

TREATIES.

Treaty with Bolivia. Peace, Friendship, Commerce, and Navigation. Signed at La Paz, May 13, 1858. Ratified by the President of the United States, February 17, 1862. Exchanged at La Paz, November 9, 1862. Proclaimed by the President of the United States, January 8, 1863.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: May 13, 1858.

A PROCLAMATION.

WHEREAS a Treaty of Peace, Friendship, Commerce, and Navigation between the United States and the Republic of Bolivia, was concluded and signed by their respective Plenipotentiaries, at La Paz, on the thirteenth day of May, one thousand eight hundred and fifty-eight, which Treaty, after having been amended and ratified by the contracting parties, is word for word as follows :

Preamble

Treaty of Peace, Friendship, Commerce, and Navigation, between the United States of America and the Republic of Bolivia.

Tratado de Paz, Amistad, Navegacion i Comercio entre la República de Bolivia i los Estados Unidos de América.

Contracting parties.

The United States of America and the Republic of Bolivia, desiring to make lasting and firm the friendship and good understanding which happily prevail between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty of friendship, commerce, and navigation. For this most desirable object, the President of the United States of America has conferred full powers on John W. Dana, a citizen of the said States, and their Minister Resident to the said Republic; and the President of the Republic of Bolivia on the citizen Lucas Mendosa de la Tapia, Secretary of State in the Department of Exterior Relations and Public Instruction, who, after having exchanged their said full powers in due and proper form, have agreed to the following articles :

La República de Bolivia i los Estados Unidos de América, deseando hacer estables i permanentes las relaciones de amistad i buena inteligencia, que felizmente existen entre ambas Naciones, han resuelto fijar de una manera clara, distinta i positiva, las reglas que en lo sucesivo, deben observarse religiosamente entre ambas naciones, por medio de un tratado de amistad, comercio i navegacion.

Contan interesante objeto, el Presidente de la República de Bolivia ha conferido plenos poderes al Ciudadano Lucas Mendoza de la Tapia, Secretario de Estado en el Departamento de Relaciones Exteriores é Instruccion Pública, i el Presidente de los Estados Unidos al Ciudadano Juan Winchester Dana, Ministro Residente de dichos Estados Unidos cerca del Gobierno de Bolivia, quienes despues de haberse comunicado sus mencionados plenos poderes i habiendoles hallado en debida forma, han convenido en los articulos siguientes :

ARTICLE I.

Peace and
friendship.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Bolivia, in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.

ARTICLE II.

Rights of most
favored nation.

If either party shall hereafter grant to any other nation, its citizens, or subjects, any particular favor in navigation or commerce, it shall immediately become common to the other party, freely when freely granted to such other nation, or on yielding the same compensation when the grant is conditional.

EXPLANATION.

Explanations.

As in said article it is stipulated that any special favor in navigation and trade granted by one of the contracting parties to any other nation, extends and is common to the other party forthwith, it is declared that, in what pertains to the navigation of rivers, this treaty shall only apply to concessions which the Government may authorize for navigating fluvial streams which do not present obstructions; that is to say, those whose navigation may be naturally plain and current without there having been need to obtain it by the employment of labor and capital; that by consequence there remains reserved the right of the Bolivian Government to grant privileges to any association or company, as well foreign as national, which should undertake the navigation of those rivers from which, in order to succeed, there are difficulties to overcome, such as the clearing out of rapids, &c., &c.

ARTICLE III.

Reciprocal
liberty of com-
merce and navi-
gation.

The United States of America and the Republic of Bolivia mutually agree that there shall be reciprocal liberty of commerce and navigation

ARTICULO I.

Habrá perfecta, firme é inviolable paz i sincera amistad entre la República de Bolivia i los Estados Unidos de América, en toda la estension de sus posesiones i territorios, i entre sus pueblos i ciudadanos respectivos, sin distincion de personas ni de lugares.

ARTICULO II.

Si una de las partes concediere, en lo futuro á cualquiera otra nacion, sus ciudadanos ó súbditos algun favor particular, en navegacion i comercio, se estenderá i hará comun inmediateamente á la otra parte, gratuitamente, si la concesion hubiese sido gratuita ó con compensacion, si la concesion hubiese sido condicional.

ESPLICACION.

Como en dicho articulo se estipula que cualquier favor particular en navegacion i comercio concedido por una de las partes contratantes á cualquiera otra nacion, se estienda i haga comun á la otra parte inmediateamente — se declara que, en lo tocante á la navegacion de los rios, esta convencion solo será aplicable á las concesiones que el Gobierno de Bolivia otorgare para navegar los cursos fluviales que no presentasen obstaculos, es decir, de aquellos cuya navegacion estuviese naturalmente allanada i corriente sin que hubiera sido preciso procurarla empleando trabajo i capitales; que por consiguiente queda á salvo el derecho del Gobierno de Bolivia para conceder privilegios á cualquiera Sociedad ó Compañia tanto extranjera como nacional que emprendiese la navegacion en aquellos rios donde para conseguirla hai que superar dificultades, tales como el allanamiento de cachuelas, &c.

ARTICULO III.

La República de Bolivia i los Estados Unidos de América convienen mutuamente en que haya libertad reciproca de navegacion i

between their respective territories and citizens. The citizens of either republic may frequent with their vessels all the coasts, ports, and places of the other, where foreign commerce is permitted, and reside in all parts of the territory of either, and occupy dwellings and warehouses; and everything belonging thereto shall be respected, and shall not be subjected to any arbitrary visits or search. The said citizens shall have full liberty to trade in all parts of the territory of either, according to the rules established by the respective regulations of commerce, in all kinds of goods, merchandise, manufactures, and produce, not prohibited to all, and to open retail stores and shops, under the same municipal and police regulations as native citizens; and they shall not in this respect be liable to any other or higher taxes on imports than those which are or may be paid by native citizens. No examination or inspection of their books, papers, or accounts, shall be made without the legal order of a competent tribunal or judge.

The provisions of this treaty are not to be understood as applying to the navigation and coasting trade between one port and another, situated in the territory of either of the contracting parties — the regulation of such navigation and trade being reserved respectively by the parties according to their own separate laws. Vessels of either country shall, however, be permitted to discharge part of their cargoes at one port, open to foreign commerce, in the territories of either of the high contracting parties, paying only the custom-house duties upon that portion of the cargo which may be discharged, and to proceed with the remainder of their cargo to any other port or ports of the same territory, open to foreign commerce, without paying other or higher tonnage duties or port charges in such cases than would be paid by national vessels in like circumstances; and they shall be permitted to load in like manner at different ports in the same voyage outwards.

