

B R A Z I L .

BRAZIL, 1828.

TREATY OF PEACE, FRIENDSHIP, COMMERCE, AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE EMPEROR OF BRAZIL, CONCLUDED AT RIO DE JANEIRO DECEMBER 12, 1828; RATIFICATION ADVISED BY SENATE MARCH 10, 1829; RATIFICATIONS EXCHANGED AT WASHINGTON MARCH 18, 1829; PROCLAIMED MARCH 18, 1829. Dec. 12, 1828.

[This treaty "in all parts relating to commerce and navigation," ceased and determined December 12, 1841, pursuant to notice given by the Brazilian Government under Article XXXIII.]

In the name of the Most Holy and Indivisible Trinity.

The United States of America and His Majesty the Emperor of Brazil, desiring to establish a firm and permanent peace and friendship 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 or general convention of peace, friendship, commerce, and navigation. Contracting parties.

For this most desirable object, the President of the United States has conferred full powers on William Tudor, their Chargé d'Affaires at the Court of Brazil; and His Majesty the Emperor of Brazil, on the Most Illustrious and Most Excellent Marquez of Aracaty, a member of his Council, Gentleman of the Imperial Bedchamber, Councillor of the Treasury, Grand Cross of the Order of Aviz, Senator of the Empire, Minister and Secretary of State for Foreign Affairs, and Miguel de Souza Mello e Alvim, a member of his Council, Commander of the Order of Aviz, Knight of the Imperial Order of the Cross, Chief of Division in the Imperial and National Navy, Minister and Secretary of State for the Marine; Negotiators.

Who, after having exchanged their said full powers, in due and proper form, have agreed to the following articles :

ARTICLE I.

There shall be a perfect, firm, and inviolable peace and friendship between the United States of America and their citizens and His Imperial Majesty, his successors and subjects, throughout their possessions and territories respectively, without distinction of persons or places. Peace and friendship.

ARTICLE II.

The United States of America and His Majesty the Emperor of Brazil, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation if the concession was conditional. It is understood, however, that the relations and conventions which now exist, or may hereafter exist, between Brazil and Portugal, shall form an exception to this article. Favors granted to other nations to become common.
Exception as to Portugal.

ARTICLE III.

Reciprocal freedom of commerce and navigation.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens and subjects of each may frequent all the coasts and countries of the other, and reside and trade there in all kinds of produce, manufactures, and merchandise; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce, which native citizens or subjects do or shall enjoy, submitting themselves to the laws, decrees, and usages there established, to which native citizens or subjects are subjected. But it is understood that this article does not include the coasting-trade of either country, the regulation of which is reserved by the parties respectively, according to their own separate laws.

Coasting trade.

ARTICLE IV.

Vessels of both countries on the same footing.

They likewise agree that whatever kind of produce, manufactures, or merchandise of any foreign country can be from time to time lawfully imported into the United States, in their own vessels, may be also imported in vessels of Brazil; and that 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 the other. And in like manner, that whatever kind of produce, manufactures, or merchandise of any foreign country, can be from time to time lawfully imported into the Empire of Brazil, in its own vessels, may be also imported in vessels of the United States; and that 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 whatever may be lawfully exported, or reexported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or reexported in the vessels of the other country. And the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or reexportation be made in vessels of the United States or of the Empire of Brazil. The Government of the United States, however, considering the present state of the navigation of Brazil, agrees that a vessel shall be considered as Brazilian when the proprietor and captain are subjects of Brazil and the papers are in legal form.

What vessels to be considered Brazilian.

ARTICLE V.

Equality of duties on produce of either country.

No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufactures of the empire of Brazil, and no higher or other duties shall be imposed on the importation into the Empire of Brazil 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 foreign 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 Empire of Brazil respectively, than such as are payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufactures of the United States, or of the Empire of Brazil, to or from the territories of the United States, or to or from the territories of the Empire of Brazil, which shall not equally extend to all other nations.

ARTICLE VI.

Merchants, &c., placed on the most favored footing.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens or subjects of both countries, to manage themselves their own business, in all the ports and places sub-

ject to the jurisdiction of each 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 or subjects of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favored nation.

ARTICLE VII.

The citizens and subjects of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, or merchandise or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

Embargoes.

