

TREATIES AND CONVENTIONS

CONCLUDED BETWEEN

THE UNITED STATES OF AMERICA AND OTHER POWERS

SINCE JULY 4, 1776.

CONTAINING NOTES, WITH REFERENCES TO NEGOTIATIONS PRECEDING THE
SEVERAL TREATIES, TO THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL
CONSTRUCTION OF THEM, AND TO THE CAUSES OF THE
ABROGATION OF SOME OF THEM; A CHRONOLOGICAL
LIST OF TREATIES; AND AN ANALYTICAL INDEX.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.

1889.

ADDITIONAL ARTICLE.

The Republics of the United States and of New Granada will hold and admit as national ships of one or the other, all those that shall be provided by the respective Government with a patent, issued according to its laws.

Proof of nationality of vessels.

The present additional article shall have the same force and validity as if it were inserted, word for word, in the treaty signed this day. It shall be ratified, and the ratification shall be exchanged at the same time.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto their seals.

Done in the city of Bogota, the twelfth day of December, in the year of our Lord one thousand eight hundred and forty-six.

[SEAL.]
[SEAL.]

B. A. BIDLACK.
M. M. MALLARINO.

1850.

CONVENTION CONCERNING THE RIGHTS AND PRIVILEGES OF CONSULS.

Concluded May 4, 1850; Ratifications exchanged at Bogota October 30, 1851; Proclaimed December 5, 1851.

In the name of the Most Holy Trinity.

The Governments of the Republics of New Granada and the United States of America, having engaged by the thirty-fourth article of the treaty of peace, amity, navigation and commerce, concluded on the twelfth of December, 1846, to form a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties, in order to comply with this article, and more effectively to protect their commerce and navigation, they have given adequate authority to their respective Plenipotentiaries, to wit:

The Government of New Granada to Raphael Rivas, its Chargé d'Affaires in the United States, and the Government of the United States, to John M. Clayton, Secretary of State;

Negotiators.

Who, after the exchange and examination of their full powers, found to be sufficient and in due form, have agreed upon the following articles:

ARTICLE I.

Each of the two contracting Republics may maintain in the principal cities or commercial places of the other, and in the ports open to foreign commerce, Consuls of its own, charged with the protection of the commercial rights and interests of their nation, and to sustain their countrymen in the difficulties to which they may be exposed. They may likewise appoint Consuls-General, as chiefs over the other Consuls, or to attend to the affairs of several commercial places at the same time, and Vice-Consuls for ports of minor importance, or to act under the direction of the Consuls. Each Republic may, however, except those cities, places or ports in which it may consider the residence of such functionaries inconvenient, such exception being common

Liberty to appoint Consuls.

to all nations. All that is said in this convention of Consuls in general shall be considered as relating not only to Consuls, properly so called, but to Consuls-General and Vice-Consuls, in all the cases to which this convention refers.

ARTICLE II.

The Consuls appointed by one of the contracting parties to reside in the ports or places of the other, shall present to the Government of the Republic in which they are to reside their letters-patent or commission, in order that they may receive the proper Exequaturs. exequatur, if it be deemed expedient to give it, which shall be granted without any charge; and this exequatur, when obtained, is to be exhibited to the chief authorities of the place in which the Consul is to exercise his functions, in order that they may cause him to be recognized in his character, and that he may be sustained in his proper prerogatives, in his respective consular district. The Government receiving the Consul may withdraw the exequatur or his consular commission whenever it may judge proper to do so, but in such case shall state a reasonable ground for the proceeding.

ARTICLE III.

The Consuls admitted in either Republic may exercise in their respective districts the following functions:

1. They may apply directly to the authorities of the district in which they reside, and they may, in case of necessity, have recourse to the National Government through the diplomatic agent of their nation, if there be any, or directly, if there be no such agent, in complaint against any infraction of the treaties of commerce committed by the authorities or persons employed by them in the country, to the injury of the commerce of the nation in whose service the Consul is engaged. Privileges of Consuls.