The citizens of either country

comercio entre sus respectivos territorios i ciudadanos. Los ciudadanos de cualquiera de las dos Repúblicas podrán frecuentar con sus buques todas las costas, puertos i lugares de la otra en que se permite el comercio extranjero, residir en cualquier punto de los territorios de la otra i ocupar las casas i almacenes que necesiten: i todo lo que les pertenezca será respetado i esento de toda visita ó pesquisa arbitraria. Dichos ciudadanos gozarán de entera libertad, para comerciar en todos los puntos del territorio de la otra, segun las reglas establecidas por las respectivas leyes de comercio, en todo jenero de efectos, mercaderias, manufacturas i productos de lícito tráfico, i abrir almacenes i tiendas por menor, sometién dose á las mismas leyes, i á illos decretos i usos establecidos para los ciudadanos del pais; i no estarán sujetos á mayores impuestos i contribuciones que los que estos mismos pagan ó deben pagar. No se examinarán ni inspeccionarán los libros, papeles i cuentas que les pertenezcan sin mandato de juez ó tribunal competente.

Las estipulaciones del presente tratado no se considerarán aplicables á la navegacion i comercio de cabotaje entre un puerto i otro, situado en el territorio de cualquiera de las dos partes contratantes; pues la regulacion de este comercio, está reservada respectivamente á las leyes particulares de cada una de ellas. Sin embargo, los buques de cualquiera de los dos paises podrán descargar parte de sus cargamentos en un puerto habilitado para el comercio extranjero, perteneciente al territorio del otro, pagando solamente los derechos de aduana correspondientes á los efectos descargados, i continuar con el resto de su carga á cualquier otro puerto ó puertos del mismo pais, abiertos al comercio extranjero, sin pagar otros ó mayores derechos de tonelaje ó de puerto que los que pagan en iguales casos los buques nacionales. En igual forma se les permitirá cargar en diferentes puertos en un mismo viaje para otros paises.

Los ciudadanos de cualquiera de

Taxes.

Examination of books and papers.

Treaty not to the navigation and coasting trade.

Right to travel

shall also have the unrestrained right to travel in any part of the possessions of the other, and shall in all cases enjoy the same security and protection as the natives of the country in which they reside, on condition of their submitting to the laws, decrees, and ordinances there prevailing. They shall not be called upon for any forced loan or occasional contribution, nor shall they be liable to any embargo, or to be detained with their vessels, cargoes, merchandise, goods, or effects, for any military expedition, or for any public purpose whatsoever, without being allowed therefor a full and sufficient indemnification, which shall in all cases be agreed upon and paid in advance.

Forced loans,
&c.

ARTICLE IV.

All kinds of produce, manufactures, or merchandise, of any foreign country which can, from time to time, be lawfully imported into the United States in their own vessels, may be also imported in vessels of the Republic of Bolivia; and no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in the vessels of the one country or of the other; and in like manner all kinds of produce, manufactures, and merchandise of any foreign country that can be, from time to time, lawfully imported into the Republic of Bolivia in its own vessels, whether in her ports upon the Pacific or her ports upon the tributaries of the Amazon or La Plata, may be also imported in vessels of the United States; and no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other. And they agree that what may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country; and the same bounties, duties, and drawbacks shall be al-

Merchandise
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las dos partes tendrán tambien el derecho ilimitado de viajar por cualquiera parte de las posesiones de la ótra, i gozarán en todo caso, de la misma seguridad i proteccion que los naturales del pais donde residen, sometiéndose á las leyes, decretos i ordenanzas que en el se observen; no se les exjirá ningun impuesto forzoso, ni ninguna contribucion accidental, ni estarán sujetos á ningun embargo, ni á ser detenidos con sus buques, cargamentos, mercaderias ó efectos, para ninguna expedicion militar ó para cualquier otro objeto público, sin que por ello se les conceda una cumplida i suficiente indemnizacion, que en todo caso se convenga i pague adelantado.

ARTICULO IV.

Toda clase de productos, manufacturas ó mercaderias de cualquiera nacion extranjera, que puedan, de tiempo en tiempo, ser legalmente importados en los Estados Unidos en sus propios buques, pueden serlo tambien en buques de la República de Bolivia, sin que se les pueda esjir ni cobrar otros ó mas altos derechos de tonelaje del buque i su cargamento, sea que la importacion se haga en buques del uno ó del otro pais; i del mismo modo toda clase de productos, manufacturas ó mercaderias de una nacion estraña, que de tiempo en tiempo, pueden ser importados en la República de Bolivia, en sus propios buques, sea por sus puertos del Pacifico, ó por los que tenga sobre los tributarios del Amazonas ó del Plata, puedan tambien ser importados en los buques de los Estados Unidos; sin que se pueda esjir ni cobrar otros ó mas altos derechos por el tonelaje del buque i su carga, sea que la importacion se haga en buques del uno ó del otro pais. Y convienen en que todo lo que legalmente pueda ser esportado ó re-exportado de un pais, en sus propios buques, un pais estraño, pueda del mismo modo ser exportado i re-exportado en buques del otro pais. Y los mismos premios, derechos ó re-embozo de derechos, serán concedidos i cobra-

lowed and collected, whether such exportation or re-exportations be made in vessels of the United States or of the Republic of Bolivia.

In all these respects, the vessels and their cargoes of the one country, in the ports of the other, shall also be on an equal footing with those of the most favored nation. It being further understood that these principles shall apply whether the vessels shall have cleared directly from the ports of the nation to which they appertain, or from the ports of any other nation.

ARTICLE V.

For the better understanding of the preceding article, and taking into consideration the actual state of the commercial marine of the Republic of Bolivia, it is stipulated and agreed that all vessels belonging exclusively to a citizen or citizens of said Republic, and whose captain is also a citizen of the same, though the construction or the crew are or may be foreign, shall be considered, for all the objects of this treaty, as a Bolivian vessel.

ARTICLE VI.

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the Republic of Bolivia, and no higher or other duties shall be imposed on the importation into the Republic of Bolivia of any articles, the produce or manufactures of the United States, than are or shall be payable on the like articles being the produce or manufactures of any other country; nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States or to the Republic of Bolivia, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibitions be imposed on the exportation or importation of any articles, the produce or manufactures of the United States, or of the Republic

dos, sea que la exportacion ó re-exportacion se haga en buques de los Estados Unidos ó de la República de Bolivia.

En todos estos casos, los buques de cualquiera de los dos países i sus respectivos cargamentos se pondrán en los puertos del otro en un pié de igualdad con los de la nacion mas favorecida; debiendo observarse estos principios, sea que los buques fueren despachados directamente de los puertos de la nacion á que pertenece ó sea que lo fueren de los puertos de cualquiera otra nacion.

