on the few questions which came up now and then. As for diplomatic business there was certainly no reason for continuing the mission in full. In April 1818 he returned to The Hague in ill health, put his affairs in order, took leave on May 5th and sailed a few days later ³⁾. The impression which he left was in accordance with his agreeable character: „L'on regrettera infiniment ce digne et galant homme qui s'est acquis une estime générale", wrote Van Nagell ⁴⁾.

As chargé d'affaires in his place was appointed Alexander Hill Everett from Boston, a protégé of Adams, a man of promising career and qualities, already long regarded as the probable successor of Eustis, of whose legation he had been secretary during the first year ⁵⁾. In July 1818 Adams was occupied with the draughting of his instructions ⁶⁾. He made of them a long document, frequently used in the preceding chapters as a source for the explanation of events and ideas, on the objects of American

¹⁾ April 10 1818, Adams, Memoirs IV p. 76.

²⁾ April 4 1818, Ibid. p. 74.

³⁾ For Eustis' further career, see Chapter VIII, p. 153, footnote No. 4.

⁴⁾ May 7 1818, to Ten Cate (R. A. B. Z. B XXI Leg. Wash. Port. 5). Even Clancarty, the stiffest of Tories as C. K. Webster calls him (in The Cambridge History of British foreign policy, I, chapter IV p. 462), was favorably impressed by Eustis' appearance and behavior: "He will be much regretted here", he wrote to Castlereagh; "They (Mr. and Mrs. Eustis) are the only tolerable Yankees I ever knew" (May 5 1818, Correspondence, despatches a.o. papers of Viscount Castlereagh . . . , ed. by his brother, 3d. series III, London 1853, p. 436).

⁵⁾ For Everett's biography see the author's article in Tijdschrift voor Geschiedenis No. 49 p. 42 f., 161 f.

⁶⁾ Adams, Memoirs IV p. 116, July 24 1818.

policy¹⁾ and on all questions pending between the Netherlands and the United States. The President having approved it, it was transmitted to the appointee, on August 10th, with his commission and the order to set out for his post as soon as possible. At the transition of the year, 1818/1819, the new American chargé d'affaires arrived at Brussels and took over the legation from Appleton, who had again been charged with its functions ad interim²⁾.

The departure of Ten Cate from his post was far less agreeable. At the end of 1817 the consul at Philadelphia, Lechleitner, interested in diplomatic affairs, had informed Van Nagell by secret despatch³⁾ of the painful situation of the chargé d'affaires. Ten Cate was said to be in debt to such a degree as would influence unfavorably the interest and credit of his country. Several times indeed he had complained about the insufficiency of his salary to meet the high costs of living in America, but had requested an increase in vain. Having incurred many debts without being able to pay them, he had come into a situation so embarrassing that only his official quality as diplomatic representative had prevented a more effective pressing of payment by his creditors.

This bad news arrived on the 3d of February 1818; Van Nagell considered it serious enough to be a reason for recall. It should be recollected that Ten Cate had been an appointee of Changuion and Van Hogendorp, and that no special personal connection existed at present to support his case with the foreign department⁴⁾. The King was advised to recall him by the observation that his financial embarrassment would prevent him from keeping up such esteem and general confidence as were necessary

¹⁾ With respect to the South American question Adams remarked: "You understand that the policy of the government of the United States is to favour by all suitable means compatible with a fair neutrality, the total independence of the South-American Provinces". (Aug. 10 1818, D. o. S. Instructions.)

²⁾ Appleton thus performed the interim duties of the legation from Oct. 20 1817 to April 18 1818, and from May 5 1818 to Jan. 4 1819. March 3 1819 he was appointed secretary of the legation to Portugal, at Rio de Janeiro, Brazil, and in 1822 to the same function in Spain. He was chargé d'affaires to Sweden and Norway from 1826 to 1830.

³⁾ Dec. 26 1817, Lechleitner to Van Nagell (R. A. B. Z. I. S. 1818 No. 460).

⁴⁾ A very natural and usual characteristic with appointments and discharges, the accentuation of which leads directly to the spoils system.

for performing well the duties of a legation ¹⁾. A Royal Decree of the 12th consequently ordered that he be removed and that Lechleitner be encharged ad interim with the current affairs ²⁾. Van Nagell advised the appointment of Viscount Goupy de Quabeck ³⁾, who came from the Southern Netherlands and was favorably known to the Minister as a man who had gained wide experience from travels in Europe and America, and who apparently was a person of considerable means, not likely to get into financial troubles, as Changuion and Ten Cate had done. De Quabeck showed eagerness to accept ⁴⁾ and the appointment was made on April 4th ⁵⁾.

Ten Cate was notified of his recall and ordered to charge Lechleitner with the affairs of the legation ⁶⁾. This was what the latter had hoped for; he was ambitious and he also had a pleasant recollection of his former diplomatic activity, the salary of which had proved quite considerable. Ten Cate's situation had gone from bad to worse ⁷⁾. He must have received the letter of recall almost at the very moment of his lobbying in Congress. But his creditors had by that time become so pressing that the fear of being imprisoned for debt as soon as he gave up his official quality prevented him from handing over the functions of the legation. He refused to do so even when most vehemently urged by Mr. Lechleitner ⁸⁾, who was fighting for his right to his daily payment. It came to such a point that both were sending official communications to the State Department ⁹⁾.

Finally Ten Cate resorted to the aid of Mr. Adams himself, stating his "difficulty in negotiating drafts upon his government" ¹⁰⁾, and his need of money. The American administration decided to help him, as representative of a power with whom

¹⁾ Febr. 10 1818, Van Nagell to the King (R. A. B. Z. U. S. 1818 No. 342).

²⁾ Febr. 12 1818 (Ibid. I. S. 1818 No. 660).

³⁾ „Burggraaf De Quabeck, kapitein bij de Gendarmerie te Gend" (April 3 1818, Van Nagell to the King, Ibid. U. S. 1818 No. 862). He was promoted later on to „Majoor bij de Armée" (Royal Decree of April 20 1818, Ibid. I. S. 1818 No. 1595).

⁴⁾ March 21 1818 (Ibid. No. 1257).

⁵⁾ Ibid. No. 1437.

⁶⁾ Febr. 20 1818 (R. A. B. Z. B XXI No. 5).

⁷⁾ In March a bill of exchange had been protested at Amsterdam (March 26, W. J. Willink to Van Nagell, R. A. B. Z. I. S. 1818 No. 1270).

⁸⁾ Sept. 15 1818, Lechleitner to Van Nagell (Ibid. No. 4492).

⁹⁾ Also, Lechleitner started again a correspondence with the Governors of the Colonies (Ibid. No. 4723).

¹⁰⁾ Adams, Memoirs vol. IV p. 118, July 28 1818.

they entertained friendly relations, and advanced him \$ 3000 for bills of exchange drawn by him upon the Minister of Foreign Affairs of the Netherlands ¹⁾. Being then freed from embarrassment, Ten Cate duly delivered his letter of recall on August 12th, and transmitted the legation to De Quabeck. He sailed in October and arrived in Holland in December.

Notwithstanding this very unsavory incident, which was concluded only in April 1819 when the Dutch government, after several protests, decided to pay the bills ²⁾, and which earned for Ten Cate the strong disapproval of Van Nagell ³⁾, the opinion at Washington of his general behavior remained favorable. "His official conduct here has been unexceptionable, and his removal will be generally regretted", wrote Adams ⁴⁾. His concern about Ten Cate's future shows his real interest in him; he recommends him strongly to Van Nagell's "kindness and to the benevolence of his August Sovereign" ⁵⁾.

The new chargé d'affaires, De Quabeck, found little of importance left for him to do. As already described, he established a better system of consular agencies in the United States ⁶⁾. The report which he drew up for his successor in 1823 at the end of his term of office ⁷⁾ states that this reorganization was the only thing of interest he could perform:

„J'attachais beaucoup de prix à arriver à une bonne organisation des consulats et j'y ai donné tous mes soins; il m'a toujours paru que c'était un point capital dans cette mission et il le deviendra de plus en plus à mesure que les affaires de l'Amérique du Sud deviendront plus intéressantes. Leur position dans les principaux ports de mer les met souvent à même de donner à la Légation des avis importants”.

When at the end of 1819 his presence was needed in the Nether-

¹⁾ After a correspondence, August 5—11 1818, between the Treasury and the State Departments (D. o. S. Miscellaneous and Domestic Letters). Of all of this Adams carefully notified Everett, Aug. 16 and Oct. 28 1818 (L. o. C. Papers of J. Q. Adams 1802—1846). On the same subject: De Quabeck's despatches of Oct. 19 and 22 1818 (R. A. B. Z. I. S. 1818 Nos. 4722 & 4704).

²⁾ April 10 1819, Everett to Adams (D. o. S. Desp. Neth.). Compare May 7 1819, Adams to Everett (D. o. S. Instructions).

³⁾ „La conduite du Sieur ten Cate est de toute manière répréhensible" (Dec. 10 1818, Van Nagell to De Quabeck, R. A. B. Z. B XXI Port. 7).

⁴⁾ To Everett, Aug. 16 1818 (L. o. C. Papers of J. Q. Adams 1802—1846).

⁵⁾ Aug. 25 1818, Adams to Van Nagell (D. o. S. Notes to For. Legations, vol. 2 p. 336; R. A. B. Z. I. S. 1818, mentioned only in *Verbaal* under No. 4776). Ten Cate was appointed, about 1820, to the office of the Legation at Paris (R. A. B. Z. No. 747).

⁶⁾ P. 151.

⁷⁾ R. A. B. Z. B XXI No. 77.

lands for the arrangement of his private concerns and he asked for and obtained a leave of absence ¹⁾, he advised putting nobody in charge of the legation in the meantime. On the one hand he was probably afraid of Lechleitner's ambition. But on the other it appeared and proved to be quite unnecessary to encharge anybody temporarily with duties of so little concern.

The only question still pending between the two governments was that of the spoliation claims. It led Everett, so instructed by Adams, to enter into an extensive correspondence with Van Nagell, in which the Dutch government steadily denied every obligation to pay. The question was abandoned in the middle of 1820, and never taken up again ²⁾. It was of no actual importance to the mutual relations of the two countries in these years.

Only in 1822, two years afterwards, did any other case of controversy in commercial policy between the Netherlands and the United States arise ³⁾.

With regard to a renewal of treaty negotiations, the Secretary of State stiffened his back more and more. That they were not taken up again is mainly due to *his* direction of American foreign policy, involved as this was in a constant interplay of moves and countermoves against British diplomacy. He could not overcome his suspicions of an interference by the British in the Dutch foreign relations. They aimed pointblank, he conjectured, at the furtherance of England's dominion of the seas; and it was this, he was sure, which the American delegation had met with when the provisions of the old treaty had been brought up for discussion at The Hague. The conditions of neutral trade and the right of search were connected with the question of the impressment of seamen which lay still unsettled between the two Anglo-Saxon governments. That question was also involved in the British attempts to secure an international abolishment of the slave trade which in these years repeatedly crossed American policy in its relations with the Netherlands as well as with most of the other sea powers.

¹⁾ Dec. 17 1819, Van Nagell to De Quabeck (R. A. B. Z. B XXI Port. 8).

²⁾ See Hoekstra, l.c. chapter VI.

³⁾ Ibid. chapters VIII and IX.

Under strong pressure from the English people, guided by the high ideals of Wilberforce, Great Britain, by an Act of Parliament of 1807, abolished the slave trade in her territories and among her subjects ¹⁾. Since if not universally forbidden this trade was likely to continue in full force under the flags of foreign countries, it became necessary to obtain, besides, like measures from all the other powers concerned. As long as the wars lasted, her belligerent right had allowed Great Britain to visit all neutral vessels in search of contraband; it had served her at the same time to detect and repress the slave trade when carried on under her flag and by her subjects even under a foreign flag, and also to enforce any abolition laws of other countries ²⁾. In the ensuing years of peace, however, this right of search had to be abandoned, according to the rules of international law. It became impossible henceforward for Great Britain sufficiently to control the trade by the vessels of her navy alone. Yet, public opinion in England as well as the interests of British plantation owners ³⁾ insisted more and more strongly that an end be made to this traffic, also when carried on under foreign flag and nationality. Besides trying to persuade them to abolish the trade by national law, the British government consequently urged the other powers also to adopt such measures as would give effective execution to the abolition: i.e. by constituting a police régime of the respective navies for a joint control of the intercourse between the coasts of Africa and America. Castlereagh's efforts at the Congress of Vienna bore little result however; a general avowal by the most important powers of the desirability of doing away with the slave trade was the only practical effect ⁴⁾. From then on he

¹⁾ The best brief account of British policy, as sketched in the following pages, is to be found in C. K. Webster, *The foreign policy of Castlereagh 1815—1822, Britain and the European alliance* (London 1925), Chapter VIII 3, p. 454—466. Reference should be made also to W. L. Mathieson's books, *British slavery and its abolition 1823—1838* (London 1926) p. 20—23, and: *Great Britain and the slave trade 1839—1865* (1929) p. 1—15. An account of the American attitude is given by Eugene Schuyler, *American diplomacy and the furtherance of commerce* (New York 1886), Chapter V, p. 233 f., based mostly upon Henry Wheaton's *Enquiry into the validity of the British claim to a right of visitation and search of American vessels suspected to be engaged in the African slave trade* (1841).

²⁾ Mathieson, *Great Britain and the slave trade*, p. 11.

³⁾ Cf. W. Döckert, *Die englische Politik auf dem Wiener Kongress* (Weida i. Th. 1911), p. 18, 19.

⁴⁾ *Ibid.* p. 139. On the treatment of this subject at the Congress also: C. K. Webster, *The foreign policy of Castlereagh 1812—1815, Britain and the reconstruction of Europe* (London 1931), VII 3, p. 413—426.

tried to arrange the matter by separate agreement with each country. Except for a natural counter-action from all those who derived profit from the traffic, he encountered an opposition originating in fear and jealousy of the British seapower. To accede to an agreement permitting the navies of each party to visit the merchant vessels of the other for the detection of the slave trade meant the establishment, under certain conditions, of the right of search in time of peace. The reciprocity of this right had no attraction for other nations since there were practically no *British* slavers any longer; on the other hand, it might involve the danger of an undue extension of Great Britain's supremacy on the seas. Consequently, even though Castlereagh was successful in convincing foreign powers of the necessity for abolishing the slave trade ¹⁾, nevertheless they could not easily be made to agree with the mutual right of search. The more powerful rivals, France and the United States, were keen in declining all propositions to this effect. The first countries which the Minister succeeded in winning over to his system, after due pressure, were Portugal and Spain, where British influence was prominent as an element of foreign policy. By treaties in 1817 they conceded to Great Britain, under certain limitations, the mutual right of search of any vessels suspected of engaging in illicit slave trade ²⁾.

It is easy to understand the attitude of the Netherlands. By Decree of June 15, 1814 the Prince Sovereign, anxious to comply with this wish of the British government, had abolished the slave trade in his territories ³⁾. In the convention of August 13th next, on the restitution by England of the Dutch colonies, he had further pledged himself to adhere firmly to this measure ⁴⁾. On May 4, 1818, then, the Dutch government proceeded to the

¹⁾ All powers promised to abolish it within a limited period.

²⁾ The respective dates of these treaties are Sept. 11 and Sept. 23 1817 (published in *British and Foreign State Papers* IV p. 85 and 33). They stipulated for both parties "that the ships of war of their royal navies, which shall be provided with special instructions for this purpose . . . , may visit such merchant vessels of the two nations as may be suspected, upon reasonable grounds, of having slaves on board, acquired by an illicit traffic" (Art. 9 of the Spanish treaty).

³⁾ *Lagemans* I p. 16 No. 3.

⁴⁾ *Ibid.* No. 9, p. 37. In article 8 he engaged "to prohibit all His subjects, in the most effectual manner and by the most solemn laws, from taking any share whatsoever in such inhuman traffic". On the King's measures with regard to the West Indies, see *De Gaay Fortman in De West-Indische Gids* IX (1927) p. 260.

next step by concluding a treaty with Great Britain ¹⁾ which in its 2d article stipulated the mutual right of search ²⁾. This right of search and of eventual capture, by the navy vessels of the other party, was extended even to cases in which the merchant vessels were found to be under the convoy of ships of war of their own nation ³⁾.

The leader of American foreign policy became particularly annoyed upon learning the provisions of this treaty. From the British practice, established during the Napoleonic wars, of impressing seamen suspected of being British subjects when found on board neutral vessels which were searched for contraband, the United States trade especially had suffered because of the similarity of national languages. The American government, which maintained the rule that ships cover foreign subjects as well as foreign goods, and to which the question had become finally a *casus belli*, as we have seen, was not willing to make any concession in this respect nor disposed to meet any British demand for an extension of the right of search. The peace treaty of Ghent had stipulated nothing on the subject of impressment; and, although the United States had abolished the slave trade by law in 1807, the American commissioners had refused pointblank any arrangement for joint action for the suppression of this traffic. The treaty had contained a general pledge only, in article 10, that both parties would "use their best endeavors to accomplish so desirable an object" ⁴⁾. Ever since, the government had been

¹⁾ De Martens, Nouveau Recueil IV p. 511; Brit. and For. State Papers V p. 125; Lagemans II No. 68, p. 1. It was concluded, the preamble said, "for putting a stop to the carrying on of the slave trade by their respective subjects, and for preventing their respective flags from being made use of as a protection to this nefarious traffic by the people of other countries, who may engage therein. . .". Compare Colenbrander, Gedenkstukken VIII 1815—1825, I (Index sub *Slavenhandel*).

²⁾ Unequal consequences of this regulation with respect to the much larger navy of England were avoided by the stipulation that only a limited number of war vessels, equal for both parties, would be given the commission of visitation. Although the balance of power was thus maintained, the effective control suffered a considerable weakening by this restriction. The treaty is for this reason an important concession on the part of British diplomacy.

³⁾ Art. 3, sub 4. For the rest, this, like the earlier treaties, contained articles on the establishment of mixed tribunals for those cases in which the search and capture had been effected by a war vessel of the other party. It led to a still stricter law on the slave trade of Nov. 20 1818 (Staatsblad No. 39), for practical execution. Cf. Van Hogendorp, Bijdragen III p. 224 f.

⁴⁾ On May 15 1820 Congress actually declared slave trading to be piracy, punishable with the penalty of death. Even then, however, the American measures to suppress it, by the national navy forces, remained inadequate.

suspicious that this anti-slave-trade policy of Great Britain was used by her in order to realize her old pretensions of a *dominium maris* ¹⁾. Only in this light did Adams view the present treaty with Holland. Although its provisions were really not so excessive as he came to represent them, they convinced him again of the dependent state of the Dutch Kingdom.

It was his presumption, as he told the British minister ²⁾, that the concessions contained in the treaties with the Netherlands and the other powers were "actuated by a sense of dependence upon or of obligation to Great Britain"; and he kept declining therefore the invitation to accede to the same system ³⁾. The United States could never submit to an agreement by which their citizens would be subjected to search and capture by naval officers of a foreign power for offences against the laws of their own country ⁴⁾. With regard to an exercise of the right of search in the case of vessels under convoy, as stipulated in the Netherlands treaty, the American government could conceive no combination of circumstances, he stated, which would render this necessary or proper for coöperation to suppress the slave trade: "a vessel under *convoy* of its own nation must always be amenable to the examination, search and seizure of its commander, thereby rendering the intrusion of a foreign officer for the same purpose as unnecessary and useless for the end proposed as it is otherwise objectionable in itself" ⁵⁾. This stipulation had an aspect, Adams wrote ⁶⁾, "little reconcilable to the independence of nations".

