

ARGENTINE CONFEDERATION.

ARGENTINE CONFEDERATION, 1853.

TREATY WITH THE ARGENTINE CONFEDERATION, CONCLUDED AT SAN JOSÉ DE FLORES, JULY 10, 1853; RATIFICATION ADVISED BY SENATE JUNE 13, 1854; RATIFIED BY PRESIDENT JULY 5, 1854; RATIFICATIONS EXCHANGED AT PARANÁ DECEMBER 20, 1854; PROCLAIMED APRIL 9, 1855.

July 10, 1853.

Treaty for the free navigation of the rivers Paraná and Uruguay, between the United States and the Argentine Confederation.

The President of the United States and His Excellency the Provisional Director of the Argentine Confederation, being desirous of strengthening the bonds of friendship which so happily subsist between their respective States and countries, and convinced that the surest means of arriving at this result is to take in concert all the measures requisite for facilitating and developing commercial relations, have resolved to determine by treaty the conditions of the free navigation of the rivers Paraná and Uruguay, and thus to remove the obstacles which have hitherto impeded this navigation. With this object they have named as their Plenipotentiaries, that is to say :

Contracting parties.

The President of the United States, Robert C. Schenk, Envoy Extraordinary and Minister Plenipotentiary of the United States to Brazil, and John S. Pendleton, Chargé d'Affaires of the United States to the Argentine Confederation; and His Excellency the Provisional Director of the Argentine Confederation, Doctor Don Salvador Maria del Carril, and Doctor Don José Benjamin Gorostiaga;

Negotiators.

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following articles :

ARTICLE I.

The Argentine Confederation, in the exercise of her sovereign rights, concedes the free navigation of the rivers Paraná and Uruguay, wherever they may belong to her, to the merchant vessels of all nations, subject only to the conditions which this treaty establishes, and to the regulations sanctioned, or which may hereafter be sanctioned, by the national authority of the Confederation.

Free navigation of the Paraná and Uruguay.

ARTICLE II.

Consequently, the said vessels shall be admitted to remain, load, and unload in the places and ports of the Argentine Confederation which are open for that purpose.

Loading and unloading vessels.

ARTICLE III.

The Government of the Argentine Confederation, being desirous to provide every facility for interior navigation, agrees to maintain beacons and marks pointing out the channels.

Beacons and marks.

ARTICLE IV.

A uniform system shall be established by the competent authorities of the Confederation, for the collection of the custom-house duties, harbor, lights, police, and pilotage dues along the whole course of the waters which belong to the Confederation.

Collection of duties and dues.

ARTICLE V.

Island of Martin Garcia.

The high contracting parties, considering that the Island of Martin Garcia may, from its position, embarrass and impede the free navigation of the confluent of the river Plate, agree to use their influence to prevent the possession of the said island from being retained or held by any State of the river Plate, or its confluent, which shall not have given its adhesion to the principle of their free navigation.

ARTICLE VI.

Navigation of rivers in time of war.

If it should happen (which God forbid) that war should break out between any of the States, Republics, or Provinces of the river Plate or its confluent, the navigation of the rivers Paraná and Uruguay shall remain free to the merchant flag of all nations, excepting in what may relate to munitions of war, such as arms of all kinds, gunpowder, lead, and cannon balls.

ARTICLE VII.

Accession to treaty by other States.

Power is expressly reserved to His Majesty the Emperor of Brazil, and the Governments of Bolivia, Paraguay, and the Oriental State of Uruguay, to become parties to the present treaty, in case they should be disposed to apply its principles to the parts of the rivers Paraná, Paraguay, and Uruguay, over which they may respectively possess fluvial rights.

ARTICLE VIII.

Most favored nation clause.

The principal objects for which the rivers Paraná and Uruguay are declared free to the commerce of the world, being to extend the mercantile relations of the countries which border them, and to promote immigration, it is hereby agreed that no favor or immunity shall be granted to the flag or trade of any other nation which shall not equally extend to those of the United States.

ARTICLE IX.

Ratifications.

The present treaty shall be ratified on the part of the Government of the United States within fifteen months from its date, and within two days by His Excellency the Provisional Director of the Argentine Confederation, who shall present it to the first Legislative Congress of the Confederation, for their approbation.

The ratifications shall be exchanged at the seat of Government of the Argentine Confederation, within the term of eighteen months.

Signatures.

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

Date.

Done at San José de Flores, on the tenth day of July, in the year of our Lord one thousand eight hundred and fifty-three.