ARTICULO V.

Para la mejor inteligencia del artículo precedente, i tomando en consideracion el estado actual de la marina comercial de la República de Bolivia, se estipula i conviene, en que todos los buques pertenecientes esclusivamente á un ciudadano ó ciudadanos de dicha República, i cuyo capitan sea tambien ciudadano de la misma, aunque la construccion ó la tripulacion sean ó puedan ser extranjeras, serán considerados, para el objeto de este tratado, como buques Bolivianos.

What to be considered Bolivian vessels.

ARTICULO VI.

No se impondrá otros ni mas altos derechos á las importaciones en los Estados Unidos de cualesquiera artículos, productos ó manufacturas de la República de Bolivia; asi como no se impondrá otros ni mas altos derechos á las importaciones en la República de Bolivia de cualesquiera artículos, productos ó manufacturas de los Estados Unidos, que los que se cobran por iguales artículos á los productos ó manufacturas de otro país; tampoco se impondrá otros ni mas altos derechos ó gravámenes, en ninguno de los dos países, á la exportacion de cualesquiera artículos de la República de Bolivia á los Estados Unidos, ó *vice versa* que los que se pagan por la exportacion de iguales artículos á otro país extranjero; ni se impondrá prohibicion alguna á la importacion ó exportacion de los artículos productos ó manufacturas de la República de Bolivia, ó de los Estados

Duties on imports and exports to be the same as on like articles from or to other countries.

of Bolivia, to or from the territories of the United States, or to or from the territories of the Republic of Bolivia, which shall not equally extend to all other nations.

ARTICLE VII.

Citizens of one country, in the other country to be treated in the same manner, &c.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of either country, to manage themselves their own business, in all the ports and places subject to the jurisdiction of the other, as well with respect to the consignment and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the citizens or subjects of the most favored nation.

ARTICLE VIII.

Steam-vessels navigating between ports of Bolivia.

The Republic of Bolivia, desiring to increase the intercourse between the Pacific ports by means of steam navigation, engages to accord to any citizen or citizens of the United States who may establish a line of steam-vessels to navigate regularly between the different ports and bays of the coasts of the Bolivian territory, the same privileges of taking in and landing freight and cargo, entering the by-ports for the purpose of receiving and landing passengers and their baggage and money, carrying the public mails, establishing depots for coal, erecting the necessary machine and workshops for repairing and refitting the steam-vessels, and all other favors enjoyed by any other association or company whatsoever, of the same character. It is furthermore understood between the two high contracting parties that the steam-vessels of either shall not be subject, in the ports of the other party, to any duties of tonnage, harbor, or other similar duties whatsoever, than those that are or may be paid by any other association or company.

Unidos, al ó del territorio de Bolivia al ó del territorio de los Estados Unidos, que igualmente no se estiendan á otras naciones.

ARTICULO VII.

Se conviene igualmente en que será enteramente libre á todo comerciante, comandante de buque, ú otros ciudadanos de cualquiera de los dos países, manejar por sí mismos sus propios negocios, en todos los puertos ó lugares sujetos á la jurisdiccion del otro, asi como respecto á la consignacion i venta de efectos i mercancias, por mayor ó por menor, como tambien respecto á la carga, descarga i despacho de sus buques, debiendo ser, en todos esos casos, tratados como ciudadanos del pais en que residen ó, á lo menos, ser colocados en un mismo pié con los súbditos ó ciudadanos de la nacion mas favorecida.

ARTICULO VIII.

Desearo la República de Bolivia ampliar la comunicacion entre los puertos del Pacífico, por medio de la navegacion por vapor, se compromete á conceder á cualquiera ciudadano ó ciudadanos de los Estados Unidos que concurran á este efecto, estableciendo una linea de vapores entre los puertos ó bahías de las costas del territorio Boliviano, los mismos privilegios para el embarco, desembarco de carga ó flete, recepcion i desembarco de pasajeros, sus equipages i dinero; para el transporte de las baliijas de correos, formacion de depósitos para el combustible, establecimiento de talleres i máquinas para reparar i carenar los vapores, i las demás inmunidades de que goza cualquiera otra sociedad ó compañía del mismo jenero. Conviene además las altas partes contratantes en que los vapores pertenecientes á cualquiera de ellas no estarán sujetos, en los lugares de desembarco de la otra, al pago de ninguna clase de derechos, como los de tonelaje, puerto, ni otros semejantes, á no ser los que paguen ó pagaren otras sociedades ó compañías favorecidas.

ARTICLE IX.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, ports, or dominions of the other with their vessels, whether merchant or of war, through stress of weather, pursuit of pirates, or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships and placing themselves in a situation to continue their voyage, without obstacles or hindrance of any kind. And the provisions of this article shall apply to privateers or private vessels of war as well as public, until the two high contracting parties may relinquish the right of that mode of warfare, in consideration of the general relinquishment of the right of capture of private property upon the high seas.

ARTICLE X.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, or shall suffer any damages in the seas, rivers, or channels, within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever.

ARTICLE XI.

All the ships, merchandise, and the effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due form, their rights before the competent tribunals; it being well under-

ARTICULO IX.

Cuando los ciudadanos de una de las partes contratantes se vean obligados á refugiarse ó asilarse en los rios, puertos ó dominios de la otra, con sus buques sean mercantes ó de guerra, á causa del mal tiempo, ó de la persecucion de enemigos ó piratas, serán recibidos i tratados con consideracion, prestándoseles, todo auxilio i proteccion, para reparar sus buques i ponerse en estado de continuar su viaje sin obstáculo ni riesgo de ningun jénero.

Citizens of either nation seeking refuge, &c., to be treated with humanity.

Las estipulaciones contenidas en este artículo se aplican á los corsarios ó buques privados de guerra, como á los públicos, hasta que las dos altas partes contratantes hayan abandonado la guerra de corso, en consideracion á que jeneralmente se abandone por las naciones del derecho de apresar propiedades privadas en el mar.

ARTICULO X.

Cuando un buque perteneciente á un ciudadano de una de las naciones contratantes, haya naufragado ó sufrido algun daño en los mares, rios ó canales pertenecientes á la otra, se prestará socorro i proteccion en la misma forma que á los buques de la nacion en que acontece el daño, permitiéndole, si fuese necesario, descargar dicho buque de sus mercancías i efectos, sin exigir por ello derecho ni impuesto ni contribucion alguna.

Vessels wrecked or damaged.

ARTICULO XI.

