

COSTA RICA : JULY 10, 1851

Treaty of Friendship, Commerce, and Navigation, signed at Washington July 10, 1851. Original in English and Spanish. Submitted to the Senate December 12, 1851. Resolution of advice and consent March 11, 1852. Ratified by the United States May 25, 1852. Ratified by Costa Rica March 22, 1852. Ratifications exchanged at Washington May 26, 1852. Proclaimed May 26, 1852.

Treaty of Friendship, Commerce and Navigation between The United States of America and The Republic of Costarica

Tratado de Amistad, Comercio y Navigacion entre la República de Costarica y los Estados Unidos de America

In the Name of the Most Holy Trinity

En el Nombre de la Santissima Trinidad

Commercial intercourse having been for some time established between the United States and the Republic of Costarica, it seems good for the security as well as the encouragement of such commercial intercourse, and for the maintenance of good understanding between the United States and the said republic, that the relations now subsisting between them, should be regularly acknowledged and confirmed by the signature of a Treaty of Amity, Commerce and Navigation;

Habiendo tráfico comercial establecido hace algun tiempo entre la República de Costarica y los Estados Unidos ha parecido conveniente para la seguridad como tambien para el fomento de sus mutuos intereses, y para la conservacion de la buena inteligencia entre la mencionada Republica y los Estados Unidos, que las relaciones que ahora existen entre ambas partes, sean reconocidas y confirmadas formalmente por medio de un Tratado de Amistad, Comercio y Navigacion;

For this purpose they have named their respective Plenipotentiaries, that is to say:—

Con este objecto han sido nombrados los respectivos Plenipotenciarios, a saber:—

The President of the United States, Daniel Webster Secretary of State;

Por su Excelencia el Presidente de la Republica de Costarica, el Señor Don Felipe Molina, Envia-

And his Excellency the President of the Republic of Costarica, Señor Don Felipe Molina Envoy Extraordinary and Minister Plenipotentiary of that Republic to the United States;

Who after having communicated to each other their full powers, found to be in due and proper form, have agreed upon and concluded the following Articles:

ARTICLE I

There shall be perpetual amity between the United States and their citizens on the one part, and the Government of the Republic of Costarica and its citizens on the other.

ARTICLE II

There shall be between all the territories of the United States and the territories of the Republic of Costarica, a reciprocal freedom of commerce. The subjects and citizens of the two countries, respectively, Shall have liberty freely and securely to come with their ships and cargoes to all places ports and rivers in the territories aforesaid, to which other foreigners are or may be permitted to come; to enter into the same, and to remain and reside in any part thereof, respectively; also to hire and occupy houses and ware houses for the purposes of their commerce; and generally the merchants and traders of each

do Extraordinario y Ministro Plenipotenciario de dicha Republica cerca del Gobierno de los Estados Unidos

Y por el Presidente de los Estados Unidos, Daniel Webster, Secretario de Estado.

Quienes despues de haberse comunicado mutuamente sus plenos poderes, y hallados en debida y regular forma han acordado y concluido los Articulos siguientes.

ARTICULO I

Habrá una perpetua amistad entre el Gobierno de la República de Costarica y sus ciudadanos por una parte y los Estados Unidos y sus ciudadanos por otra parte.

ARTICULO II

Habrá entre los territorios de la Republica de Costarica, y todos los territorios de los Estados Unidos una reciproca libertad de comercio. Los ciudadanos y súbditos de los dos paises, respectivamente, tendrán libertad para ir, libre y seguramente, con sus buques y cargamentos, á todos parages, puertos, y rios en los territorios antedichos, á los cuales se permite ó se permitiere ir á otros estrangeros, entrar en los mismos, y parmanecer y residir en cualquiera parte de ellos, respectivamente; tambien para alquilar y ocupar casas y almacenes para los objetos de su comercio; y generalmente los comerciantes y trafi-

nation respectively, shall enjoy the most complete protection and security for their commerce, subject always to the laws and statutes of the two countries, respectively.

In like manner the respective ships of war and post office packets of the two countries shall have liberty freely and securely to come to all harbors, rivers and places to which other foreign ships of war and packets are or may be permitted to come; to enter into the same, to anchor and to remain there and refit, subject always to the laws and statutes of the two countries respectively.

By the right of entering the places ports and rivers mentioned in this Article, the privilege of carrying on the coasting trade is not understood, in which trade national vessels only of the country where the trade is carried on are permitted to engage.

ARTICLE III

It being the intention of the two High Contracting Parties to bind themselves by the preceding Articles to treat each other on the footing of the most favored nation, it is hereby agreed between them, that any favor, privilege or immunity whatever, in matters of commerce and navigation, which either Contracting Party has actually granted, or may hereafter grant, to the sub-

cantes de cada nacion, respectivamente, gozarán la mas completa proteccion y siguridad para su comercio; estando siempre sujetos á las leyes y estatutos de los dos paises, respectivamente.

Del mismo modo los respectivos buques de guerra y paquetes de correo de los dos paises tendrán libertad para llegar franca y seguramente a todos los puertos, rios, y lugares, á que se permite ó se permitiere llegar buques de guerra y paquetes de correo de otras naciones, entrar en los mismos, anclar y permanecer en ellos, y repararse, sujetos siempre á las leyes y estatutos de los dos paises, respectivamente.

Por el derecho de entrar en parages, puertos, y rios de que se hace relacion en este Artículo, no está comprendido el privilegio del comercio de escala y cabotage, que unicamente será permitido a buques nacionales de pais donde se hiciere semejante comercio.