¹⁾ In the forties the United States for this reason still successfully insisted that France should not give way to the British pressure for an establishment of the mutual right of search.

²⁾ Adams, *Memoirs* V p. 183, Oct. 2 1820. (Cf. IV p. 151, Oct. 30 1818!)

³⁾ Nov. 2 1818, to Gallatin and Rush (*Writings* VI); Dec. 30 1820, to Stratford Canning, Febr. 6 1821, to Rush, Aug. 15 1821, to Stratford Canning, June 24 1823, to same, (*Writings* VII).

⁴⁾ It is remarkable that on the Dutch side both the Minister of Justice, Van Maanen, and the Minister of the Navy had objected to this stipulation in the treaty, on the grounds of its unconstitutional character with regard to sovereignty and of the danger of a disturbance of trade in times of peace. (R. A. Archives of the Dept. of Justice, dossier „Slavenhandel en Zeerooverij 1818—1875“.)

⁵⁾ This argumentation represents conditions most regularly prescribed by the instruments of international law for visitation in time of war. The Dutch-American treaty of 1782, for instance, had contained the stipulation in Art. 10: ". . . Nevertheless, it shall not be required to examine the Papers of Vessells, convoyed by Vessells of War, but Credence shall be given to the Word of the Officer, who shall conduct the Convoy". The same provision had been inserted in Art. 15 sub *d* of the Dutch project treaty with the United States, transmitted to the King in 1817 (see Chapter XII).

⁶⁾ Aug. 15 1821, to Stratford Canning (*Writings* VII p. 171).

In this attitude he was not at all disposed to enter upon proceedings aiming at a closer connection with a country thus "trammeled". When in 1821 Everett — hearing some loose remarks of the ex-minister Goldberg, who "appeared to be surprised that the conferences had not yet been resumed", — suggested that negotiations for a treaty be taken up again, having already draughted a note to this effect to Van Nagell ¹⁾, Adams duly checked his ambition with almost the same arguments about caution with regard to Great Britain as he had put forth in 1818. His suspicions had only been strengthened since then. He replied that in 1817 "an influence other than that of the Netherlands was perceived, or suspected, of raising obstructions to the agreement of the commissioners, the existence of which subsequent events [the slave trade treaty!] have not tended to invalidate". "The disappointment in the result of that negotiation, after the anticipation of success which had been encouraged at its commencement, was a warning against making a second attempt, without some security that it would not again prove abortive." ²⁾

Thus, the idea of a renewal of the negotiations was again cut short and now completely abandoned for more than a decade. Their termination and the subsequent legislative settlement in 1818 of the most important question pending between the two countries brought a logical close to the lively period of diplomatic intercourse which had been started by Bourne's overtures and Changuion's mission. By the nature of the subjects of discussion as well as by the characters of the persons through whom they were treated, the five years from 1813 to 1818 form practically a whole and separate chapter in the political relations between the Netherlands and the United States. They were followed, around 1820, by a period in every respect inactive and calm.

¹⁾ Febr. 12 1821, Everett to Adams, with enclosure of the draught (D. o. S. Desp. Neth. VIc). He acted upon the loose supposition that Goldberg's remarks "might be intended as an indirect overture".

²⁾ July 25 1821, Adams to Everett (D. o. S. Instructions; published in Adams, Writings VII p. 126).

XVIII. THE ACT OF APRIL 20, 1818 AS A FACTOR IN THE DEVELOPMENT OF AMERICAN COMMERCIAL POLICY

ITS PREDECESSORS. — ITS EXTENSION AND APPLICATION TO OTHER POWERS

The Act of April 20, 1818 was another link in the chain of legislative measures which extended the navigation policy of the United States to a system of complete reciprocity¹⁾. We described the Act of March 3, 1815 as initiating this policy by its offer of a partial equalization of trade. The offer had been accepted by Great Britain for her European dominions by the commercial convention of July 3, 1815, and it had induced the Netherlands to adopt a similar regulation of navigation dues in the tariff law of October 3, 1816²⁾. Besides the Hanseatic Cities, no other foreign power was prepared for the present to accept the American principle. Negotiations with France and Russia proved unsuccessful. Only with the United Kingdoms of Sweden and Norway was a treaty concluded, September 4, 1816, but it was withheld immediate ratification by the Senate.

The latter was, nonetheless, the first treaty to break through the European colonial system. It stipulated that Swedish and Norwegian vessels arriving in ballast, or importing into the United States the produce or manufacture of their country, or exporting from the United States the produce or manufacture of the said States, should not be subject to higher tonnage and import or export duties than those payable by American vessels; and vice versa³⁾. Except for the limitation of the equalization

¹⁾ A good exposition of this policy in Johnson et al. l.c. II, Part. III by D. S. Hanchett, Chapter XXXIX.

²⁾ The situation that from lack of discriminating duties on merchandise the Dutch offer meant a complete trade equality, similar to that adopted by the United States in 1828, was soon discontinued in the ensuing years by the enactment of restrictive measures. See below, Chapter XIX.

³⁾ Malloy II p. 1742 f. Hovde l.c. p. 18 f.

of tonnage duties, this provision was a mere copy of the corresponding article in the British treaty. But it was extended to the one Swedish colony of St.-Bartholomew in the West Indies. Sweden derived little more advantage from this island than Holland from her possessions in the lesser Antilles. Like these, it was mostly a commercial settlement, open to and dependent upon American imports, which were regularly admitted. While retaining the trade between the mother country and the colony as a national monopoly, Sweden could therefore easily concede to the American desire to include the latter in the present agreement. To the United States it was a point of fundamental importance, from which the treaty derived a special interest.

But from articles 3 and 4 which had allowed to American trade the importation into Sweden and Norway of goods from the West Indies in general, on the payment of duties 10 % higher than those levied on national vessels — in exchange for a similar provision about importations into the United States by Swedish and Norwegian vessels from countries surrounding the Baltic —, ratification had been withheld by the United States Senate in February 1817, upon the consideration that such compromising provisions belonged to neither system, and that because of most-favored-nation clauses in other treaties they would probably prejudice the American position in the controversy over the West Indian trade ¹). It was May 27, 1818 before the President gave his final ratification to the treaty, without these articles ²). Only after that could its former provisions be enforced in the mutual intercourse.

The rejected provisions of the Swedish treaty had dealt with a part of the indirect or staple trade of either nation, i.e. the trade in articles produced by the neighboring countries. The policy of the United States was not yet quite ripe for such an extension of the reciprocity; moreover the compromising nature of these articles, as evinced by their 10 % additional rates, had made them especially objectionable. At the same time the idea of extending the equalization of import duties to those on goods from the natural hinterland of any foreign country was being treated, although in a negative sense, in an Act of Congress of

¹) March 30 1817, Ten Cate to Van Nagell (R. A. B. Z. I. S. 1817 No. 2712).

²) Cf. — besides Hovde — R. Hayden, *The Senate and treaties, 1789—1817*, p. 198 f.

March 1, 1817¹⁾. This Act prohibited to foreign vessels the importation into the United States of merchandise of national production or such merchandise as was most usually first shipped in transit for transportation overseas from the harbors of the country concerned, but only when this country had adopted a similar prohibition for American vessels carrying American produce. By the restriction of its application contained in the last paragraph the Act provided only for special cases in the West Indian colonial intercourse and thus met the British regulations which obstructed American trade there in consequence of the Navigation Act. The object was to exclude British navigation from the trade between the British colonies and the United States. The Act was therefore merely an expression of American policy in the West Indian controversy. Its most important feature from a general point of view was, however, the passage concerning the trade by vessels of a foreign country in merchandise most usually first shipped for transportation from this country. For this was the first time that American commercial policy, either by legislation or in treaty form, dealt with the geographically natural transit of a foreign country. The Act does not offer reciprocity for this branch of trade²⁾, but it prohibits any participation therein by vessels of nations applying similar restrictions for American navigation. It only mentions the possibility of such a trade. For this very reason, however, the American commissioners had, as we have seen, taken it into consideration during the negotiations in 1817.

Owing to Ten Cate's activity, the negative character of the former Act was made positive in the Act of April 20, 1818 in

¹⁾ U. S. Statutes at Large III p. 351: Sect. 1. „*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, after the thirtieth day of September next no goods, wares, or merchandise shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production, or manufacture; or from which such goods, wares or merchandise can only be, or most usually are, first shipped for transportation*“); *Provided, nevertheless, That this regulation shall not extend to the vessels of any foreign nation which has not adopted, and which shall not adopt, a similar regulation*”.

^{a)} The italics are mine, J. C. W.

²⁾ Cf. J. B. Moore, The principles of American diplomacy, p. 172, stating that by this Act “the offer made in the Act of 1815 was enlarged”. Also H. Keiler, l.c. p. 49, 50, attaches too much weight to this Act in the development of American policy, misled probably by the general wording in which it was couched. See Johnson et al. II p. 297. Kloos' representation, l.c. p. 13, is largely erroneous.

regard to the trade of the Netherlands. The principle of the Reciprocity Act was then definitely extended so as also to include the importations into the United States of all natural exports of a foreign country, in the direct intercourse.

It is evident that notwithstanding Ten Cate's exposition of the special importance of Dutch commerce in this respect, a similar treatment of their exportations could not be withheld from other powers which were in the same situation as the Netherlands ¹⁾. Secretary Adams even expressed a disposition to come to a like agreement with Sweden and Norway ²⁾. By proclamations of July and August 1818 President Monroe ordered the application of the Act of Reciprocity to Bremen and Hamburg respectively ³⁾. But in the beginning of 1819 he had to transmit to Congress the requests of these two cities and of Prussia that they be subjected to the advantages of the Act of April 20, 1818 also ⁴⁾. Consequently Congress, by a large majority, passed a new law on March 3, 1819 extending the provisions of the former Act to the vessels of Prussia, Hamburg and Bremen ⁵⁾; but at

¹⁾ Mentioned already by the President in his message to Congress, March 19 1818: Prussia, Hamburg and Bremen (p. 313).

²⁾ June 22 1818, Adams to J. Russell (Writings VI p. 351).

³⁾ July 24 and Aug. 1 1818 (Statutes at Large III, Appendix I). Due evidence had been given of course of the abolishment of all discriminating duties to the disadvantage of the United States. Cf. A. S. P. For. Rel. IV p. 213. It was the result as far as Hamburg was concerned of repeated efforts since 1815 on the part of the Senate of this city to secure an application of the Reciprocity Act. The American government had evaded them as much as it had evaded similar Dutch efforts. Baasch, Beiträge zur Geschichte der Handelsbeziehungen zwischen Hamburg und Amerika (In: Hamb. Festschrift zur Erinnerung an die Entdeckung Amerika's, I, Hamburg 1892), p. 97 f.

⁴⁾ A. S. P. For. Rel. IV p. 419. The President's message is dated Febr. 6 1819 (also in A. S. P., Commerce and Navigation II p. 196).

⁵⁾ Before it passed, some deliberations took place regarding the injustice of heavy transit duties enacted by the powers concerned. Mr. Smith, from Maryland, Chairman of the Committee of ways and means in the House of Representatives, took a leading part therein. Prussia had, it was stated, levied considerable duties on American tobacco when imported through the Netherlands (March 1 1819, De Quabeck to Van Nagell; R. A. Cabinet Port. 241); it should be prevented that American navigation to the Netherlands thus be affected unfavorably by tariff measures of the Prussian government. The provision ought to be made, Smith wrote to Adams (Febr. 12 1819, D. o. S. Miscellaneous Letters, vol. 67), "that all the produce of the United States passing in transit through the ports of the Netherlands shall be subject to no higher duties when passing into the countries appertaining to Prussia, than are payable when similar goods arrive in the ports of Prussia", and the same in respect to Hamburg and Bremen for colonial produce, imported from the United States, "with proceeds of which we generally pay for the Silesia-linens, etc., etc.". — Neither Adams nor any official of the countries concerned were informed, however, about the existence of such unjustly higher duties (Febr. 19 1819, Adams to S. Smith, D. o. S. Reportsbook). So the Act passed without any special provisions (U. S. Statutes at Large vol. III p. 510, Statute II, March 3 1819, Chapter LXXV).

the same time gave it the character of a convention by limiting its duration to a period ending January 1, 1824. On that date the whole new and experimental system of reciprocity, constituted by the Acts of 1815, 1818 and 1819, would expire, it was stated ¹⁾, in order to allow a general reconsideration of its results.

Thus, in the Acts of 1818 and 1819 it appears that only the Netherlands, Prussia, Hamburg and Bremen, i.e. the countries forming the natural outports of Central Europe on the North and Baltic seas, obtained the privilege of reciprocity for the transit cargoes carried by their vessels. They were the most direct highways for the movement of commerce between this part of Europe and the United States. Other powers did no or no considerable first shipping of foreign merchandise from their ports ²⁾.

By proclamations of the President the limited provisions of the Reciprocity Act itself, being applicable to every country with an overseas trade and an export production of its own, were in the following years extended to the third Hanseatic City, Lübeck ³⁾, to the Kingdom of Norway ⁴⁾, and to Oldenburg ⁵⁾. From this list, and from the treaties concluded upon the foundation of the Act, it clearly appears that it had missed its purpose regarding the admittance to foreign colonies ⁶⁾. Only the mother countries, except for the small Swedish West Indian island, and powers

¹⁾ March 1 1819, De Quabek to Van Nagell (R. A. Cabinet Port. 241).

²⁾ Only Norway appears to have received in 1821 an equalization of this kind of transit trade also, probably for articles of Swedish produce. Her chargé d'affaires demanded it from the American government because of the negative provisions of the Act of March 1 1817 (A. S. P. For. Rel. IV p. 868 f.). Upon this Hovde, l.c. p. 21, 24 f., probably bases his misrepresented exposition of American reciprocity policy. The reciprocity desired was extended to Norway by proclamation of the President, Aug. 20 1821 (see below), transmitted by letter of Aug. 21, of Adams, who refers therein entirely, however, to his verbal explanation of the bearing of the Act of 1817 and of the trend of American commercial policy in general (A. S. P. Ibid. p. 869). This important explanation is not communicated by Hovde; if not noted down in Adams' own Memoirs, it is to be found perhaps in a report by the Norwegian agent to his government, in the Norwegian State Archives.

³⁾ May 4 1820.

⁴⁾ Aug. 20 1821. But see footnote No. 2 on this page. — Sweden did not fall under the provisions of the Act. They involved for her, however, only slightly more reciprocity than the Swedish-American treaty, enforced since 1818, yielded: viz. the equalization in the United States ports of tonnage duties on all vessels instead of those on vessels carrying national produce.

⁵⁾ Nov. 22 1821. These proclamations are to be found in Statutes at Large, vol. III, Appendix I.

⁶⁾ Cf. Annual Message of the President to Congress, Dec. 3 1821 (A. S. P. For. Rel. IV p. 736 f.), which gives a general exposition of the commercial policy.

without colonies at all had obtained the reciprocity offered in the trade intercourse with the United States.

The whole system was given to Congress for reconsideration in the session of 1823—'24. It was fully approved. Consequently the Act of January 7, 1824 ¹⁾ resumed the provisions of its three precursors; however, giving up the condition of including colonial trade therein, it applied its articles expressly to the European territories of the powers in question and to the European trade alone. It extended the reciprocity stipulated — of tonnage duties and of import duties on merchandise of national produce as well as on goods usually first shipped from the ports of these nations — to all the countries above-mentioned, and to Sardinia and Russia also ²⁾. As such it was a formal and final confirmation of the policy adopted, but also an implicit admission of the actuality of the "European" colonial system.

At the same time full trade reciprocity, upon the most liberal principles of trade policy, was nearing realization. It would mean a complete equalization of the national and foreign navigation, for tonnage dues as well as for import duties on merchandise of whatsoever origin and coming whencesoever, in all direct and indirect commercial intercourse. This idea had appeared vaguely, in connection with the Dutch relations, in some of the despatches of Monroe, Rush and Adams, and during the negotiations at The Hague it had been proposed in vain by Gallatin and Eustis on the condition that the colonial trade be included in the equalization. It reappeared at the discussion of Adams' report to Congress in March 1818, when it had been strongly backed by General Smith, representative of the American merchants. The fact, however, that Crawford, the Secretary of the Treasury, at that time withdrew his plan for a complete reciprocity of duties for the Netherlands and that it did not come up for consideration during the following debates in Congress, shows that the national economic spirit was not prepared in 1818 for the radical change in commercial policy which it

¹⁾ Statutes at Large IV, p. 2 Statute I, Jan. 7 1824, Chapter IX.

²⁾ Great Britain and Sweden, who did not meet all the provisions of the Act, continued to be treated according to the stipulations of their respective treaties. The most-favored-nation clauses of these treaties entitled them only to the bargain of an exchange of equal favors, as offered and required by the Act, not to the more extensive reciprocity which was a result of the bargain.

would involve. Only by steps gradually extending reciprocity — such as those taken in 1815, 1818, 1819, 1824 — could a complete equalization of the indirect trade finally be realized.

In 1821 full trade reciprocity, to be mutually adopted, was offered to the United States by Norway, one of the foremost shipping nations¹⁾, and ever since it had been intermittently under consideration by the American government²⁾. Under Adams' administration, when Clay was Secretary of State, the logical course of events drove the United States to this last consequence of their trade liberalism. In his first annual message to Congress, December 6, 1825, the President recommended for serious consideration "whether the general tender of equal competition made in the Act of January 1824, may not be extended to include all articles of merchandize not prohibited, of what country soever they may be the produce or manufacture"³⁾. In this spirit a convention was actually concluded with Central America, December 5, 1825, the so-called Guatemala treaty, proclaimed in October 1826, which equalized all duties on tonnage and cargo for the vessels of the two parties⁴⁾. Similar treaties followed, in April 1826 with Denmark, in 1827 with Sweden and Norway, and with the Hanseatic Cities, and in 1828 with Prussia⁵⁾. Finally the Act of May 24, 1828 established the policy in a general offer to all foreign countries to repeal by mutual agreement all distinctions between foreign and national navigation⁶⁾. The United States henceforward urged it upon the other governments.

¹⁾ Hovde p. 23 f. This proposition was refused upon the grounds that the existing restrictions on American trade in France and in the British American colonies would give to the Norwegians an unequal advantage over American merchants (Annual message of the President, Dec. 5 1821, A. S. P. For. Rel. IV p. 738).

²⁾ "This is the consummation", Adams wrote May 27 1823 (to R. C. Anderson, D. o. S. Instructions IX), "of the principle of treating the foreigner in respect to navigation and foreign commerce upon a footing of equal favour of the native". In the same despatch he gives a very valuable exposition, referred to more than once in this study, of the development of American policy in regard to trade reciprocity.

³⁾ A. S. P. For. Rel. V p. 760.

⁴⁾ Malloy I, p. 160; De Martens, Recueil de traités, supplément X 2 p. 826. — Article IV: "... that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other."

⁵⁾ Malloy vols. I, II. Hunter Miller III. — That with Sweden included again the colony of St.-Bartholomew. The President was very anxious, Clay wrote, "to secure the adoption of the general principle without qualification, and that it should ultimately be extended to all colonial powers". (Hovde p. 28 f.)

⁶⁾ U. S. Statutes at Large, IV p. 308, Statute I, May 24 1828, Chapter CXI.

The Netherlands accepted this complete reciprocal trade equality by their convention of commerce and navigation of 1852.