Todos los buques, mercaderías i efectos pertenecientes á los ciudadanos de una de las partes contratantes, que fueren apresados por piratas dentro de los límites de su jurisdiccion, ó que, siéndolo en altamar, fuesen llevados á los rios, roads, ó bahías, ó encontrados en los puertos ó dominios de la otra, serán entregados á sus dueños, probando estos en debida forma sus derechos ante los tribunales competentes;

Captures by pirates.

stood that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of their respective governments.

ARTICLE XII.

Power of disposing of personal property, and right of succession thereon.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such duties only as the inhabitants of the country where such goods are shall be subject to pay in like cases. And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them the longest period allowed by the law to dispose of the same as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the laws of the country.

ARTICLE XIII.

Citizens of each nation to be protected.

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

Tribunals of justice to be open.

bien entendido que el reclamo será hecho por los mismos interesados, sus apoderados, ó los agentes de sus respectivos gobiernos, dentro del término de un año.

ARTICULO XII.

Los ciudadanos de cada una de las partes contratantes tendrán facultad para disponer de los efectos de su pertenencia, dentro de la jurisdicción del otro, por venta, donación, testamento ó de cualquier otra manera, i sus herederos ó representantes, siendo naturales de la otra parte, sucederán en dichos efectos, sea por testamento ó *ab intestato*, i podrán tomar posesion i disponer de ellos á su voluntad, por sí ó por otros que obren á nombre suyo, pagando solamente los derechos á que en semejantes casos están sujetos los habitantes del pais donde existen dichos efectos. Y si en el caso de ser los bienes raíces, estuviese prohibido á los mencionados herederos, entrar en posesion de la herencia, á causa de su caracter de extranjeros, se les concederá el plazo mas largo que fuese permitido por las leyes, para disponer de ellos como les parezca i esportar su producto, sin otros gravámenes ni derechos que los establecidos por las leyes del pais.

ARTICULO XIII.

Las dos partes contratantes prometen i se obligan formalmente á prestar su proteccion especial á las personas i propiedades de los ciudadanos de la otra, de todas ocupaciones, que esten en los territorios de su respectiva jurisdicción, sean transeuntes ó domiciliados; dándoles libre acceso á los tribunales de justicia para sus recursos judiciales en los mismos términos que son de uso i costumbre con los naturales; para cuyo efecto podrán emplear en defensa de sus derechos, los abogados, procuradores, notarios, agentes, i factores que les parezca, en todas sus contiendas judiciales; dichos ciudadanos i agentes podrán presentarse libremente á las decisiones i

present at the accusations and sentences of the tribunals in all cases which may concern them; and likewise at the taking of all examinations and evidence which may be exhibited on the said trials, in the manner established by the laws of the country. If the citizens of one of the contracting parties, in the territory of the other, engage in internal political questions, they shall be subject to the same measures of punishment and precaution as the citizens of the country where they reside.

ARTICLE XIV.

The citizens of the two contracting parties shall enjoy the full liberty of conscience in the countries subject to the jurisdiction of the one or the other, without being disturbed or molested on account of their religious opinions, provided they respect the laws and established customs of the country. And the bodies of the citizens of the one who may die in the territory of the other shall be interred in the public cemeteries, or in other decent places of burial, which shall be protected from all violation or insult by the local authorities.

ARTICLE XV.

It shall be lawful for the citizens of the United States of America, and of the Republic of Bolivia, to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with their ships and merchandises before mentioned, and to trade with the same liberty and security, not only from places and ports of those who are enemies of both or either party, to the ports of the other, and to neutral places, but also from one place belonging to an enemy, to another place belonging

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sentencias de los tribunales, en todos los casos que les conciernan, i podrán pedir testimonios de todas las informaciones ó documentos que se produjeran en dichos tribunales en la forma establecida por las leyes del país. Los ciudadanos de una de las partes contratantes que hallándose en territorio de la otra, se injeriesen en las cuestiones políticas internas, estarán sujetos á las mismas medidas de represion ó de precaucion á que lo estuvieren los del país.

Those engaging in internal political questions.

ARTICULO XIV.

Los ciudadanos de las dos partes contratantes gozarán de completa libertad de conciencia, en los países sujetos á la jurisdiccion de la una ó de la otra, sin ser inquietados ni molestados por razon de sus opiniones religiosas, con tal de que respeten las leyes i costumbres establecidas en el país. Además los cuerpos de los ciudadanos de una de las partes contratantes, que fallecieren en el territorio de la otra, serán enterrados en los cementerios públicos ú otros enterratorios decentes, que serán protejidos contra toda violacion ó insulto, por las autoridades locales.

Religious freedom.

Rights of burial.

ARTICULO XV.

Será lícito á los ciudadanos de la República de Bolivia i de la Union Americana navegar con sus buques, con entera libertad i seguridad, sin hacer distincion de dueños de las mercaderias que se encuentren á su bordo, de cualesquiera puerto con direccion á los puertos ó lugares de desembarco de una nacion ó naciones que estén en guerra con una ú otra de las partes contratantes. Será lícito, asi mismo, á dichos ciudadanos navegar i comerciar con sus buques i mercaderias, con entera libertad i seguridad, no solamente de los lugares i puertos de los enemigos de una ó de ambas partes, á los puertos del otro i á los lugares neutrales, sino tambien de un lugar perteneciente á un enemigo, á otro lugar perteneciente á un enemigo,

Freedom of navigation.

to an enemy, whether they be under the jurisdiction of one power or of several.

ARTICLE XVI.

Free ships
make free goods.

The two high contracting parties recognize as permanent and immutable the following principles, to wit:

1st. That free ships make free goods; that is to say, that the effects or goods belonging to subjects or citizens of a power or state at war are free from capture or confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

Neutral prop-
erty, &c., not
subject to confis-
cation, unless,
&c.

2d. That the property of neutrals on board an enemy's vessel is not subject to confiscation, unless the same be contraband of war.

The like neutrality shall be extended to persons who are on board a neutral ship with this effect, that although they may be enemies to both or either party, they are not to be taken out of that ship unless they are officers or soldiers, and in the actual service of the enemies. The contracting parties engage to apply these principles to the commerce and navigation of all such powers and states as shall consent to adopt them as permanent and immutable.

ARTICLE XVII.

Contraband
of war.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband of war, and under this name shall be comprehended —

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuses, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2d. Bucklers, helmets, breast-plates, coats of mail, infantry belts, and clothes made up in the form and for a military use.

3d. Cavalry belts, and horses, with their furniture.

4th. And, generally, all kinds of

sea que esten bajo la jurisdiccion de una potencia ó de varias.

ARTICULO XVI.