ARTICULO III

Siendo la intencion de las dos Altas Partes Contratantes el obligarse por los Articulos precedentes a tratarse la una a la otra en los mismos terminos que á la nacion mas favoricida, por el presente convienen mutuamente en que cualquier favor, privilegio, ó inmunidad, de cualquiera especie que fuere que en materias de comercio y navegacion haya concedido actualmente ó pueda en ade-

jects or citizens of any other State, shall be extended to the subjects or citizens of the other High Contracting Party, gratuitously, if the concession in favor of that other nation shall have been gratuitous; or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ARTICLE IV

No higher nor other duties shall be imposed on the importation into the territories of the United States, of any article being of the growth, produce or manufacture of the Republic of Costa Rica and no higher or other duties shall be imposed on the importation into the territories of the Republic of Costa Rica of any articles being the growth, produce or manufacture of the territories of the United States than are or shall be payable on the like articles, being the growth produce or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed in the territories of either of the High Contracting Parties, on the exportation of any articles to the territories of the other, than such as are or may be payable on the exportation of the like articles to any other foreign country, nor shall any prohibition be imposed

lante conceder, alguna de las Partes Contratantes á los subditos ó ciudadanos de otra nacion cualquiera se hara extensivo á los subditos ó ciudadanos de la otra Alta Parte Contratante gratuitamente, siempre que la concesion en favor de la otra nacion hubiere sido gratuita; pues siendo condicional, en tal caso por mutuo convenio se acordará una compensacion equivalente, cuanto sea posible y proporcionada, asi en el valor como en los resultados.

ARTICULO IV

No se impondrán otros ó mas altos derechos á la importacion en los territorios de la Republica de Costa Rica, de cualesquiera articulos del producto natural, producciones, ó manufacturas de los territorios de los Estados Unidos, ni se impondrán otros o mas altos derechos á la importacion en los territorios de los Estados Unidos de cualesquiera articulos del producto natural, producciones, ó manufacturas de la República de Costa Rica, que los que se paguen ó pagaren por semejantes articulos, cuando sean producto natural, producciones, ó manufacturas de cualquiera otro pais extranjero; ni se impondrán otros ó mas altos derechos ó impuestos en los territorios de cualquiera de las Altas Partes Contratantes á la exportacion de cualesquiera articulos para los territorios de la otra, que los que se pagan ó pagaren por la exportacion de iguales articulos para

upon the exportation or importation of any articles the growth produce or manufacture of the territories of the United States, or of the Republic of Costarica to or from the said territories of the United States, or to or from the Republic of Costarica, which shall not equally extend to all other nations.

ARTICLE V

No higher nor other duties or payments on account of tonnage of light or harbor dues, of pilotage, of salvage in case either of damage or shipwreck, or on account of any other local charges, shall be imposed in any of the ports of the Republic of Costarica on vessels of the United States, than those payable in the same ports by Costarican vessels; nor in any of the ports of the United States, on Costarican vessels, than shall be payable in the same ports on vessels of the United States.

ARTICLE VI

The same duties shall be paid on the importation into the territories of the Republic of Costarica, of any article being of the growth, produce or manufacture of the territories of the United States whether such importation

cualquiera otro pais extranjero; ni se impondrá prohibicion alguna á la exportacion de cualesquiera articulos del producto natural, producciones ó manufacturas de los territorios de la República de Costarica ó de los territorios de los Estados Unidos para los dichos, ó de los dichos territorios de la República de Costarica; ó para los dichos, ó de los dichos territorios de los Estados Unidos, que no se extiendan igualmente á todas las otras naciones.

ARTICULO V

No se impondrán otros ni mas altos derechos ni pagos por razon de toneladas, fanal, emolumentos de puerto, práctico, derecho de salvamento en caso de pérdida ó naufragio, ni por razon de algunas otras cargas locales en ninguno de los puertos de los Estados Unidos á los buques Costaricenses, sinó los que unicamente pagan en los mismos los buques de los Estados Unidos; ni en los puertos de la Republica de Costarica se impondrán á los buques de los Estados Unidos, otras cargas que las que, en los mismos puertos pagan los Costaricenses.

ARTICULO VI

Se pagarán los mismos derechos de importacion en los territorios de los Estados Unidos por los articulos de productos naturales, producciones y manufacturas de la Republica de Costarica, bien sean importados en buques de los

shall be made in Costarican or in vessels of the United States; and the same duties shall be paid on the importation into the territories of the United States of any article, being the growth, produce or manufacture of the Republic of Costarica, whether such importations shall be made in United States or in Costarican vessels.

The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation to the Republic of Costarica, of any articles being the growth, produce or manufacture of the territories of the United States whether such exportations shall be made in Costarican or in United States vessels; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any articles, being the growth, produce or manufacture of the Republic of Costarica to the territories of the United States, whether such exportation shall be made in United States or in Costarican vessels.

ARTICLE VII

All merchants, commanders of ships and others citizens of the United States shall have full liberty in all the territories of the Republic of Costarica, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as

Estados Unidos ó Costaricenses; y los mismos derechos se pagarán por la importacion en los territorios de la República de Costarica, de las manufacturas, efectos y producciones de los territorios de los Estados Unidos, aunque su importacion sea en buques Costaricenses ó de los Estados Unidos.