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ROBT. C. SCHENCK.
JNO. S. PENDLETON.
SALVADOR MA. DEL CARRIL.
JOSÉ B. GOROSTIAGA.

 ARGENTINE CONFEDERATION, 1853.

July 27, 1853.

TREATY WITH THE ARGENTINE CONFEDERATION CONCLUDED AT SAN JOSÉ JULY 27, 1853; RATIFICATION ADVISED BY SENATE JUNE 13, 1854; RATIFIED BY PRESIDENT JUNE 29, 1854; RATIFICATIONS EXCHANGED AT PARANÁ, DECEMBER 20, 1854; PROCLAIMED APRIL 9, 1855.

Treaty of Friendship, Commerce, and Navigation, between the United States and the Argentine Confederation.

Preamble.

Commercial intercourse having been for some time established between the United States and the Argentine Confederation, it seems good for

the security as well as the encouragement of such commercial intercourse, and for the maintenance of good understanding between the two Governments, that the relations now subsisting between them should be regularly acknowledged and confirmed by the signing of a treaty of friendship, commerce, and navigation; for this purpose they have nominated their respective Plenipotentiaries, that is to say:

The President of the United States, Robert C. Schenck, Envoy Extraordinary and Minister Plenipotentiary of the United States to Brazil, and John S. Pendleton, Chargé d'Affaires of the United States to the Argentine Confederation; and His Excellency the Provisional Director of the Argentine Confederation, Doctor Don Salvador Maria del Carril, and Doctor Don José Benjamin Gorostiaga;

Negotiators.

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

There shall be perpetual amity between the United States and their citizens on the one part, and the Argentine Confederation and its citizens on the other part.

Perpetual amity.

ARTICLE II.

There shall be between all the territories of the United States and all the territories of the Argentine Confederation a reciprocal freedom of commerce. The 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 of either, to which other foreigners, or the ships or cargoes of any other foreign nation or State, are, or may be, permitted to come; to enter into the same, and to remain and reside in any part thereof, respectively; to hire and occupy houses and warehouses, for the purposes of their residence and commerce; to trade in all kinds of produce, manufacturers, and merchandise of lawful commerce; and generally to enjoy, in all their business, the most complete protection and security, subject to the general laws and usages of the two countries respectively. In like manner, the respective ships of war, and post-office or passenger 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 remain there and refit, subject always to the laws and usages of the two countries respectively.

Freedom of commerce.

Residence and trade.

Ships of war, post-office and passenger packets.

ARTICLE III.

The two high contracting parties agree that any favor, exemption, privilege, or immunity whatever, in matters of commerce or navigation, which either of them has actually granted, or may hereafter grant, to the citizens or subjects of any other government, nation, or State, shall extend, in identity of cases and circumstances, to the citizens of the other contracting party, gratuitously, if the concession in favor of that other government, nation, or state, shall have been gratuitous, or in return for an equivalent compensation, if the concession shall have been conditional.

Favors granted to other nations to become common.

ARTICLE IV.

No higher or other duties shall be imposed on the importation into the territories of either of the two contracting parties of any article of the growth, produce, or manufacture of the territories of the other contracting party, than are, or shall be, payable on the like article of any other foreign country; nor shall any other or higher duties or charges be imposed in the territories of either of the contracting parties, on the

No discriminating duties on products.

Equality of prohibitions. exportation of any article to the territories of the other, than such as are, or shall be, payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed upon the importation or exportation of any article of the growth, produce, or manufacture of the territories of either of the contracting parties, to or from the territories of the other, which shall not equally extend to the like article of any other foreign country.

ARTICLE V.

No discriminating duties on vessels, &c. No other or higher duties or charges, on account of tonnage, light or harbor dues, pilotage, salvage in case of average or shipwreck, or any other local charges, shall be imposed in the ports of the two contracting parties on the vessels of the other than those payable in the same ports on its own vessels.

ARTICLE VI.

No discrimination in drawbacks and bounties. The same duties shall be paid, and the same drawbacks and bounties allowed, upon the importation or exportation of any article into or from the territories of the United States or into or from the territories of the Argentine Confederation, whether such importation or exportation be made in vessels of the United States or in vessels of the Argentine Confederation.

ARTICLE VII.

Nationality of vessels. The contracting parties agree to consider and treat as vessels of the United States and of the Argentine Confederation all those which, being furnished by the competent authority with a regular passport or sea-letter, shall, under the then existing laws and regulations of either of the two Governments, be recognized fully and bona fide as national vessels, by that country to which they respectively belong.