Las dos altas partes contratantes reconocerán como permanentes é inmutables los principios siguientes:

1º. Que el buque neutral protege la carga, es decir, que los efectos, ó mercaderías pertenecientes á los súbditos ó ciudadanos de una nacion enemiga, son neutrales á bordo de un buque neutral, con escepcion de los artículos de contrabando de guerra.

2º. Que la carga neutral á bordo de un buque enemigo, no está sujeta á confiscacion; permanece neutral, á menos que sea contrabando de guerra.

La misma neutralidad se estenderá á las personas que se hallen á bordo de un buque neutral, de manera que, aunque sean enemigas de ambas ó de una de las partes, no pueden ser estraidas del buque, á no ser que sean oficiales ó soldados que se hallan en actual servicio del enemigo. Las partes contratantes se obligan á aplicar estos principios al comercio i navegacion de todas las potencias ó estados que consientan en adoptarlos como permanentes é inmutables.

ARTICULO XVII.

La libertad de comercio i navegacion se estenderá á todo jénero de mercaderías, esceptuando solamente aquellas que se distinguen con el nombre de contrabando de guerra bajo cuya denominacion se comprenden.

1º. Cañones, morteros, obuses, pedreros, mosquetes, fusiles, rifles, carabinas, pistolas, espadas, sables, lanzas, chusos, alabardas, i granadas, bombas, polvora, mechas, balas, con las demas cosas correspondientes al uso de estas armas.

2º. Broqueles, escudos, yelmos, casquetes, corazas, cotas de malla, fornituras i vestidos hechos en forma i para uso militar.

3º. Bandoleras i caballos con sus arreos.

arms, offensive and defensive, and instruments of iron, steel, brass, and copper, or any other materials, manufactured, prepared, and formed expressly to make war by sea or land.

ARTICLE XVIII.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places or ports only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ARTICLE XIX.

The articles of contraband before enumerated and classified which may be found in a vessel bound to an enemy's port shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great or of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this, as well as in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

4º. Y jeneralmente todo jenero de armas ofensivas ó defensivas, é instrumentos de hierro, acero, bronce i cobre, ó de otras materias, manufacturados, preparados, i formados espresamente para hacer la guerra por mar ó por tierra.

ARTICULO XVIII.

Cualesquiera otras mercaderias i cosas no comprendidas en los artículos de contrabando, esplicitamente numerados i clasificados arriba, se tendrán, i considerarán como libres i materia de libre i legitimo comercio, de manera que puedan ser llevadas i trasportadas, en el modo mas libre, por los ciudadanos de las dos partes contratantes aun á lugares pertenecientes al enemigo; exceptuando unicamente aquellos lugares que en aquel tiempo esten sitiados ó bloqueados; i para evitar toda duda en este particular, se declara que unicamente se consideran sitiados ó bloqueados, aquellos lugares ó puertos que esten á la sazón atacados por una fuerza capaz de impedir la entrada del neutral.

ARTICULO XIX.

Los artículos de contrabando ya enumerados i clasificados, que se encuentren á bordo de un buque destinado á un puerto enemigo, estarán sujetos á detencion i confiscacion, quedando libre el resto de la carga i el buque, para que los dueños puedan hacer uso de ellos como les parezca conveniente. Ningun buque de ninguna de las partes contratantes podra ser detenido en alta mar por tener á bordo artículos de contrabando si el maestre, capitan, ó sobrecargo de dicho buque quiere entregar los artículos de contrabando al aprehensor, á menos de que sea tan grande ó de tanto volumen la cantidad de los tales artículos, que no puedan ser recibidos á bordo del buque aprehensor sin grande inconveniente; pero en este, como en cualquiera otro caso de justa detencion, el buque detenido será enviado al puerto mas inmediato, seguro i cómodo para ser juzgado con arreglo á las leyes.

Property not enumerated as contraband, to be free

What property found in vessels liable to be confiscated.

ARTICLE XX.

Blockades.

And whereas it frequently happens that vessels sail for a port or places belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from any officer commanding a vessel of the blockading forces, they shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE XXI.

Visiting and examination of ships and cargoes.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they mutually agree that, whenever a vessel of war shall meet with a neutral of the other contracting party, the first shall remain at a convenient distance, and may send its boats with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit; and it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for

ARTICULO XX.

Y como frecuentemente sucede que navegan buques para puertos ó lugares pertenecientes al enemigo, sin saber que se hallan sitiados, bloqueados, ó atacados, se conviene en que todo buque que se halle en este caso pueda ser rechazado de tal puerto ó lugar, mas no detenido, ni confiscada, parte alguna de su carga, sino es contrabando de guerra, á menos que despues de notificársele el bloqueo ó ataque por un oficial que mande un buque de las fuerzas bloqueadoras, insistiera en entrar; pero se le permitirá ir á cualquier otro puerto ó lugar que juzque á propósito. Ningun buque de una parte que hubiese entrado en un puerto, antes de que fuese sitiado, bloqueado, ó atacado por la otra, podrá ser impedido de salir del lugar con su carga; ni si se encontrase allí despues de la reduccion ó entrega, estará sujeto tal buque ó su carga á confiscacion, sino que se le restituirá á su dueño ó propietario.

ARTICULO XXI.

Para prevenir todo jénero de desorden en la visita i ecsamen de los buques i cargamentos de ambas partes contratantes en alta mar, convienen mutuamente que cuando un buque de guerra encontrare á un neutral de la otra parte contratante, el primero permanecerá á una conveniente distancia, i enviará sus botes con dos ó tres hombres solamente, con el objeto de ecsaminar los papeles concernientes á la propiedad i cargamento del buque, sin causar la menor estorsion, violencia, ó maltratamiento, respecto á lo cual, los comandantes de dichos buques armados, serán responsables con sus personas i propiedades; para cuyo fin los comandantes de buques privados armados, antes de recibir sus comisiones, darán suficiente seguridad para responder por todos los daños i perjuicios que cometieren. Se conviene espresamente en que la parte neutral, en ningun caso, será requerida á ir á bordo del buque

the purpose of exhibiting his papers, or for any other purpose whatever.

ARTICLE XXII.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they agree that, in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ships, as also the name and place of habitation of the master and commander of said vessel, in order that it may thereby appear that said ship truly belongs to the citizens of one of the parties; they likewise agree that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates, containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form; without such requisites said vessels may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall prove to be owing to accident, and supplied by testimony entirely equivalent.

ARTICLE XXIII.

It is further agreed that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and,

que hace la visita con el objeto de exhibir sus papeles, ni para ningun otro objeto.

ARTICULO XXII.