Los mismos derechos pagarán, y gozarán las mismas franquicias y descuentos concedidos á la exportacion para los territorios de los Estados Unidos, cualesquiera articulos de los productos naturales, producciones, ó manufacturas de la República de Costarica, ya sea que la exportacion se haga en buques de los Estados Unidos ó Costaricenses; y pagarán los mismos derechos, y se concederán las mismas franquicias y descuentos á la exportacion para la Republica de Costarica de cualesquiera articulos de los productos naturales producciones, ó manufacturas de los territorios de los Estados Unidos, sea que esta exportacion se haga en buques Costaricenses ó de los Estados Unidos.

ARTICULO VII

Todo comerciante, comandante de buque y otros ciudadanos de la Republica de Costarica, gozarán de libertad completa en todos los territorios de los Estados Unidos para manejar por sí sus propios negocios, ó para encargar su manejo á quien mejor

broker, factor, agent, or interpreter; nor shall they be obliged to employ any other persons in those capacities than those employed by Costaricans, nor to pay them any other salary or remuneration than such as is paid in like cases by Costarican citizens; and absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the price of any goods, wares, or merchandize imported into or exported from the Republic of Costarica as they shall see good, observing the laws and established customs of the country. The same privileges shall be enjoyed in the territories of the United States by the citizens of the Republic of Costarica under the same conditions.

The citizens of the High Contracting Parties shall reciprocally receive and enjoy full and perfect protection for their persons and property and shall have free and open access to the courts of justice in the said countries, respectively for the prosecution and defence of their just rights; and they shall be at liberty to employ in all cases, the advocates, attorneys, or agents of whatever description, whom they may think proper, and they shall enjoy in this respect the same rights and privileges therein as native citizens.

les perezca, sea corredor, factor, agente, ó intérprete; y no se les obligara á emplear para estos objetos á ninguna otra persona mas que las que se emplean por los ciudadanos de los Estados Unidos, ni estarán obligados á pagarles mas salario ó remuneracion que la que en semejantes casos se paga por ciudadanos de los Estados Unidos; y se concederá libertad absoluta en todos casos al comprador y vendedor para ajustar y fijar el precio de cualesquiera efectos, mercaderias, y géneros importados ó exportados de la Republica de Costarica, como crean conveniente, conformándose con las leyes y costumbres establecidas en el pais. Los mismos privilegios disfrutará en los territorios de la República de Costarica los ciudadanos de los Estados Unidos y sujetos á las mismas condiciones.

Los ciudadanos de las Altas Partes Contratantes recibirán y gozarán reciprocamente de completa y perfecta proteccion en sus personas y propiedades, y tendrán libre y facil acceso á los tribunales de justicia en los referidos paises, respectivamente, para la prosecucion y defensa de sus justos derechos; y estarán en libertad de emplear en todos casos los abogados procuradores, ó agentes de cualquier clase, que juzguen conveniente; y gozarán en este respecto, los mismos derechos y privilegios que allí disfrutaren los ciudadanos nativos.

ARTICLE VIII

In whatever relates to the police of the ports, the lading and unloading of ships, the safety of merchandize, goods and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination, by sale, donation, exchange, testament, or in any other manner whatsoever, as also the administration of justice; the citizens of the two high contracting parties, shall reciprocally enjoy the same privileges, liberties and rights, as native citizens, and they shall not be charged in any of these respects, with any higher imposts or duties than those which are paid or may be paid by native citizens; submitting of course to the local laws and regulations of each country, respectively.

If any citizen of either of the two High Contracting Parties shall die without will or testament in any of the territories of the other, the Consul-General or Consul of the nation to which the deceased belonged, or the representative of such Consul-General or Consul in his absence, shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased; giving

ARTICULO VIII

Por lo que toca á la policia de los puertos, á la carga y descarga de buques, la seguridad de las mercancías, bienes y efectos, la sucesion de las propiedades personales por testamento, o de otro modo, y al derecho de disponer de la propiedad personal, de cualquiera clase ó denominacion, por venta, donacion, permuta, testamento, ó de otro modo cualquiera, asi como tambien á la administracion de justicia; los ciudadanos de las dos Altas Partes Contratantes gozarán, reciprocamente los mismos privilegios, libertades, y derechos, que si fueran ciudadanos nativos, y no se les cargará en ninguno de estos puntos ó casos, mayores impuestos ó derechos que los que pagan, o en adelante pagaren los ciudadanos nativos, sujetos por supuesto á las leyes y estatutos locales de cada pais, respectivamente.

En caso que murire algun ciudadano de cualquiera de las dos Altas Partes Contratantes, sin haber hecho su ultima disposicion ó testamento, en cualquiera de los territorios de la otra, el Consul-General ó el Consul de la nacion á que pertenecia el difunto, ó en su ausencia, el que representare á dicho Consul-General ó Consul tendrá el derecho de nombrar curadores, que se encarguen de la propiedad del difunto, en cuanto las leyes del pais lo permitieren, á beneficio de los legitimos here-

proper notice of such nomination to the authorities of the country.

ARTICLE IX

The citizens of the United States residing in the Republic of Costarica, and the citizens of the Republic of Costarica residing in the United States, shall be exempted from all compulsory military service whatsoever, either by sea or by land, and from all forced loans or military exactions or requisitions; and they shall not be compelled, under any pretext whatsoever, to pay other ordinary charges, requisitions or taxes, greater than those that are paid by native citizens of the Contracting Parties respectively.

ARTICLE X

It shall be free for each of the two High Contracting Parties to appoint Consuls for the protection of trade, to reside in any of the territories of the other Party; but before any Consul shall act as such, he shall, in the usual form be approved and admitted by the Government to which he is sent; and either of the High Contracting Parties may except from the residence of Consuls such particular places as they judge fit to be excepted. The Costarican Diplomatic Agents and Consuls shall enjoy in the territories of the United States whatever privileges, exemptions, and immunities are

deros y acredores del difunto; dando noticia conveniente á las autoridades del pais.