It was the final step in a natural development of trade liberalism. How it was accepted by the governments of other powers, and whether it concurred with the simultaneous development of a protective tariff policy — as would appear from its effects on American enterprise — is a subject belonging to the third and succeeding decades of the 19th century. The Act of April 20, 1818, relative to the Netherlands, belonged to the reciprocity system for the direct trade, initiated in 1815. The all important extension of this system to the inclusion of indirect trade also — which was a logical result but which nevertheless brought an essential change in commercial policy — appertains to the Administration of John Quincy Adams, after 1825.

XIX. THE TREND OF DUTCH COMMERCIAL POLICY

ADOPTION OF A DISCRIMINATIVE POLICY. — THE TEA TRADE LAW OF DECEMBER 24, 1817 AND ITS CONSEQUENCES

At the same time that the Act of April 1818 formed a step towards the adoption of full trade reciprocity by the United States the Netherlands made a gradual change towards the protection of national enterprise.

Whereas previously no general system of differential duties had existed, the tariff law of October 1816 had established a principle of discrimination in tonnage dues between national and foreign trade, but proposed at the same time a repeal of the discrimination for vessels of those nations which granted the same to Dutch trade ¹⁾. The full reciprocity thus offered had been extended by Wichers' provisional order of December 4, 1816 ²⁾ to the vessels of England, East-Friesland, Denmark, the United States, Hamburg, Bremen, Lübeck and Mecklenburg; and by proclamation of April 9, 1817 ³⁾ to the vessels of these powers and of Oldenburg, Russia, Portugal, Spain, Hannover, Austria, and Syria. It was granted to Prussia in September next by order of Wichers, on sufficient evidence being shown by the Prussian minister that Dutch trade received a reciprocal treatment in his country ⁴⁾. But by Royal Decree of August 19, 1818 the government, encouraged by the recent success of its countervailing policy in the American relations, withdrew reciprocity again from the British on account of their continuation of a discrimi-

¹⁾ See Chapter IX.

²⁾ R. A. B. Z. 2: bur. I. S. 1816 No. 4663, enclosure.

³⁾ Staatscourant of April 11 1817 No. 86.

⁴⁾ Posthumus, Documenten III Nos. 19 f. Also Norway is probably to be added to this list of nations enjoying equalization (Ibid. I p. XIX).

nation in tonnage duties against the Netherlands ¹⁾). Also the Law of December 19, 1817 on the trade to the Mediterranean and the Levant ²⁾ enforced for this special branch the reciprocity principle of the general tariff ³⁾.

In general, foreign trade, except that of a few nations, thus continued to be treated upon perfectly equal conditions with the national trade. An insufficient development of the shipping business, however, — extensively explained in the following chapter — induced the Dutch government, in the course of 1817 to prepare special discriminations for branches where protection was most needed or could be most properly established. The first for which an important differential treatment of foreign competition was enacted was the China tea trade. Since the regulation of this trade bore almost exclusively upon American enterprise, which practically monopolized it in the intercourse with Holland, we shall subject it to a closer observation.

Whereas England and other European countries left the precious tea trade to the special concern of privileged companies — such as the Dutch East Indian Company had been —, the new Kingdom of the Netherlands allowed, though under license, the importation of tea by foreigners upon liberal, undiscriminating conditions, consisting of a general duty of 10 % ad valorem. This trade fell almost solely into the hands of American merchants. Doubtless the interests of commerce and the commission affairs at the tea-auctions, aiming at an unlimited supply of their market, induced the government to adopt and continue this system for the time being. The foundation of a Dutch chartered tea trade company, decided upon in March 1815 for the purpose of reserving the trade to national enterprise

¹⁾ De Vries l.c. p. 29 f. When in 1822 England finally repealed her discrimination of tonnage duties, the Dutch government duly reciprocated this measure.

A like retorsive policy was enacted against Sweden, by law of March 14 1819 (Staatsblad No. 11), in return for the Swedish regulation which forbade Dutch vessels to carry other than the national products into that Kingdom. It was repealed in 1827.

With the government of France, which enforced a policy of almost exclusive protectionism — prolonging the effects of the Continental System —, no arrangement of reciprocal favors was possible in these years (C. Smit, *De handelspolitieke betrekkingen tusschen Nederland en Frankrijk, 1814—1914*, The Hague 1923, p. 1 f.).

²⁾ Staatsblad No. 34.

³⁾ Posthumus Documenten I p. XVIII.

exclusively ¹⁾, and heavily backed by the King himself, met with so many objections and such a lack of interest in subscription among the Amsterdam and Rotterdam merchants that it had to be abandoned after a few years ²⁾.

It was obvious, however, that under the present conditions Dutch shipping would never be able to face American competition. A definitive regulation of the tea-trade was still much needed, after the failure of the company. In order then to promote the national enterprise, and at the same time to favor the ship-building industry and the active commerce between Holland and the East Indies, as well as the exportation of Leyden cloth, which was in great demand at Canton under the name of "polemiten" ³⁾, the King's government decided to regulate the tea trade with differential navigation duties. As has been explained in Chapter XII, already at the time of the preparations for the negotiations a concept-law to that effect was under consideration; and apprehension had been expressed in American correspondence that the present advantages might be discontinued ⁴⁾. On the 22d of October a project was proposed in the new session of the States-General, and on December 24, 1817 the law on the tea trade was passed ⁵⁾. It finally abolished the unlucky chartered company, which had proved obsolete, and gave the tea trade free to all national and foreign enterprise. It levied a duty of fl. 8 per 100 pds. on Boey (Bohea) and Congo teas, and of fl. 16 on other teas imported, but fl. 2,50 and fl. 5 respectively, upon importation for national account by national (home built) vessels from China or Batavia directly, thus making discriminations at a rate

¹⁾ Law of March 23 1815, Staatsblad No. 30: „ . . . dat deze aanzienlijke tak van handel niet in vreemde handen overga, maar beide voor eigen consumtie en uitlandsch vertier, als een activen en eigendommelijken tak van handel, uitsluitend voor dezen lande geconserveerd blijve". — In 1803 already the foundation of a Canton tea trade company had been proposed by a committee reporting on the needs of the East Indian possessions (De Bree l.c. p. 61 f.).

²⁾ Van den Brink, Bijdrage tot de kennis van den economischen toestand van Nederland in de jaren 1813—1816, p. 103 f. Memorie-boek van pakhuismeesteren van de thee te Amsterdam 1818—1918, p. 76 f.

³⁾ A contemporary pamphlet entitled „Onderzoek of het voor het belang van den Nederlandschen handel raadzaam zij den invoer van thee in dat Koninkrijk al dan niet vrij te stellen, door P. Pous" (Middelburg 1817), p. 21.

⁴⁾ For instance Oct. 27 1817, Appleton to Eustis (L. o. C. Eustis Papers): "If this law passes, the American commerce will very sensibly feel its effects".

⁵⁾ Staatsblad No. 36. Memorie-boek, p. 81.

of 5 : 16 ¹⁾. "Should this measure", wrote Appleton to Adams ²⁾, "exclude foreign vessels from the trade, we shall be the principal sufferers, having for the last two years imported, under licenses, nearly two thirds of all the teas consumed in the country".

How it worked out, however, contrary to the government's design will be more fully set forth in the next chapter. A strong movement for a limitation of foreign participation in this trade, and even for the foundation of a new chartered company ³⁾, was the result. The *Nederlandsche Handel Maatschappij*, founded in 1824, fulfilled a good many of the wishes expressed, in regard to navigation as well as commerce ⁴⁾.

The adoption of this tea trade law was of fundamental significance to the further course of Dutch commercial policy. After the small and exceptional discrimination in the Levant trade since 1814, consisting of a 5 % ad valorem duty on goods imported from there by foreign vessels ⁵⁾, it constituted another, but a more stringent and striking, deviation from the general reciprocity system of the Netherlands. For this reason many merchants and Representatives, including Van Hogendorp, had been opposed to its provisions out of fear of competition from Hamburg and Bremen and out of regard for the home staple market, which here again saw its pretended preëminence neglected by the government ⁶⁾.

The law did *not*, however, obviate just reasons for complaint

¹⁾ In 1819 all the duties above-mentioned were doubled.

²⁾ Jan. 7 1818 (D. o. S. Desp. Neth.).

³⁾ E.g.: „Gedachten over den Chinahandel en den theehandel, strekkende ten betoge, dat alle belangen zich vereenigen tot de oprigting van eene Sociëteit, op vereenigd kapitaal handelende, aan welke bij uitsluiting die takken van commercie overgedragen worden" (Rotterdam 1824).

⁴⁾ Memorie-boek p. 119 f.

⁵⁾ It was established by Law of July 11 1814 (Staatsblad No. 80), and continued by the Law of December 19 1817 (Staatsblad No. 34). See Chapter IX, p. 182.

⁶⁾ Staatscourant of Nov. 22 1817, with petition of various merchant firms of Amsterdam, Rotterdam, Middelburg; of Dec. 8, with a speech by Van Alphen on the China tea trade; idem of Dec. 16, with an extensive report on the subject in the 2d Chamber of the States-General, session of Dec. 10; idem of Dec. 22, exhibiting the subsequent discussions on the 16th. Two questions were at stake in these ample discussions; that of monopoly or free trade for this branch of commerce, and that of reciprocity or protection of the national enterprise. Van Hogendorp (whose report is to be found also in his *Bijdragen* II p. 194 f.) was one of those who were conscious of the fact that this law was going to be the first important deviation from the general and old maxim of the Netherlands: equality of trade conditions for the foreigners and the national subjects.

about the treatment of Dutch subjects in American ports. It established a discrimination only in the import duties on an article neither the produce of nor most usually shipped from the United States. In fact the United States enforced a like discrimination for the same article; the tea trade, being an indirect trade, did not yet fall under their system of reciprocity. The American government could not therefore find reason in the tea trade law for refusing such satisfaction of the Dutch complaints as they gave in the Act of April 20, 1818.

Henceforward Dutch policy emphasized ever more strongly the favoring of national trade. A law of March 6, 1818 ¹⁾ put a differential duty on salt when carried by foreign vessels. A logical consequence was also the principle expressed in the law of July 12, 1821 ²⁾, that a drawback should be granted of import- and export-duties on goods in *Dutch-built* vessels, in support of the national shipbuilding industry. But this principle was materially extended in practice by Article 10 of the new tariff law of August 26, 1822 ³⁾, which accorded a 10 % drawback of the duties on goods carried by *all* national vessels. That law constituted, however, an actual infraction of the legislative reciprocity agreement which had existed since 1818 between the United States and the Netherlands. It induced a long, but not sharp, controversy during the third and fourth decades of the century.

Whereas in the United States the industrial protectionism of a tariff of abominations diverged more and more inconsistently from the concomitant foreign trade reciprocity, in the Netherlands a moderate increase of protection of industry, enforced in these years around 1820, ran parallel with the new discriminating trade policy.

¹⁾ Staatsblad No. 10. De Vries p. 18. It had been in consideration for a long time. The report of Goldberg and Van der Kemp on the American treaty negotiations mentions the probability of its adoption.

²⁾ Staatsblad No. 9. Article 11 last §: „Ook zullen, ten aanzien van den in- of uitvoer, voor goederen met Nederlandsche schepen, zoodanige restitutiën van inkomende of uitgaande regten kunnen worden vastgesteld, als dienstig zullen geacht worden, om aan den inlandschen scheepsbouw, eene behoorlijke aanmoediging en ondersteuning te verleen”.

³⁾ Staatsblad No. 39: „Naar aanleiding der laatste § van art. 11 der wet van den 12. Julij 1821, zal, voor de goederen die met Nederlandsche schepen worden in- of uitgevoerd, eene restitutie geschieden van één tiende der regten, voor zoo ver de in- of uitvoer onder eigene vlag, bij de algemeene wet of bij het tarief, niet reeds speciaal is begunstigd”.

XX. NAVIGATION AND COMMERCE BETWEEN THE UNITED STATES AND THE NETHERLANDS, FROM 1814 TO 1820 ¹⁾

AMERICAN TRADE IN THE PORTS OF THE NETHERLANDS. — THE MOVEMENT OF THIS TRADE. — DUTCH TRADE WITH AMERICA. — AMERICAN EXPORTS TO THE NETHERLANDS. — EXPORTS FROM THE NETHERLANDS TO THE UNITED STATES. — AMERICAN TRADE AND COMMERCE WITH THE DUTCH WEST INDIES, — AND SURINAM. — AMERICAN TRADE AND COMMERCE WITH THE DUTCH EAST INDIES. — THE CHINA TEA TRADE

The resumption of commercial relations after the termination of the wars in Europe and America was slow and uncertain. It has been stated before that American merchants perforce entered the field late. Only after the lifting of the blockade did they come in, in 1815, with eagerness to resume their pre-war business. But they found then a great number of competitors, already more or less established: the British, of course, who took advantage of a favored position in Holland, and merchants from the Hanseatic cities and Scandinavian countries, which tried to recapture the

¹⁾ It is necessary to state at the outset of this chapter that the quantities and amounts given in various statistical tables and quotations have been gathered from the material obtainable in contemporary publications and consular returns; that, however, in consequence of the defectiveness of statistical services, in the Netherlands as well as in the United States, the quotations used can in general not be trusted for specific facts to reflect the actual state of things which they pretend to represent. Various complaints of consular officers exhibit their inability to collect data on even the national trade movements which they had by their very commissions undertaken to register. (For instance in R. A. B. Z. Leg. Washington No. 30 etc.: the shipmasters sail without having received the necessary certificates from the consuls.) The statistical service of the United States was completely reorganized in 1820 (Keiler p. 48). Only then do its quotations become relatively trustworthy. All data collected before this year must be taken with a great deal of indulgence. If quoted here for the sake of concrete illustration, they are of use only for a construction of the general lines of the movements of navigation and commerce, under the reasonable assumption that their respective deviations from fact will on the whole agree enough to give sense to a mutual comparison. (Cf. chapter II, p. 30 , footnote 1.)

shipping intercourse won by them as neutrals in the previous years. Even the Dutch themselves developed some activity in the reestablishment of their national navigation. Right after the restoration of independence, in December 1813, the merchants appear to have addressed the American consul about the possibility of an admittance of neutral vessels to United States ports ¹⁾. Bourne had presumed at first, from the defective state of the blockade at that time, that a mutually advantageous trade might be carried on there by the Dutch ²⁾, which would leave American commerce passive but would bring about a renewal of its relations with Holland. Subsequent measures resulting in a final realization of the effective blockade had led him to abandon this idea: "The commerce of our Country with this cannot be of any material import during the continuance of our war with England" ³⁾. And the prompt refusal of the Dutch government to deliver clearing-papers to vessels for the United States had wrecked his hopes entirely ⁴⁾. On the whole, however, he soon became aware that, notwithstanding general expectations, the trade of the Dutch had suffered too much in the French period for a rapid revival. Especially navigation kept being depressed by lack of tonnage and means, and by a general apathy, to be cured only by the force of protective measures after several years of experimental government.

As a result of the dependence of Dutch commerce upon foreign navigation, the year 1814 had brought no revival of trade with America. No vessels cleared for or arrived from the United States in Holland ⁵⁾. There was only a renewed tension of expectations from the eventual arrival of American trade. Bourne, knowing the eager spirit of American merchants, as well as the state of the Dutch market, glutted as it was with colonial produce and manufactures from the British storehouses ⁶⁾, had thought it necessary to "advise the utmost caution as to the shipments of articles of American production", "as the arrival of vessels (& cargoes) here in the spring from the U. States so many together,

¹⁾ Dec. 23 1813, Bourne to Van der Duyn (R. A. B. Z. 2: bur. I. S. No. 61).

²⁾ Dec. 27 1813 (D. o. S. Cons. Desp. Amsterdam).

³⁾ Febr. 11 1814 (Ibid.).

⁴⁾ See Chapter IV, p. 67 f.

⁵⁾ But many vessels were carrying on the trade with England (Koophandel en Zeevaarttjdingen of 1814; Municipal Archives of Amsterdam, Library, No. 4).

⁶⁾ Oct. 3 1814, Bourne to Taylor (L. o. C. Bourne Papers).

will depress prices generally and much". Immediately after the peace of Ghent had become known at Amsterdam, "tobaccoes fell from 15 to 9 stivers" ¹⁾. His anticipations were not quite realized. It was June or July before the first Americans, detained by the tardiness of communication and of the consequent breaking up of the blockade, reached the Netherlands ²⁾. They came from New York, Philadelphia and the Southern ports ³⁾, but their importations were not what had been expected. This was partly due to the fact that especially Great Britain absorbed enormous quantities of American exports in exchange for the products of her industry, which considerably raised the prices of export articles in the United States "owing", as wrote one of Bourne's correspondents, „to the great demand for shipping to England and France to pay for the immense importations of manufactures" ⁴⁾. It was caused also by a certain timidity of American merchants "in risking their property to the continent of Europe" ⁵⁾, a consequence of the instability of the political situation. The long distance between the two continents rendered the service of communication slow and unreliable. It was relatively "old news" which informed one side about the other. And the sudden return of Napoleon in 1815 was but a sample of the many events that might still occur in this uncertain state of affairs.

Consequently American business with Holland was not yet very brilliant in the summer of 1815 ⁶⁾, and Bourne planned a transatlantic trip for the following spring to give it a push and to improve his own trade relations, especially in the Southern states "where the *chief exports* for this country are to be found" ⁷⁾.

In the second half of 1815 American trade, having almost satiated with merchandise what was, by closest relations, its best market, namely Great Britain, soon recovered its place in other European ports also. The merchant-captains swarmed out over the ocean and crowded every place where their cargoes were admitted, their commerce allowed: in Europe as well as at

¹⁾ Jan. 5 1815, Bourne to Taylor (Ibid.).

²⁾ May 17th the first American ship arrived at Hamburg (Wätjen l.c. p. 6).

³⁾ July 3 1815 (L. o. C. Bourne Papers).

⁴⁾ Sept. 19 1815, New York, Ludlow to Bourne (Ibid.).

⁵⁾ July 18 1815, New York, Harvey Strong to Bourne (Ibid.).

⁶⁾ Aug. 31 1815, George R. Curtis to Bourne (Ibid.).

⁷⁾ Oct. 1815, Amsterdam, Bourne to Taylor (Ibid.).

Batavia, Canton and in the West Indies. In the one year of 1816, 83 American vessels passed the Sont for the Baltic ¹⁾. Already in 1815, 21 of them had been piloted on the Scheldt off Middelburg, for Antwerp ²⁾.

A table given by Keiler ³⁾, of the *tonnage of vessels in the foreign trade entered into American ports*, exhibits the rapid increase of national shipping activity from 1814 to 1816:

1814:	58.756	tons	of	United	States	vessels,
1815:	694.754	"	"	"	"	"
1816:	877.461	"	"	"	"	"
1817:	780.136	"	"	"	"	" , etc.

At the same time foreign participation in the total American shipping intercourse declined in a few years to less than one tenth of the whole amount of tonnage entered. In 1814 it covered 45 % of this intercourse; in 1815, 24 %; in 1816, 23 %; in 1817, 21 %; in 1818, 18 %; in 1819, 9 %; and in 1820 again 9 % ⁴⁾. Of the tonnage cleared from American ports for the Hanseatic Cities, trading powers themselves, in the year 1820—'21, 17.308 was American, only 4.091 of other nationality ⁵⁾.

The relations with the Netherlands show a correspondence with these movements of national rise and foreign decline. Comparatively low tariffs of importation and transit dues and the abolishment in May 1815 of the differential recognition duties on trade from America proved strong encouragements to American enterprise to frequent the Dutch harbors for an outlet of its export cargoes.