Para evitar todo jenero de abuso i vejacion, en el ecsámen de los papeles relativos á la propiedad de los buques pertenecientes á los ciudadanos de las dos partes contratantes, convienen en que, en caso de que una de ellas estuviese empeñada en guerra, los buques pertenecientes á los ciudadanos de la otra, deben estar provistos de letras de mar ó pasaportes, en que se espese el nombre, propiedad, i tamaño de los buques, como tambien el nombre i residencia del maestre i comandante de dicho buque, á fin de que aparezca por ellos que dicho buque pertenece verdaderamente á los ciudadanos de una de las partes. Convienen asi mismo en que los tales buques, estando cargados, fuera de dichas letras de mar ó pasaportes, deben tambien estar provistos de certificados, que contengan los diferentes pormenores del cargamento, i el lugar de la procedencia del buqué, de manera que se pueda saber si lleva á su bordo efectos prohibidos ó de contrabando; los cuales certificados serán espeditos por los empleados del lugar de donde procede el buque, en la forma acostumbrada: faltando estos requisitos, dichos buques pueden ser detenidos para ser juzgados por el tribunal competente i declarados buena presa, á menos de que se pruebe que dicha falta proviene de accidente i sea suplida por un testimonio equivalente.

ARTICULO XXIII.

Se conviene asi mismo en que las precedentes estipulaciones relativas á la visita i ecsamen de los buques, se aplicarán solamente á aquellos que navegan sin convoi; i cuando dichos buques fueren convoyados, la declaracion verbal del comandante del convoi, bajo su palabra de honor, de que los buques que están bajo su proteccion, pertenecen á la nacion cuya bandera llevan, i cuando su

Sea-letters and
passports.

Certificates.

Vessels under
convoy.

when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XXIV.

What courts to take cognizance of prize causes.

It is further agreed that in all cases the established courts for prize causes in the country to which the prizes may be conducted shall alone take cognizance of them; and whenever such tribunals of either party shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel without any delay, he paying the legal fees for the same.

ARTICLE XXV.

No letters of marque to act as privateers.

No citizen of the Republic of Bolivia shall take any commission or letters of marque for arming any ship or ships to act as privateers against the said United States, or any of them, or against the citizens, people, or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any prince or state with which the said United States shall be at war; nor shall any citizen or inhabitant of the United States, or any of them, take any commission or letters of marque for arming any ship or ships to act as privateers against the citizens of the Republic of Bolivia, or any of them, or the property of any of them, from any prince or state with which the said Republic of Bolivia shall be at war; and if any person of either nation shall take such commissions or letters of marque he shall be punished according to their respective laws.

ARTICLE XXVI.

Free navigation In accordance with fixed princi-

destino es á un puerto enemigo, de que no tienen á bordo jéneros de contrabando, será suficiente.

ARTICULO XXIV.

Se conviene así mismo que en todo caso los tribunales establecidos para las causas de presas en el país á que las presas fueren conducidas, serán los únicos que tomen conocimiento de ellas; i siempre que tales tribunales de una ú otra parte pronunciaren sentencia contra un buque, ó jéneros ó propiedad, reclamados por los ciudadanos de la otra parte, la sentencia ó decision pronunciada hará mención de las razones ó motivos en que se ha fundado, i se entregará, siempre que lo pidieren, al comandante ó agente de dicho buque, una copia autentica de la sentencia ó decision i de todos los procedimientos del caso sin retardo alguno, pagando por ello los derechos ó gastos legales.

ARTICULO XXV.

Ningun ciudadano de la República de Bolivia podrá aceptar comision ó letras de marca, para armar en corso uno ó mas buques i obrar como corsario contra los Estados Unidos, ó alguno de ellos, ó contra los ciudadanos, pueblo, ó habitantes de alguno de ellos, ó contra la propiedad de alguno de los habitantes de alguno de ellos, de ningun principe ó nacion con que dichos Estados Unidos estuvieren en guerra; tampoco podrá ningun ciudadano ó habitante de los Estados Unidos aceptar comision ó letras de marca, para armar uno ó mas buques i obra como corsario contra los ciudadanos de la República de Bolivia, ó alguno de ellos, ó la propiedad de alguno de ellos, de ningun principe ó estado con el cual dicha República de Bolivia estuviera en guerra; i si alguna persona de una ú otra nacion tomáre tales comisiones ó letras de marca, será castigado conforme á sus leyes respectivas.

ARTICULO XXVI.

Conforme á los principios fijos del

ples of international law, Bolivia regards the rivers Amazon and La Plata, with their tributaries, as highways or channels opened by nature for the commerce of all nations. In virtue of which, and desirous of promoting an exchange of productions through these channels, she will permit and invites commercial vessels of all descriptions of the United States, and of all other nations of the world, to navigate freely in any part of their courses which pertain to her, ascending those rivers to Bolivian ports, and descending therefrom to the ocean, subject only to the conditions established by this treaty, and to regulations sanctioned, or which may be sanctioned, by the national authorities of Bolivia not inconsistent with the stipulations thereof.

ARTICLE XXVII.

The owners or commanders of vessels of the United States entering the Bolivian tributaries of the Amazon or La Plata shall have the right to put up or construct, in whole or in part, vessels adapted to shoal-river navigation, and to transfer their cargoes to them without the payment of additional duties; and they shall not pay duties of any description for sections or pieces of vessels, nor for the machinery or materials which they may introduce for use in the construction of said vessels.

All places accessible to these, or other vessels of the United States, upon the said Bolivian tributaries of the Amazon or La Plata, shall be considered as ports open to foreign commerce, and subject to the provisions of this treaty, under such regulations as the Government may deem necessary to establish for the collection of custom-house, port, light-house, police, and pilot duties. And such vessels may discharge and receive freight or cargo, being effects of the country or foreign, at any one of said ports, notwithstanding the provisions of article 3.

derecho internacional, Bolivia considera los rios Amazonas i Plata i sus respectivos afluentes, como vias ó canales abiertos por la naturaleza para el comercio de todas las naciones. En su virtud, i deseando promover un cambio de productos por medio de estos canales, permite i convida á los buques mercantes de todo clase de los Estados Unidos i de todas las naciones del mundo, á navegar libremente en toda la parte de los cursos que le pertenezcan, subiendo por dichos canales á puertos Bolivianos, ó bajando de estos al océano, con sujecion unicamente á las condiciones que establece este tratado, i á las leyes i reglamentos sancionados ó que en adelante se sancionaren por la autoridad nacional de Bolivia, i que no estén en contradiccion con sus estipulaciones.

ARTICULO XXVII.