ARTICULO IX

Los ciudadanos de los Estados Unidos residentes en la República de Costarica y los ciudadanos de la República de Costarica residentes en los Estados Unidos estarán exentos de todo servicio militar forzado de cualquier especie, de mar ó de tierra y de todo préstamo forzoso, ó exacciones militares, ó requisiciones; ni serán compelidos á pagar, bajo ningun pretexto, cualesquiera cargos ordinarios, requisiciones, ó impuestos mayores que los que paguen los ciudadanos nativos de las Partes Contratantes, respectivamente.

ARTICULO X

Cada una de los dos Altas Partes Contratantes podrá nombrar Cónsules para la proteccion del comercio, que residan en cualquiera de los territorios de la otra Parte; pero ántes que ningun Cónsul funcione como tal, deberá ser aprobado y admitido en la forma acostumbrada, por el Gobierno, á quien se dirige; y cualquiera de las Altas Partes Contratantes puede exceptuar de la residencia de Cónsules aquellos puntos particulares en que no tengan por conveniente admitirlos. Los Agentes Diplomáticos y los Cónsules de la Republica de Costarica gozarán en los territorios de

or shall be granted to agents of the same rank belonging to the most favored nation; and in like manner the Diplomatic Agents and Consuls of the United States in the Costarican territories, shall enjoy according to the strictest reciprocity whatever privileges, exemptions and immunities are or may be granted in the Republic of Costarica to the Diplomatic Agents and Consuls of the most favored nation.

ARTICLE XI

For the better security of commerce between the citizens of the United States and the citizens of the Republic of Costarica, it is agreed, that if at any time any interruption of friendly intercourse, or any rupture should unfortunately take place between the two High Contracting Parties, the citizens of either of the two High Contracting Parties who may be within any of the territories of the other, shall, if residing upon the coasts, be allowed six months, and if in the interior, a whole year to wind up their accounts and dispose of their property; and a safe conduct shall be given them to embark at the port which they themselves shall select; and even in the event of a rupture all such citizens of either of the two High

los Estados Unidos de todos los privilegios, exenciones, é inmunidades concedidas, ó que se concedieren, á los agentes de igual rango de la nacion mas favoricida; y del mismo modo, los Agentes Diplomaticos y Cónsules de los Estados Unidos. en los territorios de la República de Costarica gozarán, conforme á las mas exacta reciprocidad, todos los privilegios, exenciones, é inmunidades que se conceden ó en adelante se concedieren, á los Agentes Diplomáticos y Cónsules de la nacion mas favoricida, en la República de Costarica

ARTICULO XI

Para mayor seguridad del comercio entre los ciudadanos de los Estados Unidos y los ciudadanos de la República de Costarica se estipula, que si en algun tiempo ocurriere desgraciadamente una interrupcion en las relaciones amistosas, y se efectuare un rompimiento entre las dõs Altas Partes Contratantes se concederán á los ciudadanos de cualquiera de las dos Altas Partes Contratantes que estén dentro de los territorios de la otra, si residen en las costas, seis meses, y un año entero á los á los que residan en el interior, para arreglar sus negocios, y disponer de sus propiedades; y se les dará un salvò conducto para que se embarquen en el puerto que ellos elijieren; y aun en caso de un rompimiento, todos aquellos ciudadanos de cualquiera de las dos

Contracting Parties who are established in any of the territories of the other, in the exercise of any trade or special employment, shall have the privilege of remaining and of continuing such trade and employment therein without any manner of interruption, in the full enjoyment of their liberty and property as long as they behave peaceably, and commit no offence against the laws; and their goods and effects of whatever description they may be, whether in their own custody or entrusted to individuals or to the State, shall not be liable to seizure or sequestration, nor to any other charges or demands than those which may be made upon the like effects or property belonging to the native citizens of the country in which such citizens may reside. In the same case debts between individuals, property in public funds, and shares of companies, shall never be confiscated, sequestered nor detained.

ARTICLE XII

The citizens of the United States and the citizens of the Republic of Costarica, respectively, residing in any of the territories of the other party shall enjoy in their houses, persons, and properties, the protection of the Government, and shall continue in possession of the guarantees which they now enjoy. They shall not be disturbed,

Altas Partes Contratantes que estén establecidos en cualquiera de los territorios de la otra, en el ejercicio de algun tráfico ú ocupacion especial, tendrán el privilegio de permanecer y continuar dicho tráfico y ocupacion en el referido pais, sin que se les interrumpa en manera alguna en el goze absoluto de su libertad y de sus bienes, mientras se conduzcan pacificamente, y no cometan ofensa alguna contra las leyes; y sus bienes y efectos de cualquiera clase que sean, bien que estén bajo su propia custodia, ó confiados á individuos ó al Estado, no estearán sujetos a embargo ó secuestro, ni á ninguna carga ó imposicion que la que se haga con respecto á los efectos ó bienes pertenecientes á los ciudadanos del pais en que dichos ciudadanos residan. De igual modo ó en el mismo caso, ni las deudas entre particulares, ni los fondos públicos ni las acciones de compañías serán jamas confiscadas, secuestradas, ó detenidas.