In the year ending September 1816 the total number of American vessels arriving in the Netherlands was 150, i.e. 92 at Amsterdam, 33 at Rotterdam and 25 at Antwerp ⁶⁾. Consular

¹⁾ De Amsterdamsche Courant of Jan. 16 1817, No. 14. — A table given in J. A. Drieling, *Bijdragen tot een vergelijkend overzicht van Nederland's zeevaart en handel* ('s-Gravenhage—Amsterdam 1829), p. 232, 233, gives the following numbers of American ships which passed the Sont in both directions: 1814, 9; 1815, 128; 1816, 168; 1817, 136; 1818, 128; 1819, 89; 1820, 169; 1821, 196. About the half of each figure indicates the number of vessels engaged in this trade.

²⁾ Idem of Jan. 31 1816, No. 27. 18 were piloted outward.

³⁾ L.c. p. 36. Compiled from A. S. P. Commerce and Navigation.

⁴⁾ Ibid. — Pitkin l.c. (1835) p. 363 gives tables not of tonnage entered, but of tonnage employed. His percentages deviate slightly from those above.

⁵⁾ Wätjen l.c. p. 13 (table from Baasch).

⁶⁾ Oct. 18 1816, Eustis to Monroe (D. o. S. Desp. Neth.). — Jan. 17 1817, idem (ibid.) mentions a total number of 152 vessels.

returns forwarded to the Legation at The Hague ¹⁾ report 16 American vessels arriving at Antwerp in the first half year of 1817, and 44 at Amsterdam in the second half. Of the latter number 9 vessels were owned in Boston, 9 in New York, 2 in Philadelphia, 11 in Baltimore and the rest in various other places along the Atlantic coast; their tonnage ranges from 120 to 501 tons, with an average of about 300. And the consul at Rotterdam reports 38 vessels as having entered his port in the year 1819, 47 in the second half of 1820, 16 in the first and 29 in the second half of 1821 ²⁾. Amsterdam saw 69 American arrivals in the second half of 1820 ³⁾. Successive statements from the consul at Antwerp ⁴⁾ show the following numbers for annual and semi-annual returns of American navigation at his port (as quoted here I means the first half of the year, II the second): in 1816: 29 vessels ⁵⁾; in 1817-I: 16; in 1818-II: 13; in 1819-II: 20; in 1820-I: 34; in 1821: 67 vessels of an aggregate tonnage of 17.270 tons. A newspaper states that 36 United States vessels had arrived at Antwerp in 1819, 74 in 1820 ⁶⁾.

A combination of the above data yields the following table of *American arrivals in the ports of the Kingdom*:

	Oct. 11 1815- Sept. 30 '16	1816	1817			1818			1819			1820			1821		
			I	II	Total	I	II	Total	I	II	Total	I	II	Total	I	II	Total
Amsterdam	92			44									69				
Rotterdam	33								38			47		16	29		45
Antwerp	25	29	16	40 ⁷⁾		13	31 ⁷⁾		20	36	34	74					67

These scanty figures suggest a steady activity of American trade at the three great Dutch ports ⁸⁾. They show at what rate

¹⁾ Archives of the Legation, Miscellaneous 1806—1825.

²⁾ Jan. 5 1820, Jan. 3, July 8 and Dec. 31 1821 (D. o. S. Cons. Desp. Rotterdam).

³⁾ See footnote No. 1.

⁴⁾ Hazard to the Secretary of State (D. o. S. Cons. Desp. Antwerp).

⁵⁾ A newspaper report from the Journal de la Belgique, communicated by Van Hogendorp, Bijdragen etc. I p. 267, states 28 American vessels for Antwerp in 1816.

⁶⁾ Amsterdamsche Courant of Jan. 17 1820 No. 6, and of Jan. 5 1821 No. 5.

⁷⁾ From a table composed by Van Mechelen, Zeevaart en zeehandel van Rotterdam (1813—1830), p. 160, footnote 1, from "various consular statements". It gives for 1820, 74 vessels, for '21, 69.

⁸⁾ May 19 1817 Wambersie figures (to Eustis, L. o. C. Eustis Papers) that in the general foreign intercourse of the Netherlands the number of American vessels was $\frac{1}{16}$ that of British, and $\frac{1}{4}$ that of French, Spanish, Russian, Prussian, Danish or Swedish vessels. It should be remarked, however, that the tonnage of the American ships was in general considerably greater than that of the average European vessels, which did not engage in trans-atlantic intercourse but performed a European coasting trade.

Antwerp was developing in the years around 1820, and that it had already surpassed Rotterdam in this branch of transatlantic intercourse ¹⁾. During the next decade it came in competition with Amsterdam even for the most important articles of staple commerce: pot- and perl-ashes, cocoa, hides, cotton, coffee, rice, etc. ²⁾. The opening of the Scheldt in 1815 had induced all commercial houses established at Ostend since the 18th century to move to Antwerp, the natural seaport of Belgium. Ostend's business, of which Americans had expected a good deal at first, was almost nihil. Only two vessels of the United States, with cargoes belonging principally to the American consul, arrived there over a period of about 3 years, 1815—1818 ³⁾.

In anticipation of a more extensive statement below it may be noticed here that many of the vessels flying the American flag arrived in the Netherlands only after indirect voyages. Visiting the seas of Eastern Asia and crowding at Batavia, they performed, under the favors of the liberal tariff system of the Netherlands, a good deal of the carrying trade in colonial articles to the Dutch staple places. Especially the merchants of New England, whose states produced little for exportation and were from of old the sea-trading center of America, partook of this circuitous shipping ⁴⁾.

A specified consular return for *Antwerp* over the first half of 1817 ⁵⁾ reports the *American vessels arrived from the United States*, namely from:

New York	4
Philadelphia	1
Charleston	4
Savannah	1
New Orleans	2.

¹⁾ There is little reason to ascribe the small number of Antwerp arrivals in 1818 to the higher, differential duties levied temporarily on American tonnage, in the first half of that year.

²⁾ Cf. Drieling p. 203.

³⁾ Jan. 3 1817, Eustis to E. Wambersie, consul at Ostend (L. o. C. Eustis Papers); May 5 1818, Wambersie to Adams (D. o. S. Cons. Desp. Rotterdam I); Jan. 27 1819, Everett to Adams (D. o. S. Desp. Neth.). — In 1819 Wambersie was appointed consul at Rotterdam; the Ostend consulate was abandoned.

⁴⁾ Jan. 24 1818, Clibborn to Adams (D. o. S. Cons. Desp. Antwerp).

⁵⁾ Archives Legation U. S. A. at The Hague, Miscellaneous 1806—1825.

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Annual statements of entries at the port of Amsterdam, during 1815 and in the first half of 1816 ¹⁾, and during 1817 and 1818 ²⁾, give the following numbers of *vessels*, American, Dutch or other, which *arrived from the United States at Amsterdam*:

from:	in 1815	1816-I	1817	1818
Salem, Mass.	—	1	—	—
Boston, Mass. ³⁾	6	6	14	14
Newport, R. I. ⁴⁾	—	—	1	2
Providence, R. I.	2	—	—	—
New York, N. Y.	13	9	13	16
Philadelphia, Pa.	5	1	5	6
Baltimore, Md.	25	7	16	13
Alexandria, Va. ⁵⁾	—	—	4	2
Petersburg, Va.	3	2	3	2
Richmond, Va.	1	—	—	2
Norfolk, Va.	—	1	—	—
Virginia	—	—	—	1
Charleston, S. C.	14	10	9	8
Savannah, Ga.	3	—	3	3
Mobile, Ala.	—	—	1	—
New Orleans, La.	2	—	3	13
Wilmington, Del. or N. C.	2	2	1	—
Total, highest amount possible	76	39	73	82
Total, minimum amount	—	—	54	64
Northern states, New England Middlestates (N. Y., Pa., Md. ⁶⁾), Wilmington not included	8 43	7 17	— 34	— 35
Southern states, East coast; Alexandria, Wilmington not included	21	13	15	16
South coast	2	—	4	13

¹⁾ From a statement in R. A. Coll. Goldberg Port. 208 V. Van den Brink p. 233 f.

²⁾ De Amsterdamsche Courant of Jan. 2 1818, No. 2, and of Jan. 4 1819, No. 3. Neither the earlier nor the later years of this paper give the necessary specification as to the American ports from which the vessels arrived.

³⁾ No evidence is to be had from the registers for 1817 and 1818 whether Boston in England or Boston, Mass. is meant.

⁴⁾ Rhode Island or England.

⁵⁾ Virginia or Egypt.

⁶⁾ It is to be observed that from an agricultural point of view Maryland is included under the Southern states rather than under the Middle states; as for trade and shipping, however, it is preferable to class it geographically under one head with Pennsylvania.

The same statements for the port of *Rotterdam for the years 1814—1820*¹⁾ yield the following numbers of *vessels*

	entered from in							Total '14-'20	departed for, in							Total '14-'20
	1814	15	16	17	18	19	20		1814	15	16	17	18	19	20	
Portland, Me.											1				1	2
Salem, Mass.															1	1
Boston, Mass. ²⁾		2	2	2	5		8	19		2	3	2	3	2	5	17
New Bedford, Mass. . . .		1						2								
Nantucket, Mass.						1		1						1		1
New York, N. Y.		2	2		2	2	1	9	2	7	4	3	5	1	3	25
Philadelphia, Pa.			1		5		2	8		1	2	3	3	1	1	11
Baltimore, Md.		1	3	6	6	11	15	42		4	3	5	5	15	11	43
Alexandria, Va.					1			1								
City Point, Va.					1			1								
Richmond, Va.			2	1		1	5	9								
Petersburg, Va.		1			2	1	7	11							2	2
Norfolk, Va.		4	1	2	3	1	3	14		1	3	1	6		2	13
Virginia		3	1	1			4	9			1		1			2
Wilmington, N. C.		1	2		1			4								
Georgetown, S. C.							1	1							2	2
Charleston, S. C.			3	4	3		2	5	17	2			2		1	5
Savannah, Ga.	2	2	1	1	1	2	1	10			1	2	1			4
Fernandina, Fl.	1							1								
New Orleans, La.			1	2	5	2		10			1		2	1	2	6
<i>Total U.S.A.</i>	3	20	20	18	32	23	53	169	2	17	18	15	29	22	31	134
divided into regions:																
Northern states, } New England }		3	2	2	5	1	9	22		2	4	2	3	3	7	21
Middle states, } N.Y., Pa., Md. }		3	6	6	13	13	18	59	2	12	9	11	13	17	15	79
Southern states, } East coast }	3	14	11	8	9	7	26	78		3	4	2	11	1	7	28
South coast			1	2	5	2		10			1		2	1	2	6

¹⁾ Van Mechelen, p. 220—221.

²⁾ Also here the numbers registered for Boston are subject to doubt. Above quoted are the minimum figures.

These tables show that in the present period Amsterdam attracted a great many more vessels from American ports than Rotterdam, and that about one half of its arrivals were from the Middle states, New York and Baltimore. At Rotterdam the greater part had cleared from Southern states. The rise of New Orleans, an American port since 1803, rapidly growing by virtue of being the outport of the Mississippi valley and because of its cotton exportation ¹⁾, is shown. New England participated comparatively little in the direct trade. Baltimore was still the most important port for intercourse with Holland. Of the Southern states Charleston was the dominant port, though not so prominent as before ²⁾. A characteristic trait of the Rotterdam trade movement is that more vessels entered than cleared in the direct intercourse. They unloaded their bulky export cargoes, but many went elsewhere in Europe in search of return freights which they failed to obtain in the Netherlands. This was partly responsible for the fact that Americans engaged in this trade rather than the Dutch; the latter found little of their own to export on the outward voyage to the United States ³⁾. Rotterdam was an import rather than an export harbor; this corresponded to the general nature of its business. Especially among the vessels bringing from the South its great articles of tobacco, cotton and rice we find a great many not returning there directly; many sailed home for the Middle states, often in ballast ⁴⁾. The difference at Rotterdam between the entrances from and the clearances for the Southern ports is noteworthy: 78 : 28. Only one third of the vessels came from the Middle states, but more than one half returned home to these states: 59 : 29. The numbers for New York show the greatest disparity: 9 : 25. The difference was usually caused by the fact that vessels which arrived in those states from the Netherlands did not return there directly but often cleared with provisions for Southern ports and in the South loaded export cargoes for transoceanic shipment, to Rotterdam. The merchants of the Eastern or Middle states thus directed most of the great movement of American trade in its triangular intercourse with Europe: cotton from the Southern states to Europe,

¹⁾ Cf. Johnson et al. II p. 34.

²⁾ Cf. p. 35.

³⁾ Van Mechelen p. 162.

⁴⁾ See below p. 367, footnote 2.

manufactures from Europe to the Eastern states, foodstuffs and manufactures from the Eastern states to the South ¹⁾).

By far the greater part of the vessels in this trade must have been American-owned. Very few of them were British: in all, 1 in 1816, 2 in 1817, 4 in 1820 entered at Rotterdam from North America ²⁾. Also only a few were Dutch. An estimate of Bourne, made in June 1815, puts the rate of Dutch shipping in the intercourse with the United States at 1/100 of that of Americans ³⁾. Although experience from the Napoleonic period must have led him to exaggerate, the preponderance of American navigation was striking for several decades. In 1818 the rate was estimated by Van Nagell at 1 : 10 ⁴⁾. In the whole year of 1815 not more than 10 Dutch vessels left for the United States, i.e. 4 from the Northern (3 for New York), and 6 from the Southern Netherlands, whereas the total number of vessels cleared had been 165. Thus, of the Dutch trade with North America, only 1/16 was carried by Dutch vessels ⁵⁾. Statements from Dutch consuls at American ports in the succeeding years ⁶⁾ show no improvement. For the first half of 1816 Zimmermann reports 7 Dutch arrivals at New York; but New England and Baltimore have received none at all; Norfolk, Va., only 1 in the whole year. When at the latter place one Dutch vessel arrives in the next year, from Curaçoa, the consul feels rejoiced ⁷⁾. For Philadelphia in 1817 Lechleitner reports 10 vessels under the Dutch flag, of which 6 sailed again for Amsterdam; but in 1818 this number dropped to 2, likewise for Amsterdam, one of 682, the other of 564 tons. In 1818 only two Dutch ships arrived at New York, but from the West Indian colonies. In 1818 one of 77 tons came to Baltimore, from and for Rotterdam; in 1819, 3, i.e. 2 trading with Amsterdam, 1 with

¹⁾ Clive Day, *History of the commerce of the United States, 1925*, (a handbook), p. 161.

²⁾ Van Mechelen p. 159.

³⁾ June 2 1815, Bourne to Monroe (D. o. S. Cons. Desp. Amsterdam).

⁴⁾ June 17 1818, Van Nagell to Ten Cate (R. A. B. Z. B XXI No. 5; Dossier 724 No. 1509).

⁵⁾ July 25 1816, Wichers to the King (R. A. B. Z. 2: bur. I. S. 1816 No. 2835), enclosing a list of the Netherlands vessels.

⁶⁾ They are to be found in the Archives of the Dutch Legation (R. A. B. Z. B XXIg in Nos. 28 f., 38 and 42. No special reference has been made to them in the following survey.

⁷⁾ June 24 1817, Moses Myers to Ten Cate (Ibid. No. 38).

Havana. Finally 4 Dutch vessels, mainly from Amsterdam, are reported at New Orleans for 1819.

This summary, defective though it be, shows the deplorable state of the trade of the Netherlands in the American intercourse. They counted by ones where American enterprise counted by tens. Moreover part of the vessels mentioned were owned in the Dutch West Indies; they carried on the profitable intercourse between these colonies and the American continent, and never crossed the Atlantic.

Lists transmitted by the active consul Mansony at *Boston* yield the following table of *arrivals for the year 1817*.

from the	at Boston		in the states of Mass. and N. H., in general	
	vessels	tonnage	vessels	tonnage
Netherlands	13	2457	15	2914
Dutch East Indies . .	1	307	1	307
Dutch West Indies and Surinam	20	3192	29	4514
Hanse towns	4	743	4	743

Only one, belonging to the West Indian trade, was British; all the rest were American vessels. No Dutch vessels, either from the Netherlands or from the colonies, visited there at all.

In 1818 the *arrivals at Boston* ¹⁾ were, from

Amsterdam	9	St. Eustatius	6	Batavia	1
Rotterdam	5	Curaçoa	4	Sumatra	2
		Surinam	9	Penang	1
Holland	14	D. W. I.	19	D. E. I.	4

But there had *cleared* up till Nov. 20th of that year, for

Amsterdam	14	St. Eustatius	3	Batavia	10
Rotterdam	6	Curaçoa	2		
Antwerp	5	Surinam	9		
Netherlands	25	D. W. I.	14		

¹⁾ The difference of these statistics with those of the Netherlands quoted before, caused by the deficiency of both, has been explained in the footnote at the beginning of the present chapter.

The trade movement of *New York* for this intercourse in 1818 was as follows:

<i>Vessels sailed for</i>		<i>arrived from</i>	<i>sailed for</i>		<i>arrived from</i>
Holland	1		Batavia	2	1
Amsterdam . . .	13	17	St. Eustatius . .	4	9
Rotterdam . . .	2	2	Curaçoa	16	13
Antwerp	6	6	Surinam	4	3
Netherlands . . .	22	25	D. W. I.	24	25

Only one of these, from Curaçoa, was Dutch owned.

The consul at *Alexandria* reports for the years 1815—1817:

<i>cleared for</i>		<i>arrived from</i>	
Amsterdam . . .	12	Amsterdam . .	3 vessels ¹⁾
Rotterdam . . .	4	Rotterdam . .	1
Curaçoa	1	St. Eustatius .	1
Surinam	2		

but mentions no Dutch arrival.

For only a small part was this staying away of Dutch navigation from the United States caused by the high, differential tonnage duties levied there up to April 1818. The expectation that the repeal of the discrimination would bring an improvement ²⁾ proved to be groundless. An explanation, from the nature of this commercial intercourse, has been given above. Pitkin's table ³⁾ — although as unreliable for single quotations as all statistical data of this period — exhibits clearly that the influence of the much scorned discriminative duties before April 1818 and of their repeal after this date was nihil: the annual figures up to 1819 even show higher amounts of Dutch tonnage employed in American trade than do those of any other year in the following decades.

Statement of the *amount of tonnage of several nations which entered the ports of the United States* in

¹⁾ For an explanation of the difference in vessels arrived and cleared, see: for the trade to the Netherlands, *supra*; to the colonies, *infra*.

²⁾ Jan. 7 1819, Zimmermann to De Quabeck (R. A. B. Z. B XXI No. 32).

³⁾ Pitkin l.c. (1835) p. 365.

Year	Dutch	Hanseatic	Danish	Swedish	Total foreign tonnage
1814	—	523	—	19565	48301
1815	3198	6803	3330	15481	217413
1816	5179	2855	3394	7442	259142
1817	5006	3956	1610	2001	212166
1818	5186	3742	1744	928	161414
1819	5106	4508	2796	2956	85898
1820	2563	3347	2536	2896	78859
1821	3769	6014	4235	5549	82915
1822	1853	10007	4686	3337	112407
1823	2115	8095	482	3436	117297
1833	1738	28554	5857	14066	520874

The strong decline occurring in 1820 all along the line is easily accounted for by the crisis of 1819. But Dutch navigation could not thereafter restore itself to the rate of previous years. In this light the afterwar boom period appears suddenly in a favorable aspect, even for Dutch enterprise. The table shows for the years before 1820 that, however small compared with British and American shipping, the frequency of Dutch navigation in American ports had certainly not been inferior to that of other sea-trading countries of the same importance. The latter had suffered a sudden retrogression upon the establishment of peaceful conditions because they were then no longer able to derive advantage from a neutral position. It was not before the end of the 1820-ies that, favored by an especially liberal American trade policy, they again gained a predominant advantage in the foreign intercourse of the United States¹⁾, whereas the Dutch shipping business remained behind.

