

WHITNEY AND OTHERS *v.* ROBERTSON,
COLLECTOR, ETC.

Circuit Court, S. D. New York. September 19, 1884.

CUSTOMS DUTIES—TREATY—ACT OF
CONGRESS—EXEMPTION FROM DUTY.

A stipulation in a treaty with a foreign power that “no higher or other duties shall be imposed on the importation into the United States of any article, the produce or manufacture of the dominion of the treaty-making power, * * * than are or shall be payable on the like articles, being the produce or manufacture of any other foreign country,” does not prevent congress from passing an act exempting from duty like products and manufactures imported from any particular foreign dominion it may see fit.

On Demurrer to Complaint.

Charles Stewart Davison, for plaintiffs.

Elihu Root, U. S. Dist. Atty., and *Saml. B. Clark*, for defendants.

WALLACE, J. The questions raised by the demurrer are the same considered in the case of *Bartram v. Robertson*, 15 FED. REP. 212, and for the reasons stated in the opinion there delivered the demurrer is sustained.

Judgment is ordered for the defendant.

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