ARTICULO XII

Los ciudadanos de la República de Costarica y los ciudadanos de los Estados Unidos que residan en cualquiera de los territorios de la otra Parte, gozarán recíprocamente en sus casas, personas, y bienes, de la proteccion del Gobierno, y continuarán en posesion de las garantias que actualmente tienen. No serán inquietados molestados ni perturbados en ma-

molested or annoyed in any manner on account of their religious belief, nor in the proper exercise of their religion, either within their own private houses, or in the places of worship destined for that purpose, agreeably to the system of tolerance established in the territories of the two High Contracting Parties; provided they respect the religion of the nation in which they reside, as well as the constitution, laws and customs of the country. Liberty shall also be granted to bury the citizens, of either of the two High Contracting Parties who may die in the territories aforesaid, in burial-places of their own which in the same manner may be freely established and maintained; nor shall the funerals or sepulchres of the dead be disturbed in any way or upon any account.

ARTICLE XIII

In order that the two High Contracting Parties may have the opportunity of hereafter treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse, and to the advancement of the interests of their respective citizens, it is agreed that at any time after the expiration of seven years from the date of the exchange of the ratifications of the present Treaty, either of the High Contracting Parties shall have the right of

nera alguna, en razon de su creencia religiosa ni en los ejercicios propios de su religion, ya dentro de sus casas particulares, ó en los lugares del culto destinados para aquel objeto conforme al sistema de tolerancia establecido en los territorios de los dos Altas Partes Contratantes; con tal que respeten la religion de la nacion en que residan asi como la constitucion, leyes y costumbres establecidas. Tendrán tambien libertad de enterra á los ciudadanos de cualquiera de las dos Altas Partes Contratantes que murieren en los referidos territorios, en sus propios cementerios, que podrán del mismo modo libremente establecer y mantener; y no se molestarán los funerales ni los sepulcros de los muertos, de nignun modo ni por motivo alguna.

ARTICULO XIII

Para que las dos Altas Partes Contratantes tengan en lo futuro oportunidad de tratar y ajustar cualesquiera otros arreglos que tiendan aun mas eficazmente á estrechar las relaciones existentes y al adelanto de los intereses de los respectivos ciudadanos, se ha convenido que en cualquier tiempo, pasados siete años desde la fecha en que se cangéen las ratificaciones del presente Tratado, cualquiera de las dos Altas Partes Contratantes podrá poner en conocimiento de la otra Parte sus

giving to the other Party notice of its intention to terminate Articles IV, V & VI of the present Treaty; and that at the expiration of twelve months after such notice shall have been received by either Party from the other, the said Articles, and all the stipulations contained therein shall cease to be binding on the two High Contracting Parties.

ARTICLE XIV

The present Treaty shall be ratified, and the ratifications shall be exchanged at Washington or at San José de Costarica within the space of one year, or sooner if possible.

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

Done at Washington this tenth day of July, in the year of our Lord one thousand eight hundred and fifty one.

DAN^l WEBSTER F. MOLINA
[Seal] [Seal]

intenciones de terminar los Artículos IV, V y VI del presente Tratado; y que al espirar un año desde que una de las Partes haya recibido de la otra dicha noticia, los espresados Artículos, y todo su contenido, dejarán de ser obligatorios á las dos Altas Partes Contratantes.

ARTÍCULO XIV

El presente Tratado será ratificado, y las ratificaciones cambiadas en San José de Costarica ó en Washington en el término de un año, ó ántes si posible fuese.

En fé de lo cual los respectivos Plenipotenciarios han firmado el presente sellándolo con sus sellos respectivos.

Fecho en la Ciudad de Washington á los diez dias del mes de Julio, —, del año del Señor mil ochocientos cincuenta y uno.

F. MOLINA DAN^l WEBSTER
[Seal] [Seal]

NOTES

The signed original of this treaty, a single example of which is in the treaty file, is written in English and Spanish, with the English version on the left-hand pages and the Spanish (rather carelessly written) on the right. As the printed text shows, the principle of the *alternat* was duly observed except in Articles 9, 10, and 11. Following the heading of the treaty is the invocation, "In the Name of the Most Holy Trinity"; some comments as to the use of such an invocation are to be found in the notes to the treaty with Sweden and Norway of July 4, 1827 (Document 55).

Except for the attested resolution of advice and consent of the Senate of March 11, 1852 (Executive Journal, VIII, 372), the treaty file is complete. It includes, besides the original treaty above men-

tioned, the duplicate United States instrument of ratification of May 25, 1852, in customary form, signed by President Fillmore and countersigned by William Hunter,¹ then Chief Clerk, as Acting Secretary of State; the original Costa Rican instrument of ratification of March 22, 1852, which is described below; one example, in English, of the certificate of the exchange of ratifications at Washington on May 26, 1852; and the original proclamation, of the same date and in customary form, the countersignature thereof being the same as that of the duplicate United States instrument of ratification. The attested resolution of the Senate of March 11, 1852, is bound in D.S., Miscellaneous Letters, March 1852.

RELATIONS WITH COSTA RICA

This was the first treaty negotiated between the United States and the Republic of Costa Rica. Under the Constitution of November 22, 1824, Costa Rica united with the states of El Salvador, Guatemala, Honduras, and Nicaragua in the Central American Federation; and with that Federation the United States entered into the Treaty of Peace, Amity, Commerce, and Navigation of December 5, 1825 (Document 50); but that treaty, except for "those parts which relate to peace and friendship", terminated on August 2, 1838; a treaty of renewal was signed on July 14, 1838, but failed to go into force (D.S., Unperfected U5).