The real ground of the general defectiveness of Dutch navigation is not to be found in external impediments laid upon it by foreign tariffs, but in a lack of interest and competing spirit among the trading people themselves. Two documents, dating from 1818 and 1821, give a valuable exposition of this factor. In one, written at Amsterdam²⁾, W. F. Roëll explains to Van Hogendorp how shipping is being drawn ever more strongly into

¹⁾ Wätjen p. 6 f., 13. In the year 1830—'31 the participation by the Hanseatic Cities in the trade intercourse with the United States for the first time after 1815 equalled the American participation.

²⁾ April 9 1818 (Colenbrander Gedenkst. VIII 1815—1825 III No. 188).

the hands of foreign, especially American, traders. The latter sail with so much cheaper material that Dutch competition is out of the question, unless heavily protected. A Dutch vessel for the Eastern trade would cost 40,000 or 50,000 guilders, he figures, whereas an American ship had been sold recently for fl. 2600. The other document is a speech made by G. Schimmelpenninck, member of the Chamber of Commerce of Amsterdam¹⁾, who stresses also the high prices in shipbuilding, which cause high freight-costs and make competition impossible. The Dutch merchantmen are more expensive and not better than foreign freighters²⁾. In order not to sacrifice trade and commerce for the sake of shipbuilding, he urges a liberal admittance of foreign-built vessels, and a system of bounties for the national shipyards. The laws of 1821 and '22 — treated in Chapter XIX — realized this wish in part. By the 10% drawback of duties on importation by national vessels, they added to the final restoration of the shipping trade in the '30ies and '40ies.

With respect to the intercourse with the United States, a special circumstance remained, besides, advantageous to the Americans alone; this was the preponderance of the bulk of American exportations over the much smaller exports from the Netherlands in return³⁾.

The balance of trade was unfavorable for the Dutch side. Almost all commerce was transacted for American account⁴⁾ through Dutch commission business⁵⁾. The Dutch markets were dependent upon the attractions which they were able to offer to the foreign merchant, namely an open demand and high prices for his export articles, and possibilities of obtaining a profitable return cargo⁶⁾. The old staple market of Amsterdam en-

¹⁾ Aug. 13 1821 (Ibid. No. 240).

²⁾ „Waarom werden onze schepen te voren als vrachtvaarders van geheel Europa gebruikt? Omdat zij goedkoper en beter voeren dan anderen. En waarom nu niet meer? Omdat zij het duurder en helaas niet beter dan anderen doen”.

³⁾ Cf. Van Mechelen p. 162. Above p. 355.

⁴⁾ Jan. 7 1819, New York, Zimmermann to De Quabeck (R. A. B. Z. B XXI No. 32).

⁵⁾ Van Mechelen p. 174.

⁶⁾ Amsterdam Febr. 1816, Willink c.s. to the King (Colenbrander Gedenkst. VIII II No. 31). — The Hague, Febr. 22 1816, Salviati, the Prussian chargé d'affaires, observes that a state of commerce not able „de . . . contenter les demandes des étrangers et nommément des Américains, les forcerait à chercher ailleurs les marchandises dont ils auraient besoin” (Ibid. VIII I No. 385).

countered in this respect a constantly increasing competition from Rotterdam and Antwerp, as well as from Hamburg and Bremen, which had in previous years gained a large part of the trade between America, North and South, and the interior of Germany.

A list, made out at Goldberg's office in 1816 or 1817 ¹⁾, enumerates the following articles, produce of the United States, for export to Holland: Pot- and perl-ashes, horn, indigo, cotton, quercitron ²⁾, rice, tobacco, furs. The most important, in exportation to the Netherlands as well as to almost *all* European countries, were cotton, tobacco and rice, the great agricultural products of the states. This fact is acknowledged by all kinds of contemporary statements, merely descriptive ³⁾ as well as extensively statistical. Cotton had been a new article of bulk from the Southern States since the end of the former century ⁴⁾. Together with rice it comprised the great exportation of these states. Tobacco came mainly from Maryland and Virginia.

In accordance with general expectations the first considerable cargoes of American merchandise, shipped in consignment from the United States to the commission houses in the Netherlands, found a ready consumption and were "disposed of at advantageous prices" ⁵⁾. They had not even come in sufficient quantity, wrote Wambersie, consul at Ostend ⁶⁾, "to have stored in this Kingdom the productions necessary for the supply of foreign states". What was still wanted was brought from England, by British vessels. In the next year, 1818, the consul at Antwerp reports less favorable market conditions. Only rice, "an article of great consumption in this part of Europe amongst the middle and poorer classes", had been in great demand. Cotton had fallen off considerably in consequence of the bulk of British goods

¹⁾ R. A. Coll. Goldberg Port. 210.

²⁾ Bark of the quercitron tree, a specialty of United States forests, in demand for the preparation of yellow dyestuffs.

³⁾ E.g. Norfolk, Dec. 28 1818, Moses Myers to De Quabeck, reporting a "considerable trade hence to Holland, particularly in Tobacco and Cotton" (R. A. B. Z. B XXI No. 31). Tobacco, rice and cotton are mentioned in many preparative documents to the negotiations, and during the conferences themselves. Also by F. Smeer, Aug. 16 1817, to Van der Kemp (R. A. B. Z. Dossier 724).

⁴⁾ On the development of its exports, see above chapter II, p. 26, footnote 1.

⁵⁾ Antwerp, July 3 1816, Hazard to the Secretary of State (D. o. S. Cons. Desp. Antwerp).

⁶⁾ May 19 1817, E. Wambersie to Eustis (L. o. C. Eustis Papers).

“which have ruined the cotton manufactures of this country”. For tobacco Antwerp had never been a good market ¹⁾.

A list of importations at *Amsterdam* in the first and second halves of 1815 and the first half of 1816, published by Van den Brink ²⁾, yields the following quotations for *goods imported from the United States*:

	1815-I	1815-II	1816-I
rice, tierces ³⁾	2800	9220	6600
horns, pieces	51500	40000	24000
cotton, bales	4600	7150	3600

A statement by one of Van Hogendorp's correspondents ⁴⁾ adds

	for 1818 and 1819:	
American cotton, bales	3700	5000
Tobacco, Maryland, hogsheads	6566	4853
, Virginia, ,,	9223	5084

About 1820 whale oil was also being imported by Americans ⁵⁾.

The following table, compiled from Pitkin ⁶⁾, exhibits the statistics of *domestic exports of the United States to the Netherlands for the years 1814—1816*, over the periods from Oct. 1st. to Sept. 30th, with the prices per unit quoted for several articles on the American market ⁷⁾:

¹⁾ Antwerp, Jan. 24 1818, Clibborn to the Secretary of State (D. o. S. Cons. Desp. Antwerp). The demand for potashes was supplied from Russia.

²⁾ L.c. p. 68, Annex B.

³⁾ „Vaten”.

⁴⁾ H. J. Swarth, Jan. 27 1820, enclosure, (Colenbrander Gedenkstukken VIII III, No. 194, p. 303).

⁵⁾ Note by G. Schimmelpenninck, Aug. 1820 (Ibid. No. 239).

⁶⁾ Ed. 1835, p. 86 f., 119 f. It is to be noticed that most tables given in this valuable treatise show a lack of data for the years 1817—1820. Pitkin's figures were taken from the returns of the American customhouse books. The author is aware (p. 412) that they “do not always shew the real extent of the commerce with particular countries”, in consequence of indirect voyages and other causes of a misrepresentation of the actual trade movement.

⁷⁾ A Dutch calculation of the value of several articles of importation, contained in the table annexed to chapter IX, gives the prices per unit in guilders in 1814 (1 fl. = = \$ 0.40): *Tobacco*, Virginia, per hogshead fl. 225 = \$90; Maryland, idem fl. 150 = \$60; North American *cotton*, per pd. fl. 0.65 = \$0.26; *rice*, per 600 pds. fl. 60 = \$24; *pot-, perl-ashes*, per 100 pds. fl. 14 = \$5.60.

	1814		1815		1816	
whale oil, gallons . .	—	\$ 1,40	—	\$ 0,83	16.211	\$ 0,65
staves and heading, thousands	—		56		186	
pot ashes, tons . . .	—		330		19	
pearl ashes, tons . .	—		280		107	
flour, barrels	—	8,50	103	8,—	—	10,—
rice, tierces	—	20,—	21.918	20,—	13.055	25,78
tobacco, hogsheads .	137	74,22	22.199 ¹⁾	96,—	15.974 ²⁾	185,—
cotton, Sea-islands, pds.	—	0,28	25.953	0,31	—	0,47
other, pds.	—	0,13	5.143.516	0,20	1.943.270	0,27

Except for the new item, which was cotton, this list presents the same articles which have been found at the end of the 18th century³⁾. From the quotation of other top quantities in Europe

	1815	1816
for tobacco:		
Great Britain	34.149	31.756
Hamburg, Bremen	11.678	7.547
and for cotton:		
Great Britain	38.000.000	48.000.000
France	19.000.000	17.000.000
Hamburg, Bremen	1.300.000	1.900.000

it becomes evident that Holland maintained for the present her position as the greatest market for American tobacco on the Continent⁴⁾, and that her cotton trade also had not lost its place, since the former decade.

The other articles *imported into the Netherlands* were *American reëxportations*, mainly of sugar and coffee. The statistics of Pitkin⁵⁾, and of Seybert⁶⁾ yield the following table, the years ending September 30th:

	1814	1815	1816	1817
Sugar, brown, pounds	—	290.047	4.443.842	4.717.038
—, white, clayed or powdered, pounds	—	—	336.398	454.360
coffee „	154.224	1.608.170	2.087.584	2.671.295
cocoa „	—	—	—	41.079
molasses, . . gallons	—	—	5.479	—
spirits other than grain- made (rum), gallons	—	—	31.302	18.924

¹⁾ Making a value of about 2 millions of dollars.

²⁾ Making a value of almost 3 millions of dollars.

³⁾ Chapter II p. 36 .

⁴⁾ Van Mechelen p. 184.

⁵⁾ P. 157 f. for sugar and coffee in 1814—1816.

⁶⁾ 1818, p. 263 f.

A comparison with the figures for other countries for 1816 shows that the Dutch market is still the best supplied with *brown sugar*, for the refineries ¹⁾, France coming next with almost 4 millions of pounds; and that, as for *coffee*, France comes first with 2,2 millions of pounds, the Netherlands second with 2 millions ²⁾, Italy third with 1 million, the Hanseatic cities fourth with still less (828.727 pds., after 1.251.798 in 1815).

The *value of these exports to the Netherlands, divided into domestic and foreign produce*, is estimated by Pitkin ³⁾ for the years 1814—1820, ending Sept. 30th:

Exports of domestic and foreign produce			
1814	\$ 12.159	\$ 15.422	Total 27.581
1815	3.687.437	795.390	„ 4.482.827
1816	3.325.429	1.940.358	„ 5.265.787
1817	2.588.566	1.905.905	„ 4.494.471
1818	3.501.920	2.764.943	„ 6.266.863
1819	2.174.310	1.961.634	„ 4.135.944
1820	3.950.102	2.949.929	„ 6.900.031

A fact easily deduced from these statistics is that whereas the domestic exports at once made a perfect recovery in 1815 in the Dutch markets, the foreign exports of the United States rose more gradually to a maximum quantity. These articles — mainly sugar and coffee from West Indian and South American plantations — were shipped to the United States and then carried to Europe. But the same articles reached Holland also from her own colonies and other West Indian islands, partly via England. The market did not depend for them upon American supply alone, but was already being stocked before the Americans arrived in 1815.

The cargoes shipped from the United States to the Netherlands thus consisted mostly of tobacco, rice, cotton, sugar and coffee and came mainly from the Southern and the Middle states. The Dutch consul at Boston reports in January 1818 ⁴⁾ that “a great many vessels owned in Boston clear for ports in the United

¹⁾ Baasch, Holl. Wirtschaftsgesch. p. 468 f.

²⁾ Cf. chapter II p. 29,33.

³⁾ P. 239.

⁴⁾ R. A. B. Z. B XXI No. 42.

States, there to procure cargoes of flour, cotton, tobacco, etc. to be exported from thence to Europe". Of 5 vessels owned in the Northern states which arrived at Antwerp in the first half of 1817 ¹⁾, 2 came from New York, 2 from Charleston and 1 from Savannah; 2 vessels owned at Philadelphia arrived from New Orleans, and 1 from Charleston. Cargoes from the Middle states, reported in this same return, consisted of coffee, cotton, staves, potashes, West Indian sugar, rice, tobacco, tan, quercitron bark, logwood, lignum vitae, drugs; those from Southern ports, of cotton, rice, tobacco, cedar wood; those from the South coast, of cotton, tobacco and deerskins. Vessels owned in Boston and arriving at Amsterdam in 1817-II ²⁾ almost always carry tobacco, and further rice, sugar, coffee, indigo, furs. Clearance papers of American vessels arriving at Amsterdam in August-September of 1817 show single cargoes from New York: of tobacco, cotton, quercitron, Havana-sugar, dyewoods, staves, sugar; of sugar, coffee, tobacco, indigo; of lignum vitae, potashes, Havana-sugar, tobacco; of sugar, potashes etc.; — from Baltimore: of tobacco and dyewoods; of sugar, campeachy wood and tobacco ³⁾.

Thus, American trade took its part in supplying the old Amsterdam market for overseas produce and also the staple markets growing up in Rotterdam and Antwerp. Most of the goods were sent in consignment by American merchants and sold through Dutch commission houses ⁴⁾.

What to carry in return was not so easy to find. Though Goldberg's list, quoted before, may enumerate as follows "the most important articles of trade" from the Netherlands to the United States, it bears the marks of hopeful expectation rather than of actual fact ⁵⁾:

¹⁾ Archives Legation U. S. A. at The Hague, Miscellaneous 1806—1825.

²⁾ Consular return *ibid.*

³⁾ In R. A. Coll. Goldberg Port. 209. The following firms bought these cargoes, or parts of them: Karthaus, Hasenclever & Comp., W. & J. Willink, Ruys & Zimmermann, D. Crommelin & Soonen, Alstorpius & Van Hemert, N. & J. R. van Staphorst, and Hope & Co.

⁴⁾ Cf. De Nederlandsche Hermes 1828 No. 1, p. 57.

⁵⁾ R. A. Coll. Goldberg Port. 210.

From the <i>Northern</i> <i>provinces</i>	From the <i>Southern</i> <i>provinces</i>	From <i>foreign countries</i> ¹⁾ via the Dutch markets
pottery	pottery	pottery, Eng. Germ. Fr.
—	beer	beer, Eng.
Holland gin	—	spirits, brandy, Fr.
glass	glass	glassware, Eng. Germ. Fr.
yarn	—	yarn, Eng. Germ.
—	—	hemp, Baltic
cheese	cheese	cheese, Eng.
—	—	candles, Eng. Germ. Fr.
—	—	Baltic.
leather	leather	coal, Eng.
ribbon	—	leather, Eng. Fr.
—	—	ribbon, Eng. Germ.
linen	Flemish linen	Fr. (silken)
sailcloth (duck)	—	linen, Irish, Germ. (Silesia, Westphalia)
cotton goods	cotton goods	sailcloth, Russian
—	—	cotton goods, Eng. Germ.
woollens	woollens	Sw.
—	—	woollens, Eng. Germ.
carpets and rugs	carpets and rugs (Tournay)	silkware
millinery, hose, gloves	millinery, etc.	carpets and rugs, Eng.
hats	hats, felt	millinery, etc., Eng. Germ.
—	—	hats, felt, Eng. Germ.
metalware	metalware, copper, iron, steel	hats, straw, Sw. Italy, Fr.
paper	paper	metalware, tin, copper, iron, steel, silver, Eng. Germ.
—	—	paper, Eng.
writing pens	—	wallpaper, Eng. Fr.
—	—	writing pens, Germ.
ropes, cordage	—	lead-pencil, Eng.
dye stuffs, paints	—	ropes, cordage, Eng. Baltic
—	wine, Mosel	dye stuffs, paints, Eng. Germ.
soap, soft	—	wine, Fr. Germ.
soap, hard	—	soap, soft, Eng. Germ.
—	—	soap, hard, Eng. Germ. Sp.
—	—	salt, Sp. Port. Eng.

¹⁾ Eng. = England, Germ. = Germany (via the river Rhine), Fr. = France, Sp. = Spain, Port. = Portugal, Sw. || Switzerland.

It is evident that American merchants had little reason to buy British or French goods in and via the Netherlands, and that therefore the greater portion of the third column must have existed more in the memory of Amsterdam's 17th and 18th century staple trade, carried by Dutch navigation and through Dutch connections, than in present fact.

In March 1816 the consul at Antwerp had already stated to Bourne that his port offered few articles for exportation ¹⁾; American vessels either went home in ballast, or left for some other European port in search of a return cargo. This fact was affirmed about a year later by Wambersie, who ascribed it to the more general circumstance that the United States market had been glutted with importations after the establishment of peace ²⁾. Of 16 American vessels arrived at Antwerp in the first half of 1817 ³⁾, 14 departed in ballast: 6 bound for the United States directly, 1 for Amsterdam, 1 for Wales, 1 for Cork, 2 for St. Ubes (salt), 1 for Sweden, 1 for St. Petersburg, and 1 for Batavia.

A statistical table in Seybert ⁴⁾ shows for 1814—1815 the *importations from the Netherlands into the United States*:

Species of merchandise	Oct. 1 1813— Sept. 30 1814	Oct. 1 1814— Sept. 30 1815
Value of goods ⁵⁾ with an ad valorem duty of	27½ % \$ 868 32½ % 788 42½ % 3.644	of 25% \$ 375.605 30% 92.768 40% 88.113
Wines, Madeira in gallons		989
Burgundy,		
Champagne „		380
Others (mostly Rhine wine) „		2.347

¹⁾ March 20 1816, Hazard to Bourne (L. o. C. Bourne Papers): "it is rare for a vessel to go home".

²⁾ Ostend, May 19 1817, to Eustis (L. o. C. Eustis Papers). He assumed the probability that the articles in question would in due time "resume their former demands". July 1 1820, however, writing from Rotterdam, where he had taken the American consulate, he had to state again that all American vessels had returned home in ballast (D. o. S. Cons. Desp. Rotterdam).

³⁾ Archives Legation U. S. A. at The Hague, Miscellaneous 1806—1825.

⁴⁾ Adam Seybert, *Statistical Annals of the United States of America, 1789—1818*, p. 204 f.

⁵⁾ Mostly textiles.