Los armadores i comandantes de buques de los Estados Unidos, desde que hayan entrado en los tributarios Bolivianos del Amazonas i del Plata, tendrán derecho de armar i construir en todo ó en parte embarcaciones adaptables á rios de poca profundidad, i trasbordar sus cargamentos á los buques así construidos, sin pagar por ello derechos adicionales. No pagarán derechos de ninguna clase por secciones ó piezas de buque, ni por las máquinas ó materias que introdujeren para facilitar la construccion de dichas embarcaciones.

Todos los puntos accesibles á estas ú otras embarcaciones de los Estados Unidos en los tributarios Bolivianos del Amazonas ó del Plata, serán considerados como puertos abiertos al comercio extranjero, i sujetos á las disposiciones de este tratado bajo el régimen que el Gobierno tenga á bien establecer para el cobro de derechos de aduana, puerto, fanal, policia, i pilotaje. Por consiguiente podrán descargar i recibir flete ó carga de efectos del pais ó extranjeros, en cualquiera de dichos puntos, sin perjuicio de lo estipulado en el artículo 3.

Navigation of the tributaries of the Amazon or La Plata.

Ports open to foreign commerce.

ARTICLE XXVIII.

Privileges in
case of war.

If, by any fatality, (which cannot be expected, and which God forbid,) the two contracting parties should be engaged in a war with each other, they agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations, who may be established in the Territories of the United States and the Republic of Bolivia, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE XXIX.

Debts, &c., not
to be confiscated.

Neither the debts due from the individuals of one nation to the individuals of the other, nor shares, nor moneys which they may have in the public funds, nor in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

ARTICLE XXX.

Privileges of
most favored
nation to ministers, &c.

Both the contracting parties, being desirous of avoiding all inequality in relation to their public communications and official intercourse, agree to grant to the envoys, ministers, and other public agents, the same favors, immunities, and exemptions which those of the most favored nation do or may enjoy; it being understood that whatever favors, immunities, or privileges, the United States of America or the Republic of Bolivia may find it proper to give to the ministers and

ARTICULO XXVIII.

Si por una desgracia, que no es de esperar, i que Dios no permita, las dos partes contratantes se empeñasen en una guerra una con otra, convienen ahora para entónces en que se concederá el término de seis meses á los comerciantes i traficantes residentes en las costas i puertos de la otra, i el de un año á los que habiten en el interior, para arreglar sus negocios i trasportar sus efectos donde les convenga, dándoles el salvo-conducto necesario para el efecto, tal que les pueda servir de suficiente proteccion hasta que lleguen al puerto designado. Los ciudadanos de todas las otras ocupaciones que estén establecidos en el territorio de los Estados Unidos i de la República de Bolivia serán respetados i mantenidos en el pleno goce de su libertad personal i de sus propiedades, á no ser que su conducta particular les cause privarse de esta proteccion, que las partes contratantes les acuerdan por consideraciones de humanidad.

ARTICULO XXIX.

Ni las deudas particulares de los individuos de una de las dos partes contratantes á los individuos de la otra, ni las acciones ó dinero que ellos puedan tener en los fondos públicos, ó en los bancos públicos ó privados, podrán jamás en caso de guerra ó de diferencias nacionales, ser secuestrados ni confiscados.

ARTICULO XXX.

Deseando las dos partes contratantes evitar toda desigualdad relativa á sus comunicaciones públicas i á su correspondencia oficial, convienen en conceder á los enviados, ministros, i otros agentes públicos, los mismos favores, inmunidades i esenciones que hoy gozan i en adelante gozaren los de la nacion mas favorecida, entendiéndose que cualesquiera favores, inmunidades ó privilegios que la República de Bolivia i los Estados Unidos de América tuvieren por conveniente conce-

other public agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE XXXI

To make effectual the protection which the United States and the Republic of Bolivia shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit consuls and vice-consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the consuls and vice-consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such consuls and vice-consuls may not seem convenient.

ARTICLE XXXII.

In order that the consuls and vice-consuls of the two contracting parties may enjoy the rights, immunities, and prerogatives which belong to them by their public character, they shall, before entering upon their functions, exhibit their commission or patent in due form to the government to which they are accredited, and, having obtained their *exequatur*, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

ARTICLE XXXIII.

It is also agreed that the consuls, and officers and persons attached to the consulate, they not being citizens of the country in which the consul resides, shall be exempted from all kinds of imposts and contributions, except those which they shall be obliged to pay on account of their commerce or property, to which the citizens or inhabitants, native or foreign, of the country in which they reside are subject, being, in every-

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der á los ministros i otros agentes públicos de cualquiera otra potencia, serán por el mismo hecho entendidos á los de cada una de las partes contratantes.

ARTICULO XXXI.

Para hacer mas efectiva la proteccion que la República de Bolivia i los Estados Unidos prestarán en lo futuro á la navegacion i al comercio de sus ciudadanos respectivos, convienen en recibir i admitir consules i vice-consules en todos los puertos abiertos al comercio extranjero, quienes gozarán en ellos de todos los derechos, prerogativas, ó inmunidades de los consules ó vice-consules de la nacion mas favorecida, quedando sin embargo cada una de las partes contratantes libre para esceptuar aquellos puertos i lugares en que la admision i residencia de tales consules i vice-consules no le parezca conveniente.

Consuls and
vice-consuls

ARTICULO XXXII.

Para que los consules i vice-consules de las dos partes contratantes puedan gozar de los derechos, prerogativas, ó inmunidades que les pertenecen por su caracter público, esibirán, ántes de entrar en el ejercicio de sus funciones, su comision ó patente en debida forma, al gobierno ante quien son acreditados, i habiendo obtenido el *exequatur*, serán tenidos i considerados como tales, por todas las autoridades, magistrados, i habitantes del distrito consular en que residen.

Credentials and
exequatur.

ARTICULO XXXIII.

Convienen igualmente en que los cónsules, oficiales, i demas personas agregadas al consulado, no siendo ciudadanos del pais en que reside el consul, estarán esentos de todo jénero de impuestos i contribuciones, escepto aquellos que estén obligados á pagar por razon de comercio i de su propiedad, i á la que están sujetos los ciudadanos i otros habitantes del pais en que residen, estando ellos por lo demás sujetos

Exemptions of
consuls, &c.

thing besides, subject to the laws of the respective states. The archives and papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize, or in any way interfere with them.

ARTICLE XXXIV.

Deserters from
vessels.

The said consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessels' or ships' roll, or other public documents, that those men were part of the said crews; and on this demand, so proved, (saving, however, when the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation; but if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE XXXV.

Consular con-
vention.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare especially the powers and immunities of the consuls and vice-consuls of the respective parties.