The Central American Federation reached practical dissolution in 1839; and on August 30, 1848, the Costa Rican Congress made a definitive declaration of the sovereignty and independence of the Republic of Costa Rica. Intelligence of this declaration was communicated to Secretary of State Buchanan in a note of September 5, 1848, from the Minister for Foreign Affairs of Costa Rica (D.S., Miscellaneous Letters, January-February 1849, enclosure to a letter of D. T. Brown dated January 15, 1849).

The first instructions, of May 1, 1849, to Ephraim George Squier, who was appointed Chargé d'Affaires to Guatemala on April 2, 1849, referred to the above-mentioned declaration of the independence of Costa Rica and enclosed a copy of the note of the Costa Rican Minister for Foreign Affairs of September 5, 1848 (D.S., 15 Instructions, American States, 64-94). Squier was furnished with a letter of credence to the Costa Rican Minister for Foreign Affairs under date of May 1, 1849 (D.S., 3 Credences, 269), and also a full power, under date of April 24, 1849, authorizing him "to agree, treat, consult and negotiate of and concerning general commerce between the United States and the Republic of Costa Rica and claims of Citizens of the United States upon the late Government of Central America, and upon the Government of Costa Rica, and to conclude and sign

¹ Of Rhode Island, and styled in some of the records William Hunter, Jr.; his father, William Hunter, who died in 1849, was Senator from Rhode Island from 1811 to 1821 and afterwards Chargé d'Affaires and Minister Plenipotentiary to Brazil; the son served in the Department of State in various capacities from 1829 until his death in 1886.

a Treaty or Treaties, Convention or Conventions touching the premises" (*ibid.*, 267); the date of formal recognition by the United States of Costa Rica as a separate state cannot be placed later than April 24, 1849, the date of that full power (cf. the statement in Senate Document No. 40, 54th Congress, 2d session, serial 3469, pp. 11-12, summarized in Moore, Digest, I, 92).

Squier entered into correspondence with the Minister for Foreign Affairs of Costa Rica in June 1849; but the result was argument and discord; and it seems that Squier neither presented himself in person nor transmitted his letter of credence to the Government of Costa Rica. Copies of the notes exchanged are enclosures with Squier's despatches of October 12 and December 13, 1849 (D.S., 2 Despatches, Guatemala, No. 6, enclosures, and No. 13, enclosures G and H).

The first Minister Plenipotentiary of Costa Rica at Washington was Felipe Molina, who was received by President Fillmore and presented his credentials on March 24, 1851 (D.S., 1 Notes to the Central American Legations, 9); the first Minister of the United States to Costa Rica was Solon Borland, of Arkansas, who was appointed on April 18, 1853, and was accredited also to El Salvador, Guatemala, Honduras, and Nicaragua.

THE NEGOTIATIONS

Proposals of a treaty between the United States and Costa Rica were made in London in 1850. The Plenipotentiary of Costa Rica who signed this treaty, Felipe Molina, was then in Europe on a mission for his Government. Writing on February 22, 1850, Abbott Lawrence, Minister at London, enclosed copies of the following correspondence (D.S., 60 Despatches, Great Britain, No. 35, enclosures):

[*Mr. Molina to Mr. Lawrence*]

81 GLOUCESTER TERRACE HYDE PARK

21st February 1850.

SIR. I have the honor to assure Your Excellency by writing, that my Government will accept any arrangement which the United States may enter into with Great Britain, for the purpose of settling through a combined arbitration of both Powers, the question of boundaries now existing between Costa Rica, and Nicaragua

I beg likewise to state that I am authorised for the adjustment of a Treaty of Amity, Commerce, and Navigation between our respective Countries, and if your Excellency has no objection, we could do it here in London.

I take this opportunity to assure you of the high consideration with which I am, Your Excellency's Most obedient, humble servant,

(Signed) F. MOLINA.

To The Honorable ABBOTT LAWRENCE,
Minister Plenipotentiary of the United States to Her Britannic Majesty,
&c. &c. &c.
138 Piccadilly

[*Mr. Lawrence to Mr. Molina*]

138 PICCADILLY, 22^d Febr 1850.

SIR. I have the honor to acknowledge the receipt of your note of yesterday, accepting in the name of Costa Rica the arbitration of the United States and

Great Britain in the settlement of the questions of boundaries now existing between that State and Nicaragua, and offering to negotiate a treaty of Amity, Commerce, and Navigation, between Costa Rica and the United States.

Having no authority to conclude such a treaty, I have this day transmitted a copy of your note to Washington, that the subject may be brought to the notice of my Government.

The negotiations between the United States and Great Britain relative to Central America, I think, will soon be brought to a close: and I can see no reason, at present, why the United States should not conclude with Costa Rica such a treaty as you propose.

I have the honor to be Sir, With great consideration,
Your obedient servant

(Signed) ABBOTT LAWRENCE.

F. MOLINA Esqr
&c. &c. &c.

On July 25, 1850, Lawrence wrote further regarding the conversations which had taken place and again enclosed copies of the notes of February 21 and 22. Relevant passages from the despatch of that date are excerpted (D.S., 61 Despatches, Great Britain, No. 68):

When I was engaged on the Central American Negotiations, I frequently saw and conversed with the *Chargés d'affaires* of Nicaragua and of Costarica. The Representative of the latter Republic, M. Felipe Molina, has been accredited as a Diplomatic Agent to the United States, and has, in addition, been empowered to negotiate a Treaty of Friendship, Commerce and Navigation with the United States.