Species of merchandise	Oct. 1 1813— Sept. 30 1814	Oct. 1 1814— Sept. 30 1815
Spirits, from grain		330.989
Cheese, ?		591
Snuff, ?		58
Iron, anchors and sheet		
in pounds		2.011
slit and hoop		8.626
Paints, dry		1.114
white and red lead		58.286
Steel	cwt. 698	2.661
Hemp		2.624
Salt		200.978
		(+ 11.304 bushels)

Besides, a little (Java-)coffee is reported as having been carried in this direction: in 1816, 39 pds.; in 1817, 10.147 pds.; in 1818, 328 pds.; in 1819, 483 pds. ¹⁾

It is to be assumed that the great quantity of salt mentioned in the above list was imported for the larger part not from Europe, but from the Dutch West Indian colonies ²⁾. For the rest only gin and paints appear to have found a relatively favorable market in the United States. But even the Schiedam distilleries suffered a heavy disappointment in the demand for their article in comparison with the exports during the Napoleonic years ³⁾. The production of spirits in America itself provided strong competition. Also the consumption of Dutch cheese, formerly large, was now very small. Besides these articles, but falling under the item of unspecified goods charged with ad valorem duties, linens (Flemish), silk and cloth are reported to have made up part of the Dutch exports to the United States ⁴⁾. China teas and East Indian pepper, now favorite articles of American Eastern Asia trade, had dropped away entirely.

The only exportation from Antwerp in the first half of 1817 ⁵⁾

¹⁾ Bureau of statistics, Imports of coffee and tea 1790—1896, (Washington 1897) p. 3 f. See below, p. 383.

²⁾ The table contains also molasses, rum, sugar and coffee, all of which were doubtless imported from the West Indies and Surinam, not from Dutch territories in Europe.

³⁾ Cf. p. 26, footnote 4, quoting more than one million of gallons, against 330 thousands in 1815. Also: Dobbelaar p. 261.

⁴⁾ Cf. documents used for the treaty negotiations in 1817, passim (e.g. Aug. 16 1817, F. Smeer to Van der Kemp, R. A. B. Z. Dossier 724). Flemish linens were still imported from Archangel, Russia, in 1815, a consequence of the war period. A table in the „Amsterdamsche Courant“ of Febr. 17 1816, No. 42, shows that of 8.846 pieces shipped from that port, in 1815, 8.183 were carried to America.

⁵⁾ Archives Legation U. S. A. at The Hague, Miscellaneous 1806—1825.

consisted of coal, arms, zinc. Vessels arriving at Boston in 1818 ¹⁾ carried cargoes from Amsterdam, consisting, inclusively, of: horse-hides, indigo, copperware, sailcloth or duck, cheese, steel, *gin*, cloth, butter (!), herring (!), brandy, glassware, linseed oil, gunpowder, mace, muskets, pistols; from Rotterdam brandy, cheese, white lead, gin, steel, bar iron, tin, linseed oil, muskets; but mostly in very small quantities.

They all met with considerable tariff duties in the United States. The memorandum of complaints transmitted by the Dutch treaty negotiators at the close of their activity ²⁾ dwells extensively on the obnoxious effects of American protective policy upon the exports of the Netherlands. Cloth and linens have become too expensive to meet an ordinary demand. Holland gin, „autrefois une branche considérable de consommation dans les Etats-Unis, n’y est plus actuellement qu’un article de luxe”, and as for cheese, “le débit de cette production majeure des Pays-Bas est entièrement nul”.

Gallatin’s reply to Eustis ³⁾, to these complaints, contended in general that the decrease of Dutch imports was but a natural consequence of a natural growth of American industry. They were not taxed too heavily ⁴⁾. If imports of gin and cheese had decreased considerably, it was “owing to the great improvements made during the last twenty years in the United States, in the manufacture of cheese and gin”; under the present circumstances it was more extraordinary that any quantity should still be imported at all, “considering the price of land, of cattle, and of rye and barley”.

The necessary result was that the balance of trade listed heavily to the American side. It was paid, according to Pitkin in 1835 ⁵⁾, in bills on Great Britain and other parts of Europe.

The great interest of American commerce in the Dutch colonies became evident as soon as possibilities for reëntering upon trade appeared. Already in October 1814 Bourne wrote to Baltimore that as for East Indian voyages no American ship would obtain a charter, since Great Britain — in wartime — permitted only

¹⁾ R. A. B. Z. B XXI No. 42.

²⁾ Sept. 30 1817, Goldberg and Van der Kemp to Gallatin and Eustis (see chapter XV).

³⁾ Paris, Oct. 9 1817, Gallatin to Eustis (L. o. C. Eustis Papers).

⁴⁾ Except for Holland gin, distilled from grain (Cf. p. 158, footnote 3).

⁵⁾ P. 241. Cf. Buck l.c. p. 117 f.

her own and Dutch bottoms to go there ¹⁾. In the summer of the next year a Boston firm inquired about the trade to the Dutch Indies, and the status of their restoration to Holland ²⁾. Eustis, appointed minister to The Hague, before his departure received the same enquiries, likewise from Boston ³⁾, where commerce, as will more extensively appear below, was especially interested in the Eastern Asia trade. And the Dutch representatives at Washington and Philadelphia constantly received questions about the reception of foreign vessels in the colonies: Changuion ⁴⁾, consul Lechleitner ⁵⁾, and later on Ten Cate ⁶⁾. At first there was little opportunity for them to reply to these inquiries satisfactorily. It was in the first months of 1816 only that the West Indian possessions were officially transferred by the British, and it was the second half of the same year before the East Indian islands returned into the hands of the Dutch government. All this time trade, if allowed to Americans, had to be carried on under unsettled circumstances. Even after the restoration, the government's policy remained uncertain for quite some time although it was of necessity avowedly liberal towards American trade ⁷⁾.

Meanwhile a correspondence was maintained, upon special agreement of the home government ⁸⁾, between the legation in America and the respective heads of the colonial administrations⁹⁾. Lechleitner, while chargé ad interim, had started it partly with a view to opening profits to his own business; it was continued by the chargé d'affaires. Letters from the governors of the West Indian possessions consequently yield frequent information of

¹⁾ Oct. 3 1814, Bourne to Taylor (L. o. C. Bourne Papers).

²⁾ Aug. 24 1815, Plimpton & Marett to Mess. S. Bourne & Co. (Ibid.).

³⁾ March 30 1815, John Derby & John Prince Jr. to Eustis (L. o. C. Eustis Papers II): "inform us, if the Dutch will allow us a trade with their Colonys in India and if we can carry cargo to them or if their produce is only to be purchased with *specie*".

⁴⁾ June 1815, to Winthrop (R. A. B. Z. B XXI No. 51, letterbook).

⁵⁾ Nov. 18 1815, Lechleitner to Van Nagell (Ibid.): "Les négociants américains ne cessent de me demander des renseignements sur nos colonies à savoir lesquelles nous seront rendues, et à quels points il leur sera permis de trafiquer". Also: Febr. 18 1816, to the governor of Surinam; March 7 1816, to the governor general at Batavia.

⁶⁾ Aug. 20 1816, Ten Cate to the governor general of the Dutch East Indies (Ibid.). March 16, 1816, Lechleitner to Ten Cate (Ibid. No. 28); and April 6 1816, Gebhard to Ten Cate (R. A. B. Z. 2: bur. I. S. 1816 No. 2286): "frequent enquiries have been made, if and what trade will be allowed to the Dutch West Indian colonies".

⁷⁾ See chapter X.

⁸⁾ July 26 1816, Van Nagell to the Dept. of Commerce and the Colonies (R. A. B. Z. Dossier 724, Minute No. 1859).

⁹⁾ Their correspondence is to be found in R. A. B. Z. B XXI No. 51. The tariff policy as evinced by rates and regulations has been treated in chapter X.

the conditions upon which American trade was allowed in their regions, as well as of the articles of merchandise which were subject to this commerce, giving also an occasional glimpse at the frequency of trade movement.

Curaçoa, St. Martin and St. Eustatius, the island colonies, derived importance mainly from the geographical and political situation which gave them the functions of a central market place in the West Indian seas and off the South American coast for possessions of those European governments which maintained more or less strictly the exclusive system of colonial mercantilism. A coasting trade had developed from those possessions through the enterprise of the national merchants, under special permits breaking in upon the system, or in illicit intercourse. On the other hand American commerce had always been keenly interested in these regions for the sake of delivering its provisions and of obtaining the bulky produce of tropical articles in return. An open port could easily concentrate the commercial exchange for both mutually attractive trade interests. St. Eustatius had abundantly flourished thereby during the War of Independence. The expectation was that it would find its favored place again soon after its restoration. In 7 weeks in the beginning of 1816, 7 American vessels arrived at its road, and sold their cargoes of provisions and timber to the inhabitants of the island as well as to those of the surrounding British colonies ¹). It appeared, however, that the expectations had been false, as trade took a different course. Other harbors gained its place: Havana, made a free port by Spain; St. Thomas and St. Bartholomew, the possessions of Denmark and Sweden in the neighborhood, which had developed as neutral ports in the previous war period; and the Bermuda Islands, which had been made a free port by Great Britain and which attracted most of the British intercourse between the British West Indies and the United States.

The business of St. Eustatius, St. Martin and Saba thereupon declined rapidly. In 1818, 3 vessels cleared from Boston for St. Eustatius, 4 from New York; the return route was a bit better frequented: 6 vessels arriving from the island at Boston, 9 at

¹) St. Eustatius, March 25 1816, R. 't Hoen, governor ad interim, to Lechleitner (Ibid.). Although the Bermudas were made a freeport by the British, several English merchants have established themselves at St. Eustatius, he reports, in the prospect that the profitable smuggling trade may thus flourish the better.

New York ¹⁾. These colonies had almost no plantation produce of their own to offer except some sugar, molasses, rum, and a little bit of cotton, in decreasing quantities ²⁾, but no salt at all any more. An occasional vessel from the United States would take these exports ³⁾ in return for what it carried: provisions and timber, partly smuggled on to the neighboring British possessions by St. Eustatius merchants ⁴⁾. On the whole, the Dutch Leeward Islands were too small for plantation colonies and too remote for attracting the general carrying trade. A reigning lack of capital, as in the other West Indian possessions, still further increased their incapacity for commercial enterprise.

The commercial activity of Curaçoa, an island well situated for the intercourse with the Spanish main and favored with an exceptionally good harbor, was severely checked in these years by the abolition of the slave trade and was hindered by pirates from the revolting colonies on the continent. Only with some ports on the opposite coast, like La Guayra and Puerto Cabello, was a smuggling trade maintained, partly through the adjacent Dutch island of Aruba. This provided, together with some wood from Aruba itself, a good part of the export articles, consisting of hides and goatskins, dyewood, salt, rum and molasses, which Curaçoa offered in exchange for American provisions (flour, fish, meat, etc.), timber and a few East Indian articles ⁵⁾. Also leather is reported to have been exported to the United States in 1820 in considerable quantities ⁶⁾. Vessels which arrived at the port of Boston from Curaçoa during 1818 carried indigo, sugar, hides, goatskins, woods, salt, coffee, cocoanuts ⁷⁾.

¹⁾ See above p. 357, 358.

²⁾ Van den Bosch, who visited these islands in 1827—'28, on a special mission, gives the following quantities of sugar production at St. Martin: in 1816, 1400.000 pds.; in 1817, 600.000 pds.; in 1818, 1400.000 pds. In the next years the amounts drop considerably, on account of ill weather and storms. (His letters, published by B. de Gaay Fortman in *Bijdr. en Meded. van het Hist. Genootschap* 51, p. 295.)

³⁾ The vessels arriving at Boston during 1818 from St. Eustatius carried molasses, rum, sugar, oranges (R. A. B. Z. B XXI No. 42).

⁴⁾ J. de Hullu, St. Eustatius in 1819 (*Bijdr. taal-, land- en volkenkunde van Ned. Indië*, 68, p. 437, 438); and: St. Martin en Saba omstreeks 1818 (*De Indische Gids* 1916, p. 212 f.).

⁵⁾ Curaçao, April 6 1816, A. Kikkert, Governor General, to Lechleitner (R. A. B. Z B XXI No. 24 f.). — J. de Hullu, Curaçao in 1817 (*Bijdr. taal-, land- en volkenkunde Ned. Indië*, 67 p. 598 f.). De Gaay Fortman, Curaçao en onderhoorige eilanden, 1816—1828 (*De West-Indische Gids* 9, p. 97 f.).

⁶⁾ Jan. 21 1820, C. L. Parker to the Secretary of State (D. o. S. Cons. Desp. Curaçoa).

⁷⁾ R. A. B. Z. B XXI No. 42.

The administrative archives of *Curaçoa* illustrate most clearly its central function in the West Indian trade movement. The weigh-house book of imported merchandise ¹⁾ contains the following cargoes carried by American vessels:

cargoes from	1816	1817	1818 (Jan.- May)	
Northern states, except Boston	1	4	3	<i>codfish</i> , candles, tobacco.
Boston	—	3 ²⁾	1	candles, soap, rice.
New York	11	15	4	<i>provisions</i> , tobacco, rice, ham, ropes, spices.
Philadelphia	4	3	1	<i>provisions</i> , soap, rice, tobacco.
Baltimore	1	3	—	tobacco, ham, lard, rice.
Alexandria, Va.	2	—	—	iron, rice, soap.
Norfolk, Va.	2	—	—	tobacco.
Richmond, Va.	—	1	—	
Charleston	2	—	—	rice.
U. S. A., total	23	29	9	
Marseille, France,	1	1	—	candles, prunes, soap, raisins.
St. Domingo	1	—	2	tobacco, etc.
St. Thomas	1	2	2	tobacco, lumber.
St. Croix	1	—	1	<i>codfish</i> etc.
St. Martin	—	1	1	
St. Bartholomew	—	—	1	tobacco.
Spanish main (La Guay- ra etc.)	4	3	1	campeachy wood, cof- fee, gunpowder.
Total of American vessels	31	36	17	

The place of New York in this trade intercourse is important enough. It covers one half of the total for the United States. Besides the articles above mentioned, wines, gin, rum, etc. were also being imported from American harbors, mostly from New York and Philadelphia ³⁾.

A register of vessels entered ⁴⁾ yields the following table of

¹⁾ R. A. Archives of Curaçoa and dependencies, No. 1595.

²⁾ Sept. 8 1817 a Dutch vessel arrived from Boston with soap and tobacco. It was the only Dutch arrival in the intercourse with the United States registered in the above weigh-house book.

³⁾ R. A. Archives of Curaçoa and dependencies, No. 1577.

⁴⁾ Ibid. No. 1588.

<i>American vessels from</i>	in 1818 (April-Dec.) ¹⁾	1819
Boston	2	—
New York	11	11
Philadelphia	1	3
Baltimore	2	1
Porto Rico	1	—
St. Thomas	1	3
St. Martin	1	—
St. Bartholomew	1	—
Spanish main, Maracaibo	1	1
La Guayra	—	2

One cargo of these from New York, with provisions, contained the following articles: linseed oil, lard, codfish oil, peas, meat, butter, bacon, vinegar, cheese, codfish, salmon, ham, candles, ryemeal, wheatmeal. From St. Martin they brought wood, sugar, molasses, rum, oats; from St. Bartholomew wood and timber, rye, rum, tobacco; from Maracaibo fustic, cedarwood, fruits, cocoa; from La Guayra hides and horn.

The above tables and an account of tonnage duties of 1820 and 1821 ²⁾ yield the following list of *American vessels arrived at Curaçoa*:

1816	23
1817	29
1818	25
1819	25
1820	35
1821	49

A register of clearances ³⁾ shows that one part of the mixture of articles which they brought, viz. provisions, was reexported again to the South American continent and the surrounding islands, and that another part was carried as return cargoes to the United States, for as much as it was the produce of these islands or of South America. Vessels heading for New York and Philadelphia exported mahoganywood, brasilwood, fustic and other dye woods, indigo, coffee, cocoa, sugar, hides and

¹⁾ American statistics for 1818 yield the following figures of the trade movement between Curaçoa and Boston and New York (see above p. 357, 358):

at Curaçoa	arrived from	cleared for
Boston	2 vessels	4 vessels
New York	16 „	13 „

²⁾ R. A. Archives of Curaçoa and dependencies, No. 1578.

³⁾ Ibid. No. 1591 foll.

goatskins, cigars, salt. *American vessels departed in 1820* registered as ports of destination ¹⁾:

	Jan. 1—Dec. 1 1820
Boston	3
New York	12
Philadelphia	1
Baltimore	1
Alexandria	2
Norfolk	1
New Orleans	1
North America	1
U. S. A. total	22
Trinidad	1
St. Thomas	1
Spanish main, Cartagena . . .	1
Maracaibo	2
Cumana	1
	4

Also these figures confirm the supremacy of New York in the West Indian intercourse.

Surinam, Holland's most important possession in the West, was the least promising to American trade. It was the only plantation colony left to the Dutch on the South American continent and it had molasses and rum for foreign exportation. The more valuable colonial articles, sugar, coffee, cocoa and cotton, were reserved as much as possible for the home market in the mother country exclusively ²⁾. Its intercourse formed indeed the only colonial trade which was mainly in the hands of the Dutch themselves. A contemporary estimate mentions 45 Dutch vessels, of about 200 tons each, as engaging in this trade during the present period ³⁾. Yet, the lack of a merchant marine still prevented the government from strictly carrying out the mercantilistic system. An important part of the provisioning trade had to be left to American merchants ⁴⁾. 9 vessels arriving from Surinam at Boston in 1818 carried home *molasses*, coffee and sugar ⁵⁾. The

¹⁾ Ibid. No. 1592.

²⁾ Surinam, May 31 1816, Van Panhuys, Governor General, to Lechleitner (R. A. B. Z. B XXI No. 24 f.).

³⁾ J. van den Bosch, *Nederlandsche bezittingen in Azia, Amerika en Afrika* (1818), II p. 240 and table No. 2.

⁴⁾ Cf. Schas' memorandum (chapter X p. 217).

⁵⁾ R. A. B. Z. B XXI No. 42.

American commercial agent reports for the last quarter of 1820, 11 United States vessels entering at the port of Paramaribo ¹⁾; for the year 1821, 58 ²⁾).

It goes without explanation that, notwithstanding a few vessels under the Dutch flag cleared for the North American continent in these years ³⁾, the main intercourse between the United States and the Dutch West Indies and Surinam was performed by American navigation. Especially has New York been found to deal in it. On the whole, however, just as in most other branches of commerce, the trade activity, quite promising in the first year after the reopening of these colonies, soon slowed down and became in need of special furtherance.

Ten Cate undertook to effect an improvement. His report to Van Nagell of June 27, 1817 ⁴⁾ is very informative on the needs of the situation. Havana, which had been made a free port by Spain several years before ⁵⁾, attracted, he stated, the commerce of the Antilles, consisting of the exchange of American provisions against sugar, rum, tobacco, etc. or Spanish piasters ("piastres fortes"). Consequently the rather meager commercial intercourse that remained to connect the United States with the Dutch possessions, mostly for the sake of provisioning the latter, was effected by a few American schooners on their way to the revolted Spanish colonies of South America. Only two Dutch vessels had taken a part in this trade, and had entered ports of the United States in the year 1816: „il est donc de fait que la navigation des Etats-Unis vers nos colonies de l'Ouest, est de très peu de conséquence, et que ce peu est encore entre les mains des américains, qui trouvent dans nos colonies toutes les facilités à exploiter presque seuls cette branche de commerce"; the enterprise of the inhabitants appeared to be hopelessly dead. Ten Cate's solution for the furtherance of commerce was that the colonial ports should continue to favor American entrances by conditions as liberal as could possibly be granted ⁶⁾, and that all occasions

¹⁾ Consular return, enclosed with Dec. 31 1820, Trask to the Secretary of State (D. o. S. Cons. Desp. Paramaribo).

²⁾ Ibid.

³⁾ Mentioned above, in this chapter, p. 356, 357.

⁴⁾ R. A. B. Z. I. S. 1817 No. 4090.

⁵⁾ Cf. Clauder l.c. p. 177, 229 f., on the central place of Havana in the West Indian trade about 1810.