2. They may apply to the authorities of the consular district, and, in case of necessity, they may have recourse to the National Government through the diplomatic agent of their nation, if there be any, or directly, if there be no such agent, against any abuse on the part of the authorities of the country, or the persons employed by them, against individuals of their nation in whose service the Consul is engaged; and they may, when necessary, take such measures as may be proper to prevent justice from being denied to them, or delayed, and to prevent them from being judged or punished by any other than competent judges, and agreeably to the laws in force. Application by Consuls to governmental authorities.

3. They may, as the natural defenders of their fellow-countrymen, appear in their name and behalf, whenever so requested by them, before the respective authorities of the place, in all cases in which their support may be necessary. Consuls to defend citizens of their nations.

4. They may accompany the captains, mates or masters of vessels of their nation in all that they may have to do with regard to the manifests of their merchandise and other documents, and be present in all cases in which the authorities, courts or judges of the country may have to take any declarations from the persons above mentioned, or any other belonging to their respective crews. Manifests.

5. They may receive depositions, protests and statements from captains, mates and masters of vessels of their nation respecting losses and injuries sustained at sea, and protests of any individuals of their nation respecting mercantile affairs. These documents, drawn up in authentic copies, certified by the Consul, shall be Depositions.

admitted in the courts and offices of justice, and shall have the same validity as if they had been authenticated before the same judges or courts.

6. They may determine on all matters relating to injuries sustained at sea by effects and merchandise shipped in vessels of the nation in whose service the Consul is employed arriving at the place of his residence, provided that there be no stipulations to the contrary between the shippers, owners and insurers. But if, among the persons interested in such losses and injuries, there should be inhabitants of the country where the Consul resides, and not belonging to the nation in whose service he is, the cognizance of such losses and injuries appertains to the local authorities.

7. They may compromise amicably, and out of court, the differences arising between their fellow-countrymen, provided that those persons agree voluntarily to submit to such arbitration; in which case the document containing the decision of the Consul, authenticated by himself and by his Chancellor or Secretary, shall have all the force of a notarial copy authenticated, so as to render it obligatory on the interested parties.

8. They may cause proper order to be maintained on board of vessels of their nation, and may decide on the disputes arising between the captains, the officers and the members of the crew, unless the disorders taking place on board should disturb the public tranquillity, or persons not belonging to the crew or to the nation in whose service the Consul is employed; in which case the local authorities may interfere.

9. They may direct all the operations for saving vessels of their nation which may be wrecked on the coasts of the district where the Consul resides. In such cases the local authorities shall interfere only in order to maintain tranquillity, to give security to the interests of the parties concerned, and to cause the dispositions which should be observed for the entry and export of the property to be fulfilled. In the absence of the Consul, and until his arrival, the said authorities shall take all the measures necessary for the preservation of the effects of the wrecked vessel.

10. They may take possession, make inventories, appoint appraisers to estimate the value of articles, and proceed to the sale of the movable property of individuals of their nation who may die in the country where the Consul resides without leaving executors appointed by their will or heirs-at-law. In all such proceedings, the Consul shall act in conjunction with two merchants, chosen by himself, for drawing up the said papers or delivering the property or the produce of its sales; observing the laws of his country and the orders which he may receive from his own Government; but Consuls shall not discharge these functions in those States whose peculiar legislation may not allow it. Whensoever there is no Consul in the place where the death occurs, the local authority shall take all the precautions in their power to secure the property of the deceased.

11. They may demand from the local authorities the arrest of seamen deserting from the vessels of the nation in whose service the Consul is employed, exhibiting, if necessary, the register of the vessel, her muster-roll, and any other official document in support of this demand. The said authorities shall take such measures as may be in their power for the discovery and arrest of such deserters, and shall place them at the disposition of the Consul; but if the vessel to which they belong shall have sailed, and no opportunity for sending

Settlement of damages suffered by vessels at sea.

Arbitration of disputes between citizens of their nation.

Powers of Consuls with respect to vessels, their masters and crews.

Shipwrecks.

Death of citizens of one nation in territory of the other.

Deserters.

them away should occur, they shall be kept in arrest, at the expense of the Consul, for two months; and if, at the expiration of that time, they should not have been sent away, they shall be set at liberty by the respective authorities, and cannot again be arrested for the same cause.