On the 20th of February, (the day before his note to me,) M. Molina had exchanged the ratifications of such a treaty with Her Majesty's Government. Since then he has been in Spain, and concluded a treaty with that Government; and I also learn that a Treaty has been entered into between Costa Rica and France. He has now returned, and yesterday called upon me to know whether I had received a reply to his proposition, and to exhibit his powers, which I have examined and find satisfactory. He left with me a copy of the Treaty concluded with England, which he proposes to make the model substantially of the one he proposes to conclude with us. I send it herewith for your inspection. I have myself carefully examined its provisions, and can see no objection to adopting it as the basis, should the President desire to enter into Treaty Stipulations with that Republic. I earnestly hope the President will deem it advisable to do so. The great changes taking place in the Commerce of the World from our occupation of the Shores of the Pacific, the large products of Gold in California, and the prospect of a ship canal connecting the Atlantic with the Pacific Ocean, greatly increase the importance of all the Central American States. Our people will find their way into all of them; particularly into those through which the canal will pass. The proximity of The United States to this fertile country cannot fail to create intimate personal relations between us—such as, rightly cultivated, will be greatly to the advantage to both Countries. The tide of Commerce, under the impetus that must be given to it almost immediately, will set towards Europe unless we take speedy measures to carry it to our borders. In this connection I beg most respectfully to ask the special attention of the President to our Commercial Relations with these States. I shall be happy to conclude a treaty with Mr. Molina, if the President thinks best to give me powers to that effect. Mr. Molina tells me that he is unable to visit Washington, and hopes the minister at this Court may be entrusted with the authority necessary for the accomplishment of so desirable an object.

In the foregoing despatch Lawrence refers to three treaties made by Costa Rica with European powers. These are the Treaty of Friendship, Commerce, and Navigation with Great Britain signed at San José November 27, 1849 (British and Foreign State Papers, XXXVII, 20-32); the convention with France signed at Guatemala

March 12, 1848, which took the form of accession to the Treaty of Friendship, Commerce, and Navigation between France and Guatemala of March 8, 1848 (*ibid.*, 1364-77); and the Treaty of Recognition, Peace, and Friendship between Costa Rica and Spain signed at Madrid May 10, 1850 (translation in *ibid.*, XXXIX, 1340-46). The treaty made by Costa Rica with Great Britain of November 27, 1849, is almost word for word the treaty between Great Britain and Guatemala of February 20, 1849, the latter, however, having an additional article which is absent from the former (*ibid.*, XXXVII, 32-45).

In a brief instruction of August 10, 1850, which acknowledged the despatch of Lawrence of July 25, 1850, Secretary of State Webster wrote that "The subject of a treaty with Costa Rica will receive due consideration at no distant day; and, in the mean time, it is proper to say that objections are perceived to opening a negotiation at London" (D.S., 16 Instructions, Great Britain, 95).

There is very little record in the archives of the Department of State regarding the negotiations at Washington. In a note of March 27, 1851, Molina proposed a treaty of amity, commerce, and navigation "on the same principles of reciprocity and general advantages adopted in Treaties with other Nations" (D.S., 2 Notes from the Central American Legations); to this Secretary of State Webster replied under date of June 9, 1851, stating that "the wish of the government of Costa Rica" was "reciprocated" and that "The President has accordingly empowered me to enter upon negotiations with you" (D.S., 1 Notes to the Central American Legations, 11).

It is obvious that the basis of the negotiation was that mentioned in the despatches of 1850 from London, namely, the treaty between Costa Rica and Great Britain of November 27, 1849, for fourteen of the sixteen articles of that treaty are copied *mutatis mutandis* in this treaty. The two articles of the treaty with Great Britain which were omitted are Article 3, for the application of the treaty in British territories outside of Europe, and Article 14, in aid of the abolition of the slave trade.

THE FULL POWERS

The original full power to Molina, under date of April 15, 1850, which is in D.S., 2 Notes from the Central American Legations, authorized not only the signature of a treaty of amity and commerce but also the signature of an agreement either in the form of a treaty, an exchange of notes, or a protocol, accepting on the part of Costa Rica the mediation of the United States and Great Britain with regard to the boundary differences between Costa Rica and Nicaragua. That full power reads as follows (translation from the Spanish):

Juan Rafael Mora, President of the Republic of Costa Rica

Being desirous of establishing frank and friendly relations with the Republic of the United States of the North, I have been pleased to choose, appoint, and authorize Don Felipe Molina, Minister Plenipotentiary of the Republic, as I do choose, appoint, and authorize him by these presents, to conclude a treaty of amity and commerce with the Government of the aforesaid Republic of the

United States, or with the person whom the latter may choose and appoint, or with its Minister resident in London. I likewise authorize the said Minister Don Felipe Molina to accept the mediation proposed by the Government of the United States for the laudable purpose of settling, by peaceable and conciliatory means, in concert with the Government of Her Britannic Majesty, the differences concerning territorial boundaries that have arisen between the Republic of Costa Rica and the State of Nicaragua, with the corresponding authority to negotiate and sign any agreement or treaty of acceptance, in case consent expressed by means of a note or signature to a protocol should not be deemed sufficient. It is understood that if such acceptance should be given by means of a treaty, the latter as well as that of amity and commerce must be submitted to the Congress for its approval; but if it should consist only of a note, agreement, or protocol, it does not require any approval and will be considered as valid, to take effect.

In faith whereof I sign this full power, authorized by the Minister of Foreign Relations and sealed with the seal of the Republic.

Given at San José, capital of the Republic, on the fifteenth day of April, one thousand eight hundred and fifty.