⁶⁾ May 2 1818, Ten Cate to Vaillant, governor of Surinam (R. A. B. Z. B XXI No. 51).

should be utilized for attracting the intermediary trade in those seas. In 1818 an opportunity for the latter appeared. The British-American controversy over the West Indian trade had arrived at a much aggravated stage, under the direction of Adams. In April, in reciprocation of the restrictions encountered by American navigation in this intercourse, Congress enacted a law prohibiting British vessels from entering United States ports when coming directly or indirectly from the West Indian colonies ¹⁾. From this moment the Dutch ports had prospects of seeing their business revived. The trade in British plantation supplies, while formerly carried from the United States principally in British vessels — as Mr. Daniel K. Dodge from Wilmington, North Carolina, pointed out to De Quabeck ²⁾ — would henceforth go in neutral, Dutch and Swedish, bottoms.

This remained merely a hope, and was never realized. British shipping continued its intercourse with the United States for the most part indirectly via Nova Scotia, and the Dutch islands profited but very little. At the same time the gradual settlement of the old Spanish colonies as new and independent states freed American trade from the necessity of touching at any intermediary port in order to find a convenient outlet for their cargoes. The direct relations henceforward established between North and South America thus ruined the hopes for Curaçoa's again becoming the center of this intercourse ³⁾. None of the measures resorted to by the Netherlands government in the next decade was capable of stopping the actual decline of the West Indian possessions. Neither attempts for a stimulation of the inhabitants nor those aiming at an attraction of foreign trade were successful ⁴⁾. American commerce remained what it had been ever since

¹⁾ Keiler p. 52. For a preceding Act of March 1 1817, see chapter XVIII, p. 336.

²⁾ Sept. 30 and Nov. 6 1818 (R. A. B. Z. B XXI No. 35). Dodge wanted the qualities of a Dutch consular function. A list transmitted by the Dutch consul at Boston (*ibid.* No. 42) specifies the arrivals at this port in 1817 from the British West Indies: 44 British vessels and 1 American vessel.

³⁾ The commerce of the island is declining rapidly, states the American agent Parker, Sept. 10 1824 (D. o. S. Cons. Desp. Curaçoa), "as the Columbian Provinces in our neighbourhood become more tranquil".

⁴⁾ Curaçoa was made a freeport in 1827, Jan. 1, St. Eustatius in 1828. — J. van den Bosch, afterwards famous as Governor General of the Dutch East Indies, was charged with a special mission to the West in 1827 and '28, for a revision of its colonial administration and the furtherance of its commerce and trade. His reports were published by De Gaay Fortman in *Bijdr. en Meded. van het Hist. Genootschap*, 51, 1930, p. 189 f.

1816: a provisioning of the colonies themselves, with return cargoes consisting mostly of their exports of domestic produce.

Pitkin ¹⁾ gives the following amounts for *American exports to the Dutch West Indies in 1815 and 1816*, the trade year ending September 30th:

	To the Dutch West Indies		To the West Indies in general	
	1815	1816	1815	1816
Fish,				
dried or smoked, quintals .	2.543	4.788	28.704	53.255
pickled, barrels	608	2.384		
Whale oil, gallons	1.000	3.957	7.293	9.902
Staves and heading, thousands	119	212		
Shingles, thousands	85	1.192		
Boards and plank, thousand feet	378	981		
Tar, barrels	457	266		
Flour, barrels	3.706	5.988	75.264	42.431
Rice, tierces	100	169	1.833	2.525
Beef, barrels	145	504	2.611	6.769
Pork, barrels	41	116	893	1.676
Tobacco, hogsheads	47	51	288	458

They show effectively the rise of exports, provisions as well as timber, in consequence of the return of settled conditions after the restoration of the colonies, and on the other hand the modest part which the Dutch played in the general West Indian trade of the United States. The following table, of estimated values of exportation 1815—1820, exhibits this development again, with the maximum in 1817, the first full year after the restoration ²⁾:

year	<i>Values of exports to the Dutch West Indies and Surinam,</i>	
	of domestic produce	of foreign, reexported produce
1815	\$ 97.334	\$ 697
1816	193.786	72.550
1817	747.159	310.274
1818	637.283	208.643
1819	490.568	130.473
1820	431.600	120.638

¹⁾ Ed. 1817: p. 86 f., p. 157 f.

²⁾ Pitkin (1835) p. 242, the years running from Oct. 1 to Sept. 30.

A survey for 1815 and 1816 from Adam Seybert's Annals ¹⁾, supplemented by a few quotations for 1817, '18 and '19 from tables prepared by the Bureau of Statistics of the Treasury Department ²⁾, yields amounts of *exportations from the Dutch West Indies and Surinam to the United States*:

Years ending September 30	1815	1816	1817	1818	1819
Rum, in gallons . .	99.382	435.176			
Molasses, in galons .	16.010	583.447			
Coffee, pounds . .	12.168	219.048	173.323	153.971	248.119
Cocoa, pounds . .		18.156			
Sugar, brown, pounds	341.263	1820.010	2971.548	2309.457	2279.420
white, loaf etc., pds.		1.573		52.919	854

They show that before 1816 the British government had not entirely closed the Dutch colonies to American trade, and suggest that for sugar the year 1817 was again in the lead. There is no evidence, however, as to what proportion of these plantation products originated in foreign colonies and what proportion was of domestic origin.

Although a stricter adherence to colonial mercantilism in the years following the general peace was not so favorable to American trade as the extraordinary conditions of the preceding period had been, this trade soon satisfactorily adjusted itself to the altered situation. Every port or place where it was still admitted, in India and the Dutch East Indies as well as on the wild coast of Sumatra and at Canton, saw the American merchants in search of cargoes to import or export. It was in the twenties only that their activity, hampered by increasing restrictions and by a growing competition, slowed down. The present period covers still one of the culminating points of American Eastern Asia trade. A table of *vessels cleared from United States ports for regions beyond the Cape of Good Hope* — communicated by the British consul-general at Washington ³⁾ — reflects this movement:

¹⁾ p. 263—265.

²⁾ Imports of coffee and tea, 1790—1896 (Washington 1897), p. 3—5. Tables in regard to sugar and molasses (Washington 1887), p. 634.

³⁾ Drawn from data furnished by United States officers, for the years 1814—1828. Quoted in De Nederlandsche Hermes 1829 No. 10 p. 4.

			aggregate tonnage	average per vessel
1814	vessels	5	1.955	391 tons
1815	"	73	23.650	324 "
1816	"	106	35.253	333 "
1817	"	122	39.169	321 "
1818	"	118	36.586	310 "
1819	"	76	23.249	306 "
1820	"	85	25.098	295 "
1821	"	86	25.905	301 "

We see from it the comparatively large size of these ships, averaging about 300 tons.

Especially New England engaged in the Eastern Asia trade. The Dutch consul at Boston reports, November 20, 1818 ¹⁾, that upwards of 92 vessels were absent from his port at that date on voyages round the Capes, and 68 from Salem.

In the East Indian archipelago Batavia was the only port open to overseas trade; Singapore had not been founded yet and Penang was undeveloped, with but occasional arrivals. Batavia was, therefore, the obvious center of foreign commerce and navigation in that part of Asia, and was carefully maintained and preserved as such by the government. After the transfer of these possessions American merchants, provisionally admitted upon the most liberal footing, found at Batavia a serious lack of national shipping capacity for the conveyance of trade even to the mother country itself ²⁾, and a general need of ready money in return for bulks of colonial articles waiting to be exported. As soon as this news had reached America a good number of vessels cleared for Batavia. In the first half of 1817, 5 or 6 left from Philadelphia alone ³⁾. The history of the failing negotiations is a constant proof of the value which Americans attached to a lawful admittance to the East Indian ports, and of the urgent necessity felt by the Dutch for freeing themselves from the grasp of foreign participation in their colonial trade. The port of Batavia was

¹⁾ R. A. B. Z. B XXI No. 42.

²⁾ Already at the fitting out of the expedition which was to take over the East Indian colonies from the British officers, a great need of transport vessels had been encountered in Holland (Van der Kemp, *De teruggave der Oost-Indische koloniën 1814—1816*, p. 217 f.).

³⁾ June 27 1817, Ten Cate to Van Nagell (R. A. B. Z. I. S. 1817 No. 4090).

crowded by British and American ships and articles; it roused in the Netherlands an ever stronger call for protection ¹⁾).

A list which we have for 1819 ²⁾ gives the *imports into Java* during this year, carried by

number and nationality of vessels	to a value of
43 Dutch vessels	fl. ³⁾ 1.843.144
62 British	3.378.406
50 American	436.700
9 French	102.998
3 Danish	46.980
2 Portuguese	51.050
1 Hamburg	18.305
1 Russian	7.500
Total 171 vessels	fl. 5.885.083

It shows that except for the one ship from Russia, American merchants imported considerably less merchandise on the average than other nations. Their gold and silver money, mostly in Spanish piasters, was more welcome than any of their merchandise. The few domestic exports of the United States which they carried to the Dutch East Indies consisted mainly of provisions, cheap in comparison to those from Europe, i.e. salted meat, of which the colonial government became the principal purchaser for the needs of army and navy, and flour, dried fish, butter, naval stores, spars etc. ⁴⁾. The *values* quoted for these, and for *exports* of foreign produce *from the United States to the Dutch East Indies*, are ⁵⁾:

	domestic produce	foreign produce
1816	\$ 29.922	\$ 47.477
1817	62.050	171.364
1818	53.563	49.125
1819	34.510	38.619
1820	56.104	179.963

¹⁾ Chapter X.

²⁾ Communicated by D. F. van Alphen, *Redevoering over het ontwerp van wet der geldleening ten behoeve van de overzeesche bezittingen*, 27 Februari 1826 (Leyden 1826, published in French translation also), p. 89.

³⁾ 1 fl. = \$ 0.40.

⁴⁾ Report of John Shillaber, commercial agent at Batavia, April 6 1825 (D. o. S. Cons. Desp. Batavia).

⁵⁾ A. S. P. Commerce and Navigation, II p. 55, 92, 158, 388, 469, 650.

The main portion of the value taken to Batavia consisted always of specie in gold or silver. 5 clearances thither from Boston in 1818, reported by the Dutch consul ¹⁾, were specified as follows:

April 18:		May 23:	
988 pds. of sper-		butter, cider, candles,	
maceti candles	\$ 460	flour, wine, specie	\$ 125.000
porter	120		
hats	300	October 24:	
specie	58.500	beef	1.425
		claret	1.024
May 8:		specie	70.000
raisins	200	November 14:	
specie	65.000	specie	30.000

Great need of bullion forced the colonial government to allow Americans as well as British and other foreign merchants to obtain easy return cargoes in exchange for their bare money at the sales of Batavia, where a staple market was maintained for Java export produce: coffee, sugar and tin ²⁾. The rumor, spread in the summer of 1817 ³⁾, that all coffee had been bought up by Americans, to the great detriment of the commerce of the mother country, was however officially denied by the government at Batavia. American vessels had indeed left with cargoes of coffee, but it was stated that most of these cargoes had been carried to ports of the Netherlands, in consequence of the lack of national vessels available for this transportation ⁴⁾. Nevertheless American statistics prove that a good deal of *coffee* was *imported into the United States* also directly *from the Dutch East Indies*, in these years ⁵⁾:

1816	387.353 pounds
1817	1.822.995 "
1818	2.873.675 "
1819	3.519.636 "

¹⁾ R. A. B. Z. B XXI No. 42.

²⁾ E.g. Sept. 7 1817, F. Smeer to Van der Kemp (R. A. B. Z. Dossier 724). Cf. G. Gonggrijp, *Schets eener economische geschiedenis van Nederlandsch-Indië* (Haarlem 1928, Volksuniversiteitsbibliotheek, 41), p. 104.

³⁾ Reported for instance in a memorandum of Aug./Sept. 1817 (R. A. Coll. Goldberg Port. 210).

⁴⁾ P. H. van der Kemp, *Hoe men vóór het cultuurstelsel opnam het consigneren naar Nederland van de gouvernementenproducten* (In *Bijdr. taal-, land- en volkenkunde van Ned. Indië*, 68, 1913), p. 455, 457.

⁵⁾ Bureau of Statistics, *Imports of Coffee and Tea, 1790—1896*, p. 3—5.

in increasing amounts; whereas only very little reached the United States *via the Dutch markets*:

1816	39 pounds
1817	10.147 „
1818	328 „
1819	483 „

It was only in the years around 1840, as a result of the action of the Netherlands Trading Society, that the supply of Java coffee in America was to come generally via the public sales at Amsterdam.

Also the direct *importation of sugar from the East Indies* shows an increase during our period ¹⁾:

	Brown sugar:	Loaf etc. (white sugar):
1816	898.872 pounds	4.598 pounds
1817	1.121.090 „	27 „
1818	1.112.482 „	10.123 „
1819	1.477.579 „	145 „

These two articles, coffee and sugar, were the most important in American East Indian trade. Arrivals at Boston in 1818 report also pepper and rice; but pepper came mostly from the wild coast of Sumatra ²⁾. Besides, a shipment from Penang carried coffee, sugar, pepper and nutmegs ³⁾.

Spices fell wholly under the governmental monopoly for the Amsterdam market ⁴⁾. In shipping them home, however, as well as in the coffee and sugar trade to the mother country, American vessels, cheap and at hand, participated to a considerable degree: Dutch firms were only too keen on buying their cargoes, or making use of their holds ⁵⁾. It involved them in a circuitous trade, America — East Indies — Europe — America; and this accounts for the fact that a great many more vessels cleared for Batavia from American ports than arrived at them directly from

¹⁾ Treasury Department, Bureau of Statistics, Tables in regard to Sugar and Molasses, p. 634.

²⁾ The trade to the peppercoast of Sumatra is not to be considered, for our period, as falling under the Dutch colonial régime. In 1820, Mr. Dennett asserts (*Americans in Eastern Asia*, p. 31), 40 vessels of about 200 tons each were sent to Sumatra annually.

³⁾ R. A. B. Z. B XXI No. 42.

⁴⁾ Chapter X, p. 216.

⁵⁾ Dec. 23 1817, The colonial government to the department of the Colonies (quoted by Van der Kemp, *Hoe men etc.*, p. 470).

Batavia ¹⁾. A table of the *exports from Java*, inserted in a memorandum on the trade between this island and Europe ²⁾, well illustrates the leading part taken by American merchants in that intercourse. *During the year 1818*, the first in which the Dutch may be considered as having wholly taken their rightful place, there was carried from Java:

To		Piculs ³⁾ of		To an aggregate value of
		coffee	sugar	
<i>the Netherlands</i>	by 26 Dutch vessels	55.152	13.611	fl. 4.406.473
	7 British „	11.993	4.835	1.072.970
	31 <i>American</i> „	36.624	20.142	3.215.453
<i>England</i>	by 6 British „	6.579	599	736.805
<i>Denmark</i>	by 2 Danish „	4.497	619	328.237
<i>America</i>	by 2 <i>American</i> „	3.266 ⁴⁾	1.464 ⁴⁾	559.590
<i>Bengalen</i>	by 2 British „	4.200	—	273.000

This shows that, of the total of 64 vessels engaged in the intercourse with the mother country, almost one half was American; and that only two ships of the American merchant marine were registered to bring their Java export cargoes to the United States during this year. Most of the vessels which thus carried the colonial trade of the Netherlands were from New England, as of old. Of 4 American vessels arriving from Batavia at Antwerp in the first half of 1817 ⁵⁾, 3 were owned at Salem, 1 at Marblehead; and of 4 coming to the port of Rotterdam in 1821 — with coffee, sugar and indigo — 2 were owned at Salem, 1 at Boston, and 1 at Baltimore ⁶⁾. It was the carrying trade of the world in which those captains engaged, a continuation of their neutral business in the Napoleonic years. They were formidable competitors wheresoever their bottoms were admitted upon reasonable conditions. In 1821 the American *chargé d'affaires* could well write home that the trade between Batavia and the mother country was mostly in the hands of Americans, “an

¹⁾ For Boston in 1818 the numbers are 10 and 1, respectively (see above p. 357).

²⁾ By Wappers Melis, 1821. Posthumus, Documenten II p. 37 f.

³⁾ 1 picul = 125 Amsterdam pounds (61,76 Kilogram).

⁴⁾ A comparison of these amounts with those quoted above from tables of the Bureau of Statistics shows plainly the statistical insufficiency of both.

⁵⁾ With cargoes of sugar, coffee, tin, chocolate, nutmegs, saponwood, logwood. Archives Legation U. S. A. at The Hague, Miscellaneous 1806—1825.

⁶⁾ *Ibid.*

object of importance", resting, however, "upon the footing of mere permission" ¹⁾).

One special branch of the Dutch commercial intercourse with Eastern Asia was practically monopolized by the shipping trade of American merchants: the China tea trade, which they had developed since the 18th century for national importation and, as neutral carriers, for foreign shipments. It remained in their hands also after 1815. The closing of many colonies by the reestablishment in these years of a regular colonial system forced them out of a large part of their former business, and made them concentrate all the more heavily upon trade at Canton, where the Chinese authorities kept admitting them on an equal footing with other foreigners. American imports of tea consequently glutted the few markets in Europe which were not closed to them: the Dutch ports, and Hamburg and Bremen. Even in the Napoleonic years Holland had been the center of the tea trade on the Continent ²⁾, supplied almost exclusively by American vessels ³⁾. After the restoration of Dutch independence it was deemed to be in the interest of the market that it should continue to receive great quantities of tea, and the trade was regulated accordingly ⁴⁾. From the liberal conditions resulting from this situation American merchants profited the most. Their shipping was so cheap and prevalent that it dominated the Netherlands-China intercourse entirely.

A contemporary pamphlet ⁵⁾ gives the following exposition of the American business: coming in ballast with Spanish dollars, from home or from the Indies, the merchant-captains would buy tea at Canton, carry it to one of the ports of the Netherlands — especially Antwerp where no licenses were required for importation — in order to unload and sell it, and sail for some North

¹⁾ Febr. 12 1821, Everett to Adams (D. o. S. Desp. Neth.): "as we are the only foreign nation that takes any considerable share in the trade, it is against us, if any body, that the jealousy of the native merchants must be directed".

²⁾ Memorieboek p. 66 f. — For a survey, and literature, on the early Dutch tea trade, in the 17th and 18th centuries, see Van der Kemp, *Oost-Indië's geldmiddelen etc.*, p. 288 f.

³⁾ Cf. Van Winter II p. 108.

⁴⁾ See chapter XIX.

⁵⁾ „Onderzoek of het voor het belang van den Nederlandschen handel raadzaam zij den invoer van thee in dat Koninkrijk al dan niet vrij te stellen, door P. Pous". (Middelburg 1817.) P. 20.

European harbor in search of a return cargo for the United States. Statistical data provided by the Dutch consul at Boston ¹⁾ confirm this statement. Clearances from his port for Canton in 1818 carried:

March 31:		June 2:	
furs	\$ 500	specie	\$ 120.000
opium	5.400	October 22:	
specie	410.000	Spanish dollars . . .	412.000
May 18:		November 18:	
specie	320.000	specie	275.550
May 26:			
wine, furs etc. . . .			
specie	350.000		

Also ginseng and some manufactures were sold at Canton. But on the whole this trade remained, like that to the East Indies, mainly a buying trade ²⁾. The amount of specie exported from Boston alone during 1818 was upwards of 9 millions of dollars. A few vessels — 6 in 1818 — returned directly to Boston with cargoes of Chinaware, *teas*, *silks* and sugar. By far the greater part — estimated at 45 vessels belonging to Boston and Salem, in 1818, — sailed for the Netherlands, from China as well as from Batavia.