12. They may give such documents as may be necessary for the intercourse between the two countries, and countersign those which may have been given by the authorities. They may also give bills of health, if necessary, to vessels sailing from the port where the Consul resides to the ports of the nation to which he belongs; they may also certify invoices, muster-rolls, and other papers necessary for the commerce and navigation of vessels.

13. They may appoint a Chancellor or Secretary whensoever the consulate has none and one is required for authenticating documents. Verification and custody of papers.

14. They may appoint commercial agents to employ all the means in their power, in behalf of individuals of the nation in whose service the Consul is, and for executing the commissions which the Consul may think proper to intrust to them, out of the place of his residence; provided, however, that such agents are not to enjoy the prerogatives conceded to Consuls, but only those which are peculiar to commercial agents. Appointment of secretary.

ARTICLE IV.

The Consuls of one of the contracting Republics residing in another country may employ their good offices in favor of individuals of the other Republic which has no Consul in that country.

ARTICLE V.

The contracting Republics recognize no diplomatic character in Consuls, for which reason they will not enjoy in either country the immunities granted to public agents accredited in that character; but, in order that the said Consuls may exercise their proper functions without difficulty or delay, they shall enjoy the following prerogatives: Consuls not charged with diplomatic functions.

1. The archives and papers of the consulate shall be inviolable, and cannot be seized by any functionary of the country in which they may be. Consular archives.

2. Consuls, in all that exclusively concerns the exercise of their functions, shall be independent of the State in whose territory they reside.

3. The Consuls and their chancellors or secretaries shall be exempt from all public service, and from contributions, personal and extraordinary, imposed in the country where they reside. This exemption does not comprehend the Consuls or their chancellors or secretaries who may be natives of the country in which they reside. Evidence of Consuls in courts of justice.

4. Whenever the presence of Consuls may be required in courts or offices of justice, they shall be summoned in writing.

5. In order that the dwellings of Consuls may be easily and generally known, for the convenience of those who may have to resort to them, they shall be allowed to hoist on them the flag, and to place over their doors the coat-of-arms of the nation in whose service the Consul may be, with an inscription expressing the functions discharged by him; but those insignia shall not be considered as importing a right of asylum, nor as placing the house or its inhabitants beyond the authority of the magistrates who may think proper to search them, and Arms and flags.

who shall have that right in regard to them in the same manner as with regard to the houses of the other inhabitants, in the cases prescribed by the laws.

ARTICLE VI.

The persons and dwellings of Consuls shall be subject to the laws and authorities of the country in all cases in which they have not received a special exemption by this convention, and in the same manner as the other inhabitants.

ARTICLE VII.

Consuls shall not give passports to any individual of their nation or going to their nation who may be held to answer before any authority, court or judge of the country for delinquencies committed by them, or for a demand which may have been legally acknowledged; provided that in each case proper notice thereof shall have been given to the Consul; and they shall see that the vessels of their nation do not infringe the rules of neutrality when the nation in which the Consul resides is at war with another nation.

ARTICLE VIII.

The present convention shall be ratified by the Governments of the two contracting Republics, and the ratifications shall be exchanged at Bogota within the term of eighteen months, counted from this date, or sooner if possible.

ARTICLE IX.

The present convention shall be binding upon the contracting parties so long as the treaty of peace, friendship, navigation and commerce between the United States and New Granada, the ratifications of which were exchanged at Washington, on the tenth of June, one thousand eight hundred and forty-eight, shall remain in force.

In faith whereof we, the Plenipotentiaries of the United States and of New Granada, have signed the present, and have affixed to it our respective seals at Washington, the fourth day of May, in the year of our Lord one thousand eight hundred and fifty.

[SEAL.]
[SEAL.]

JOHN M. CLAYTON.
RAFAEL RIVAS.

1857.

CONVENTION CONCERNING THE ADJUSTMENT OF CLAIMS AGAINST THE REPUBLIC OF NEW GRANADA.

*Concluded September 10, 1857; Ratification exchanged at Washington,
November 5, 1860; Proclaimed November 8, 1860.*

The United States of America and the Republic of New Granada, desiring to adjust the claims of citizens of said States against New Granada, and to cement the good understanding which happily subsists between