ARTICLE XXXVI.

The United States of America and the Republic of Bolivia, desiring to make as durable as circum-

á las leyes de los respectivos estados. Los archivos i papeles de los consulados serán inviolablemente respetados, i bajo ningun pretexto se apoderará ni intervendrá en ellos ningun majístrado.

ARTICULO XXXIV.

Los dichos cónsules tendrán facultad para requerir el auxilio de las autoridades del país, para el arresto, detencion, i custodia de los desertores de los buques públicos i privados de su nacion; i para el efecto se dirijirán á los tribunales, jueces, i autoridades competentes, i pedirán por escrito dichos desertores, probando con la manifestacion de los registros ó roles de los buques, ó con otros documentos públicos, que aquellos hombres hacian parte de dicha tripulacion; i probada asi la demanda, no podrá ser rehusada la entrega, (salvo, no obstante cuando haya prueba en contrario.) Tales desertores, una vez arrestados, serán puestos á disposicion de dichos cónsules, i podrán ponerse en las prisiones públicas, á instancia i costa de los que los reclamen, para ser enviados á los buques á que pertenecian ó á otros de la misma nacion. Pero, si no fueren enviados dentro de dos meses, que deben contarse desde el dia de su arresto, serán puestos en libertad, i no volverán á ser arrestados por la misma causa.

ARTICULO XXXV.

Con el fin de proteger mas eficazmente su comercio i navegacion, las dos partes contratantes convienen por el presente, en formar, luego que las circunstancias lo permitan, una convencion consular que declare especialmente las facultades é inmunidades de los cónsules i vice-cónsules de las respectivas partes.

ARTICULO XXXVI.

La República de Bolivia i los Estados Unidos de América, dese-
ando hacer tan duraderas como las

stances will permit the relations which are established between the two parties by virtue of this treaty of peace, amity, commerce, and navigation, declare solemnly and agree to the following points:—

1st. The present treaty shall remain in full force and virtue for the term of ten years, to be counted from the day of the exchange of the ratifications, and further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of ten years; and it is agreed between them that, on the expiration of one year after such notice shall have been received by either from the other party, this treaty, in all its parts relative to commerce and navigation, shall altogether cease and determine; and in all those parts which relate to peace and friendship, it shall be *perpetual and permanently binding* on both powers.

2d. If one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and harmony and good correspondence between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation.

3d. If, (what indeed cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated, or infringed in any other mode whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any act of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall have first presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice, and the same shall have been either refused or unreasonably delayed.

circunstancias lo permitan las relaciones que quedan establecidas entre las dos partes, por virtud de este tratado de paz, amistad, comercio, i navegacion, han declarado solemnemente i convenien en los siguientes puntos:—

1°. El presente tratado permanecerá en plena fuerza i valor por el termino de diez años, que se contarán desde el dia del canje de las ratificaciones, i en adelante, hasta el fin de un año despues que una de las partes haya notificado á la otra su intencion de hacerlo cesar; reservándose cada una de las partes contratantes el derecho de hacer semejante notificacion á la otra, al fin de dicho termino de diez años. Y se conviene además entre las partes, que á la espiracion de un año despues que la notificacion haya sido recibida por una de ellas, este tratado, en todas sus partes relativas al comercio i navegacion, cesará i terminará enteramente, i en todas aquellas partes que dicen relacion á la paz i amistad, será perpetuo i permanentemente obligatorio para ámbas potencias.

Duration of this treaty.

2°. Si cualquiera ó cualesquiera ciudadanos de una ú otra parte quebrantaren alguno de los artículos del presente tratado, dicho ciudadano ó ciudadanos serán personalmente responsables, i la armonía i buena correspondencia entre las dos naciones no serán por eso interrumpidas, comprometiéndose cada parte á no proteger al ofensor ó sancionar tal violacion.

Infringement of treaty by citizens.

3°. Si, (lo que no es de esperar,) desgraciadamente alguno de los artículos contenidos en este tratado fué violado ó infringido de alguna otra manera, se estipula espresamente que ninguna de las partes contratantes ordenará ni autorizará ningun acto de represalia, ni declarará guerra contra la otra, por quejas de agravios ó perjuicios, hasta que la dicha parte que se considere ofendida haya presentado á la otra una representacion de tales injurias ó daños, verificada por pruebas competentes, i haya demandado justicia, i que esta le haya sido rehusada ó retardada sin razon.

Proceedings in case of violation of any article.

Treaty not to conflict with certain existing treaties.

4th. Nothing in this treaty shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns and states.

How to be ratified.

The present treaty of peace, amity, commerce, and navigation shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Bolivia, with the approbation of the National Congress; and the ratifications shall be exchanged in the capital of the Republic of Bolivia within eight months, to be counted from the date of the ratification by both governments.

In faith whereof, we, the plenipotentiaries of the United States of America and of the Republic of Bolivia, have signed and sealed these presents.

Signature.

Done in La Paz, on the thirteenth (13th) day of May, in the year of our Lord one thousand eight hundred and fifty-eight, (A. D. 1858.)

JOHN W. DANA, [L. s.]
LUCAS M. DE LA TAPIA, [L. s.]

4°. Nada de lo contenido en este tratado se entenderá, sin embargo, capaz de producir efectos contrarios á tratados anteriores con otros estados ó soberanos.

El presente tratado de paz, amistad, comercio, i navegacion será ratificado por el Presidente de la República de Bolivia con la aprobacion del Congreso Nacional, i por el Presidente de los Estados Unidos de América, con el dictamen i consentimiento del Senado de dichos Estados; i las ratificaciones serán canjeadas en la capital de la República de Bolivia dentro de ocho meses, que deberán contarse desde la data de dichas ratificaciones por ambos gobiernos.

En fé de lo cual, nos los plenipotenciarios de la República de Bolivia i de los Estados Unidos de América, hemos firmado i sellado el presente.

Hecho en La Paz, el trece de Mayo, del año del Señor de mil ocho cientos cincuenta i ocho.

LUCAS M. DE LA TAPIA, [L. s.]
JOHN W. DANA, [L. s.]

Exchange of ratifications, November 9, 1862.

And whereas the said treaty, as amended, has been duly ratified on both parts, and the respective ratifications of the same were exchanged at La Paz, on the 9th of November last, by David K. Cartter, Minister Resident of the United States, and Señor Don Manuel José Cortiz, Minister for Foreign Relations of Bolivia, on the part of their respective governments, the time specified for that purpose by the thirty-sixth article having been extended by the contracting parties.

Proclaimed January 8, 1863.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, have caused the said treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this eighth day of January, [L. s.] in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*