JQ BERN^{do} CALVO [Seal]
Recorded Book 2, p. 83.

[Seal] JUAN R. MORA

No record of a full power to Secretary of State Webster for the negotiation of this treaty has been found in the archives of the Department of State, and no reference thereto other than the mention of communication of full powers in the preamble of the treaty and the statement, above quoted, in Webster's note to Molina of June 9, 1851, that he was "empowered" by the President.

THE SENATE PROCEEDINGS

No correspondence or other papers accompanied this treaty when it was submitted to the Senate with the presidential message of December 12, 1851 (Executive Journal, VIII, 337). The treaty was reported from the Committee on Foreign Relations on March 5, 1852, without amendment (*ibid.*, 371); and the Senate resolution of advice and consent was adopted by unanimous vote on March 11, 1852 (*ibid.*, 372). Ratification on the part of the United States followed under date of May 25, 1852.

THE COSTA RICAN RATIFICATION

The Costa Rican instrument of ratification, under date of March 22, 1852, is in the treaty file. The opening and final clauses of the ratification, in Spanish and in conventional form, are written on both the left- and the right-hand pages of the instrument; on the right-hand pages those clauses embody the Spanish version of the treaty and are followed by the signatures to the instrument and the great seal of the Republic of Costa Rica; on the left-hand pages those clauses similarly precede and follow the English version of the treaty, but they are followed by copies of the signatures and indication of the seal.

THE EXCHANGE OF RATIFICATIONS

Article 14 of the treaty provided that the exchange of ratifications should take place "at Washington or at San José de Costarica".

The United States had no diplomatic agent at the capital of Costa Rica at the time; and it appears that the Costa Rican instrument of ratification was transmitted to Washington prior to ratification of the treaty by the United States. The ratifications were exchanged at Washington on May 26, 1852, by William Hunter, Acting Secretary of State, and Felipe Molina, Minister of Costa Rica. The certificate of the exchange, one example whereof, in English, is in the treaty file, states that "the respective ratifications of the said Treaty" were "carefully compared and found to agree exactly one with the other", but no mention is made of comparison with the signed original.

ARTICLE 8

In reply to a despatch of William Laurence Merry, Minister to Costa Rica, of July 29, 1900 (D.S., 63 Despatches, Central America, No. 456), Acting Secretary of State Alvey A. Adee wrote as follows regarding "the Department's interpretation" of Article 8 of this treaty (D.S., 22 Instructions, Central America, 35-36):

By Article VIII of the Treaty of July 10, 1851, between the United States and Costa Rica, the United States Consul at San Jose has the right to nominate a curator to take charge of the property of an American citizen who has died in Costa-Rica, so far as the laws of that country will permit, for the benefit of the heirs and creditors of the deceased. A curator, in the legal sense of the term, is one who administers the estate of another.

While the curator is nominated by the Consul, the appointment is made by the local authorities in pursuance of that nomination, and the local court has jurisdiction to administer the estate the same as a probate court would do in the United States. The curator thus nominated and appointed is the representative of the estate before the court and in all litigations that may arise, and can therefore guard the estate against exaggerated claims.

In the opinion of the Department, therefore, the proper local Costa-Rican court has the right to assume jurisdiction of the estate for the purposes of its administration, settlement and distribution. The curator is, of course, subject, like an administrator or guardian, to the orders of the court so far as the law authorizes the court to make such orders. The administrator in the United States is required to give a bond for the safe keeping of and accounting for the funds of the estate; and it would be the duty of the curator to obey the order of the court for the depositing and safe keeping of the moneys subject to the jurisdiction and decrees of the court, unless such order was made in excess of the jurisdiction of the court. That, however, is a matter to be determined by the laws of Costa-Rica, and concerning which the curator might properly seek the advice of counsel.

The Department does not understand the effect of the treaty to be to exempt the estates of Americans dying in Costa-Rica from the ordinary liabilities and incidents of decedent's estates. Provision against the waste of such estates was contemplated by the treaty provision which authorizes the Consul or Consul General to nominate the curator; and unless the laws of Costa-Rica prohibit, it would be the duty of the local authorities to appoint the curator thus nominated. The curator thus nominated has the right to take charge of the property in pursuance of the treaty, but not to adjudge and determine between the rights of the estate and of its creditors.

EARLIER TREATIES WITH AMERICAN STATES

Earlier treaties of friendship, commerce, and navigation between the United States and other American states had, to a very large extent, followed the same general form. The first of those treaties was that with the Republic of Colombia of October 3, 1824 (Docu-

ment 47); there followed those with the Central American Federation, December 5, 1825 (Document 50); Brazil, December 12, 1828 (Document 64); Mexico, April 5, 1831 (Document 70); Chile, May 16, 1832 (Document 73); Venezuela, January 20, 1836 (Document 80); the Peru-Bolivian Confederation, November 30, 1836 (Document 82); Ecuador, June 13, 1839 (Document 90); New Granada, December 12, 1846 (Document 125); Guatemala, March 3, 1849 (Document 135); and El Salvador, January 2, 1850 (Document 139).

Those eleven treaties were, of course, by no means identical; they included different bases of commercial policy; some of them contained exceptional clauses; but the similarity in effect and even in wording of numerous articles is striking evidence of a continuity of policy.

This treaty with Costa Rica is notably of another type. The wide departure both in form and in content from the precedents will be apparent if one compares the fourteen articles of this treaty with Costa Rica with the thirty-three articles of a treaty made only two years earlier, that with Guatemala of March 3, 1849 (Document 135).