ARTICLE VIII.

Right of residents to do business. All merchants, commanders of ships, and others, citizens of the United States, shall have full liberty, in all the territories of the Argentine Confederation, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as broker, factor, agent, or interpreter; nor shall they be obliged to employ any other persons in those capacities than those employed by citizens of the Argentine Confederation, nor to pay them any other salary or remuneration than such as is paid in like cases by citizens of the Argentine Confederation. 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 merchandise imported into, or exported from, the Argentine Confederation, as they shall see good; observing the laws and established customs of the country. The same rights and privileges, in all respects, shall be enjoyed in the territories of the United States, by the citizens of the Argentine Confederation. The citizens of the two 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 such advocates, attorneys, or agents as they may think proper; and they shall enjoy, in this respect, the same rights and privileges therein as native citizens.

Employment of agents.

Liberty of trade.

Access to courts of justice.

ARTICLE IX.

Acquirement and disposal of property, &c. In whatever relates to the police of the ports, the lading and unloading of ships, the safety of the merchandise, goods, and effects, and to the acquiring and disposing of property of every sort and denomination,

either by sale, donation, exchange, testament, or in any other manner whatsoever, as also to the administration of justice, the citizens of the two contracting parties shall reciprocally enjoy the same privileges, liberties, and rights, as native citizens; and they shall not be charged in any of those 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 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 intervene in the possession, administration, and judicial liquidation of the estate of the deceased, conformably with the laws of the country, for the benefit of the creditors and legal heirs.

Estates of deceased residents.

ARTICLE X.

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

Exemption from military service, forced loans, &c.

ARTICLE XI.

It shall be free for each of the two 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 contracting parties may except from the residence of Consuls such particular places as they judge fit to be excepted.

Consuls.

Exequaturs.

The archives and papers of the consulates of the respective Governments shall be respected inviolably, and under no pretext whatever shall any magistrate, or any of the local authorities, seize, or in any way interfere with them.

Inviolability of archives.

The Diplomatic Agents and Consuls of the Argentine Confederation shall enjoy, in the territories of the United States, whatever privileges, exemptions, and immunities are, 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 territories of the Argentine Confederation, shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are, or may be, granted in the Argentine Confederation to the Diplomatic Agents and Consuls of the most favored nation.

Privileges and immunities of diplomatic agents, &c.

ARTICLE XII.

For the better security of commerce between the United States and the Argentine Confederation, it is agreed that if, at any time, any interruption of friendly commercial intercourse, or any rupture, should unfortunately take place between the two contracting parties, the citizens of either of them, residing in the territories of the other, shall have the privilege of remaining and continuing their trade or occupation therein, without any manner of interruption, so long as they behave peaceably and commit no offence against the laws; and their effects and property, whether intrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other demands than those which may be made upon the like effects or property belonging to the native inhabitants of the State in which such citizens may reside.

Rights of residents in case of war.

ARTICLE XIII.

- Protection to persons and property.** The citizens of the United States, and the citizens of the Argentine Confederation, respectively, residing in any of the territories of the other party, shall enjoy, in their houses, persons, and properties, the full protection of the Government.
- Religious privileges.** They shall not be disturbed, molested, nor annoyed in any manner, on account of their religious belief, nor in the proper exercise of their peculiar worship, either within their own houses or in their own churches or chapels, which they shall be at liberty to build and maintain, in convenient situations, to be approved of by the local Government, interfering in no way with, but respecting the religion and customs of the country in which they reside.
- Right of burial.** Liberty shall also be granted to the citizens of either of the contracting parties to bury those who may die in the territories of the other, in burial places of their own, which, in the same manner, may be freely established and maintained.

ARTICLE XIV.

- Ratifications.** The present treaty shall be ratified on the part of the Government of the United States within fifteen months from the date, and within three days by His Excellency the Provisional Director of the Argentine Confederation, who will also present it to the first Legislative Congress of the Confederation, for their approval.
- The ratifications shall be exchanged at the seat of Government of the Argentine Confederation within the term of eighteen months.
- Signatures.** In witness whereof, the respective Plenipotentiaries have signed this treaty, and affixed thereto their seals.
- Date.** Done at San José, on the twenty-seventh day of July, in the year of our Lord one thousand eight hundred fifty-three.

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ROBT. C. SCHENCK.
JNO. S. PENDLETON.
SALVADOR MA. DEL CARRIL.
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