Dutch vessels were very rarely noticed in their national China intercourse ³⁾, even after the adoption of discriminative tariff rates by the tea trade law of December 1817. The effects of this law in no way responded to the general expectations: the national enterprise was not revived ⁴⁾, but American importation continued to overcharge the tea market with excessive quantities ⁵⁾. A table surveying the *tea trade to the Netherlands* 1818—1829, composed by the British vice-consul at Rotterdam ⁶⁾, gives the amounts of tea imported:

¹⁾ R. A. B. Z. B XXI No. 42.

²⁾ Cf. Survey of American foreign relations, 1930, p. 201—209.

³⁾ Cf. Van der Kemp, *Oost-Indië's geldmiddelen* etc., p. 303 f.

⁴⁾ Only 1 Dutch vessel sailed for Canton in 1818 (Van der Kemp l.c. p. 315).

⁵⁾ Colenbrander, *Gedenkst. VIII III* p. 298, Jan. 27 1820, H. J. Swarth to Van Hogendorp: „De prijzen zijn zoo laag dat niemand aangemoedigd is geworden eenige expeditie naar China te ondernemen. De Amerikanen zijn dus onze eenige aanvoerders.”

⁶⁾ *De Nederlandsche Hermes*, 1830 No. 7, p. 50.

	in <i>Dutch</i> vessels		in <i>American</i> vessels	
	Cargoes unbroken	$\frac{1}{4}$ Kegs	Cargoes unbroken	$\frac{1}{4}$ Kegs
1818	6 ¹⁾	37.381	8	53.154
1819	1	6.948	11	52.981
1820	3	14.029	12	59.343
1821	1	6.279	2	10.934

and shows the preponderance of American enterprise. The law above-mentioned which gave it free thus proved, said a pamphlet of 1821 ²⁾, to be a terrible mistake, which spoiled the market by admitting an unlimited supply and, on the other hand, failed to free the China tea trade from American domination.

¹⁾ Returns of the first Dutch expeditions, set out for this trade after the Restoration.

²⁾ „Bedenkingen aan Directeuren der Chinasche expeditiën te Middelburg, tegens den voortduur eener onbepaalde aanvoer van thee in Nederland” (December 1821). It urged the reestablishment of the system of licences, for national vessels exclusively. The Americans derived special advantages, it says (p. 5), from the warehouse system — „entrepot-stelsel” — in the Netherlands. This system allowed the storage of cargo without the payment of import duties until it should be sold to merchants of the country, and at the same time reserved the possibility of reshipping the articles, again without payment of export duties, to any other foreign port where a favorable outlet might appear. Dutch commerce which used to import into private storehouses directly after arrival and upon immediate payment of the customs duties, was thus deprived of even the few opportunities offered for exportation from the national market.

SUPPLEMENTARY CHAPTER ON THE FURTHER HISTORY OF THE TREATY OF 1782 AFTER 1820¹⁾

The first treaty between the Netherlands and the United States contained no stipulation about its duration. No agreement about its validity had been reached after the end of the French period in 1813, or during the subsequent settlement of the Dutch-American relations in the ensuing years. It continued consequently to be inserted in collections of international conventions, and this, again, caused it to be taken repeatedly into consideration on any subject about which it contained provisions. American and Dutch statesmen who were not informed about the particulars of its history used to take its binding force for granted when they found it published as an official instrument regulating the relations between their countries.

We have treated the fluctuation of opinions during the years 1814—1820. It ended in an absolute certainty on the American side and in a doubting attitude on the Dutch, as neither a joint declaration nor the conclusion of a new treaty had helped to settle the question. This situation continued during the administrations of Monroe and Adams, up to 1829. When in 1826 the Netherlands minister, who apparently had made a study of the archives of his legation, broached the subject in an interview with Rush, the Secretary of State, the two attitudes were suddenly put face to face: "il me disait qu'il considérait le traité de 1782 comme toujours existant²⁾, mais il fut très étonné lorsque je lui montrai la note du Secrétaire d'Etat Monroe, du 16 août 1816, qui considérait ce traité comme non valable"³⁾. The question,

¹⁾ In continuation of Chapter V.

²⁾ In the same year, a few months earlier, a historical account of "The diplomacy of the United States" had been published (Boston 1826), which stated that the treaty had been in force "till the creation of the kingdom of the Netherlands and the consolidation of the Dutch and Belgic provinces in 1814 and '15" (p. 149).

³⁾ Nov. 11 1826, Bangeman Huygens to Verstolk (R. A. B. Z. exh. Dec. 12 1826).

however, was abandoned and the incident had no consequences.

In 1831 the Democratic Secretary of State, Livingston, also accepts the treaty's rightful existence ¹⁾, but feels less certain. He instructs the American chargé, Davezac, to obtain statements of the attitude of the Dutch government upon this head ²⁾; and receives the reply that no reasons appear to exist on the side of the Minister of Foreign Affairs to cause doubt whether it is still obligatory. In all their conversations the Dutch Minister "has ever argued", writes Davezac, "as if impressed with the idea, that the existing treaty was in full force and binding on the two nations" ³⁾. Consequently when in 1833 "A Digest of the existing Commercial Regulations of Foreign Countries with which the United States have intercourse; as far as they can be ascertained" is published under the direction of the Secretary of State ⁴⁾, it declares that the treaty with the Netherlands "is considered as still in force, notwithstanding the many changes" which have occurred in the respective countries ⁵⁾.

This statement, however, was ill-founded. If the Dutch government had any open opinion at the time, it was an opinion denying the treaty's existence ⁶⁾.

It is remarkable that neither the negotiations for the commercial convention of 1839 nor its conclusion proved a reason for any further declarations. The old treaty was not even mentioned ⁷⁾. And it was not implicitly abrogated by the new one,

¹⁾ Oct. 15 1831, Livingston to Davezac (D. o. S. Instructions, Netherlands).

²⁾ No. 7, Febr. 4 1832, Livingston to Davezac (Ibid.) He raised the problem probably in consequence of a decision by the Supreme Court of North Carolina, in the case *University v. Miller*, 1831. The Court held that the question whether the treaty continued in force was for the foreign department of the government (not for the judicial power) to decide, and therefore enforced the treaty as a law of the land (Crandall, *Treaties, their making and enforcement*, 2d. ed., p. 368 footnote 20, p. 429 footnote 19, and p. 558).

³⁾ The Hague, May 28 1832, No. 31 (D. o. S. Despatches Netherlands).

⁴⁾ Washington 1833.

⁵⁾ p. 304. — But the editor of: *The American diplomatic code, embracing a collection of treaties and conventions between the United States and foreign powers, from 1778 to 1834 . . .* (by Jonathan Elliot, Washington 1834, 2 vols.), remarks simply that the treaty "continued in force till the erection of the Kingdom of the United Netherlands . . . in 1814 and 1815" (p. 166). He derived his information from the earlier work of 1826 mentioned in footnote 2 on p. 388.

⁶⁾ Jan. 21 1836, Netscher to Verstolk van Soelen (R. A. B. Z. exh. 1836 Jan. 22, No. 2 G): „Er bestaat tusschen de beide landen geen tractaat”.

⁷⁾ Hoekstra p. 170 f. A treaty of the United States with Sweden for instance, concluded in 1816, had revived by a special stipulation the old treaty of 1783, which had expired in consequence of one of its articles regulating the duration (Hovde p. 21).

since this regulated only the direct commercial intercourse between the two countries, and contained besides neither the most-favored-nation clause nor provisions about international law, both of which had been dealt with in 1782.

In 1844 there arose from the execution of the American tariff act of 1842 a rather intricate problem on the question of duties levied on Dutch vessels when importing Java-coffee from Holland into the United States ¹⁾). The Secretary of the Treasury who had to judge complaints of the Dutch representative on this head based his opinion upon the most-favored-nation stipulation of the treaty of 1782, which he had found in the register of foreign conventions and blindly followed. He lent the treaty actual force by recognizing one of its articles ²⁾). A special Act of Congress of 1846 regulated the question consequently upon the consideration that the treaty was "of perpetual alliance" ³⁾). In the same year the Dutch government, on the basis of this recognition, urged the application of the treaty with regard to a question of inheritance in Louisiana ⁴⁾). Thus again the attitudes on both sides happened to be the same, but nevertheless they failed to arrive at any mutual understanding such as might have effected a joint official declaration.

In 1858, however, a memorandum on the part of the Dutch government about the merits of the treaty ⁵⁾) again dissented from the former opinion and advised that the treaty should *not* be accepted as still in force.

In 1861 the Civil War gave the question of the validity of the treaty a different aspect. War-time conditions, the rights and protection of neutral trade and property, etc., became the subject of discussion. Neither the commercial treaties of 1839 and 1852 nor the consular convention of 1855 had contained any regu-

¹⁾ Cf. Kiehl p. 144, Kloos p. 41 f.

²⁾ May 27 1844, McClintock Young to the Secretary of State, and Aug. 9 1844, Geo. M. Bibb to the Secretary of State (D. o. S. Miscellaneous Letters, and Treasury Department Archives: Cabinet & Bureaus, letterbooks, No. 4). — Neither Bibb nor any other official taking this attitude can be quoted seriously upon the subject, however, since none had sufficiently studied the historical background of the whole question.

³⁾ Communicated by the Dutch chargé d'affaires and again quoted in a report of May 31 1858, the Minister of Foreign Affairs to the Minister Resident at Washington (R. A. B. Z. A 1 No. 3120).

⁴⁾ *Ibid.*

⁵⁾ See footnote 3.

lations about these subjects. The treatment of them had to reach back to the stipulations of 1782. For this reason the Dutch Minister of Foreign Affairs, in Sept. 1861, presented to the American minister as the attitude of his government that "it is preferable to leave the treaty above mentioned at rest"; but he based this opinion upon the curious argument: that in 1782 the United States were a simple confederation of states, remaining sovereign each by itself, and that only by the Constitution of 1787 (signed after the treaty's conclusion) they "received the character of a perfect union between all the members as one people under one government, federal and supreme"; if, therefore, after this year the treaty had not again been officially recognized, it had been obsolete ever since ¹). The United States government appear to have acquiesced in this attitude.

Even then the question was not yet settled. That it was a live issue at the time is proved by the publication of a work by E. J. Kiehl on the subject, in 1863 ²). The author discusses the problems of international law resulting from this treaty from a theoretical juridical point of view, but with an occasional glance at the historical background. His Chapters 18 and 19 ³) treat the question of the validity of the treaty. On the basis of theories and quotations from authorities on international law — which could be neither treated satisfactorily here nor brought within the scope of this study — Kiehl concludes that the Dutch nation, though conquered by Napoleon, had continued to exist throughout the French period and that no reason could be perceived therefore for doubting the unbroken force of the treaty; that it would be advantageous for Holland under the present circumstances to accept its obligations, as they give a wide extension to neutral trade. "On our side everything should be done that will express and further strengthen its engagement. Everything that might cause the slightest doubt about this validity, should be

¹) The Hague, Sept. 17 1861, Van Zuylen to Pike (to be found in R. A. and D. o. S. Desp. Neth.). Published in: Papers relative to the Foreign Relations of the United States, 1861 (edited by D. o. S.), p. 368.

Cf. The Hague, June 11 1862, Pike to Secretary of State, No. 51: "From an interview with Mr. Van der Maesen [de Sombreff, Minister of Foreign Affairs] I learn that his government views the Treaty of 1782 as obsolete", (D. o. S. Desp. Neth.).

²) E. J. Kiehl: *Ons verdrag met Amerika*. 's-Gravenhage 1863.

³) P. 139 f.

avoided." ¹⁾ We have not further investigated the influence of his prompting upon public opinion and the attitude of the government in Holland.

After the end of America's internal troubles, in 1865, the affair soon calmed down and fell into oblivion. In January 1873 a most-favored-nation question once more entered the field. The Dutch Minister, Westenberg, addressed a note to the American Secretary of State in which he asked for Dutch navigation the favors of an equal treatment with Belgian and German steamers in regard to tonnage dues in the ports of the United States; he based this demand upon the stipulation of the most-favored-nation treatment of 1782 ²⁾. The reply which he received denied the existence of the treaty upon the ground of Monroe's statements of 1815 and 1816 ³⁾. An extensive correspondence followed, in which both parties relied on what in former times had been expressed by different statesmen on this head, both of course finding sufficient material to quote in proof of their views. The peculiarity was, however, that their attitudes appeared to have interchanged again. The Dutch representative now stood for the validity of the treaty, in accordance with Adams' opinion of 1818 and on the basis of the pronouncements of various authors on international law, declaring that a treaty, in case of annexation of one party by a foreign power, "revives quite and *totally, ex jure postliminii*, as soon as such party regains its independence and self-government, whatever may be the form adopted for its new internal administration". Also he introduced as an argument for the unbroken continuity of the existence of the Dutch nation that always, even when Holland was a part of France and when her colonies were conquered by the British, the Dutch settlement at Decima had kept the flag waving as at an independent post ⁴⁾.

The American Secretary, Fish, holding the same office that John Quincy Adams had held when shaping *his* attitude, opposed to these arguments the opinion that the treaty was no longer

¹⁾ p. 150. „Vooreerst blijkt uit de opgesomde voordeelen van dat verdrag dat onzerzijds alles moet gedaan worden wat zijne verbindbaarheid kan doen uitkomen en verder kan versterken. Alles moet worden vermeden wat den minsten twijfel aan die geldigheid zou kunnen veroorzaken.”

²⁾ Jan. 29 1873, Westenberg to Fish. In: Papers relative to the Foreign Relations of the United States 1873, p. 714 f., where the further correspondence is published also.

³⁾ Febr. 19 1873, Fish to Westenberg.

⁴⁾ March 8 1873, Westenberg to Fish. Cf. on this argument p. 40, footnote 2.

binding on the parties. Upon well-chosen quotations from letters of Monroe, Changuion, Ten Cate and Van Nagell, he observed: "I fail to find it anywhere stated that on the conclusion of a peace by which a conquered country has regained her independence, the ancient treaties of that country with other powers are thereby necessarily revived" ¹⁾).

Consequently the Dutch did not obtain what they claimed. The American attitude appeared to be firmly settled by Fish's assertions, and was adhered to in the future. His correspondence became the foundation for the point of view held by the United States ever since; it was more than once quoted as an elementary exposition of international law upon the abrogation of this treaty²⁾. The Dutch government acquiesced therein. Thus after 60 years of ups and downs the question finally died away ³⁾, by tacit agreement, and was disposed of *de facto*, although it had never been settled by an explicit joint declaration of both governments.

In 1873 appeared "Notes upon the treaties of the United States with other powers", by J. C. Bancroft Davis. Under the chapter on "Abrogated, suspended, or obsolete treaties" he mentions the convention with the Netherlands of 1782 in paragraph V called "Treaties with Powers which have been absorbed into other nationalities by conquest" ⁴⁾. For the most part he quotes Monroe's correspondence, of 1815 and 1816, in favor of the abrogation. The author also founds his opinion upon the principle of public law that: "The obligations of Treaties, even where some of their stipulations are in their terms perpetual, expire in case either of the contracting parties loses its existence as an independent State, or in case its internal constitution is so changed as to render the Treaty inapplicable to the new condition of things" ⁵⁾. John H. Haswell's collection of "Treaties and Conventions" ⁶⁾, following Bancroft Davis' explanatory notes, is wholly in accordance with this view. So is John Bassett

¹⁾ April 9 1873, Fish to Westenberg.

²⁾ For instance in: A Digest of the international law of the United States edited by F. Wharton (Washington 1887, 3 vols.), II § 137.

³⁾ Kloos for instance does not mention any more cases. Nor have they been noticed in other works.

⁴⁾ P. 26.

⁵⁾ Referring to several writers on international law.

⁶⁾ Treaties and Conventions, concluded between the United States of America and other Powers, since July 4 1776. Washington 1889.

Moore's conclusion in his authoritative "Digest of International Law" ¹⁾; stating Fish's attitude, in a survey which rather misrepresents the whole question ²⁾, Moore calls the treaty obsolete by "changes in Sovereignty and Government". Malloy in his "Treaties, Conventions . . . between the United States of America and other Powers, 1776—1909" ³⁾, comes to the same conclusion upon the argument, which is much less accurate than that of Bancroft Davis, however, that "This treaty was abrogated by the overthrow of the Netherlands Government in 1795".

The Dutch collections or repertories of treaties of the 19th century do not mention the American treaty of 1782 ⁴⁾. The fact that the years after 1813 constitute a well-defined period caused them to neglect agreements of an older date. The only publication of conventions of commerce and navigation which gives in an annex the treaty discussed — copied from De Martens with the Dutch text and a French translation only — is one dating from 1891 ⁵⁾. The editor, Van Citters, abstaining from comment,

¹⁾ Vol. V (Washington 1906), p. 344/345 (§ 773: Termination of treaties, changes in sovereignty and government).

²⁾ Moore has arrived at a defective representation of the "Case of the Netherlands", by blindly following Davis' statements. He outlines *only* those arguments of Secretary Fish which stress the Dutch attitude in 1815, when Holland was in favor of a termination of the treaty; his conclusion that since that time the United States also had acquiesced in this attitude, is clearly wrong.

³⁾ Washington 1910, p. 1223.

⁴⁾ H. A. van Dijk, Répertoire historique et chronologique des traités conclus par la Hollande depuis 1789 jusqu'à nos jours (Utrecht 1846), — a continuation of Kluit, Index chronologicus . . . (Leiden 1790) —.

E. G. Lagemans, Recueil des traités et conventions conclus par le royaume des Pays-Bas avec des puissances étrangères, depuis 1813 (La Haye 1858 f.).

C. J. E. Bosmans et M. Visser, Répertoire des traités et des engagements internationaux concernant les Pays-Bas (1845—1900), (La Haye 1928).

None of these works mentions the treaty of 1782. The two first-named give the convention of 1839, the last one gives that of 1852 as being the first agreement with the United States in force at the time.

Finally there is a collection entitled: De Handelsverdragen van Nederland. Overzicht van de regeling der handelsbetrekkingen tusschen Nederland en andere landen, bestaande op 1 Jan. 1911. (Verslagen en Mededeelingen van de Afdeling Handel van het Departement van Landbouw, Nijverheid en Handel, jaargang 1911, No. 1.) On page 1, under the heading United States of America, it states: „Van kracht waren op 1 Januari 1911 de verdragen van 19 Januari 1839 en van 26 Augustus 1852”, and thus gives another *argumentum e silentio* for the conclusion that also with the Netherlands government an eventual reinforcement of the treaty of 1782 was wholly out of the question.

⁵⁾ Verzameling van handels- en scheepvaartovereenkomsten gesloten tusschen Nederland en vreemde mogendheden. Uitgegeven . . . door S. van Citters. 's-Gravenhage 1891.

The Preface, p. I, announces that he intends to give only treaties which have *not* been recalled. Annex A is the treaty of 1782, from De Martens' Recueil des principaux traités d'alliance . . . (etc.).

does not make clear why he published it. The most probable reason is that he found it under the treaties not explicitly recalled and, having no further evidence as to its validity, added it to his collection merely out of curiosity. In Holland, as in America, in 1891 the question was as dead as the treaty itself.

Almost a century had been necessary to bring people to this notion. It certainly is worthy of note that, if ever John Quincy Adams made principles and foundations for American policy, history in this particular case produced just the opposite effect of what he once proclaimed to be indisputable "on the ground of Right".

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