ARTICLE VIII.

Whenever the citizens or subjects of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other, with their vessels, whether of merchant or of war, public or private, 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, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

Vessel in distress.

ARTICLE IX.

All the ships, merchandise, and effects belonging to the citizens or subjects 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, ports, bays, or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals, it being well understood that the claim should be made within the term of one year by the parties themselves, their attorneys, or agents of their respective Governments.

Property captured by pirates.

ARTICLE X.

When any vessel belonging to the citizens or subjects of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts or 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, until they may be exported, unless they be destined for consumption.

Shipwrecks.

ARTICLE XI.

The citizens or subjects 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 or subjects of the other party, shall succeed to the 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 dues only as the inhabitants of the country wherein said 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

Personal property.

Real property.

account of their character of aliens, there shall be granted to them the term of three years 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 XII.

Special protection to persons and property.

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens and subjects of each other, of all occupations, who may be in their 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 intercourse, on the same terms which are usual and customary with the natives or citizens and subjects of the country in which they may be; 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.

ARTICLE XIII.

Security of conscience.

It is likewise agreed that the most perfect and entire security of conscience shall be enjoyed by the citizens or subjects of both the contracting parties, in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established

Rights of burial.

usages of the country. Moreover, the bodies of the citizens and subjects of one of the contracting parties who may die in the territories of the other shall be buried in the usual burying grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

ARTICLE XIV.

Neutral trade.

It shall be lawful for the citizens and subjects of the United States of America, and of the Empire of Brazil, to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are, or who hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens and subjects aforesaid to sail with the ships and merchandises before mentioned, and to trade with the same liberty and security, from the places, ports, and havens of those who are enemies of either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens or subjects of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed in like manner that the same liberty be extended to persons who are on board a free ship, with this effect, that, although they be enemies to both or either party, they are not to be taken out of that free ship unless they are officers or soldiers and in the actual service of the enemies; provided, however, and it is hereby

Free ships make free goods.

Limitation of the principle.

agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

ARTICLE XV.

It is likewise agreed that, in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that, four months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral embarked in such enemy's ship shall be free.

Neutral flags.

ARTICLE XVI.

This liberty of commerce and navigation shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended—

Contraband articles.

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, 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.

2dly. Bucklers, helmets, breastplates, coats of mail, infantry belts, and clothes made up in the form and for a military use.

3dly. Cavalry belts and horses with their furniture.

4thly. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by sea or land.

ARTICLE XVII.

All other merchandise and things not comprehended in the articles of contraband, expressly 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 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 only are besieged or blockaded which are actually attacked by a force capable of preventing the entry of the neutral.

All other merchandise.

Definition of blockade.

ARTICLE XVIII.

The articles of contraband, before enumerated and classified, which may be found in a vessel bound for 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 vessels will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and all the 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.

Seizures and detention.

ARTICLE XIX.

And whereas it frequently happens that vessels sail to a port or a place belonging to an enemy, without knowing that the same is be-

Blockaded ports.

sieged, 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, she 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 or surrender shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof. And if any vessel having thus entered the port before the blockade took place, shall take on board a cargo after the blockade be established, she shall be subject to being warned by the blockading forces to return to the port blockaded, and discharge the said cargo, and if after receiving the said warning the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as a vessel attempting to enter a blockaded port after being warned off by the blockading forces.

ARTICLE XX.

Examination of
vessels.

In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain at the greatest distance compatible with making the visit under the circumstances of the sea and wind and the degree of suspicion attending the vessel to be visited, and shall send its smallest boat, 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 the said 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 the purpose of exhibiting her papers, or for any other purpose whatever.

ARTICLE XXI.

Vessels to be
provided with
papers.

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 and subjects of the two contracting parties, they have agreed, and do agree, that in case one of them shall be engaged in war, the ships and vessels belonging to the citizens or subjects of the other must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens or subjects of one of the parties; they have likewise agreed, 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 vessel may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and be satisfied or supplied by testimony entirely equivalent.

ARTICLE XXII.

It is further agreed that the stipulations above expressed, relative to the visiting and examining of vessels, shall apply only to those which sail without convoy; and when said vessel 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 when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

Vessels under
convoy.

ARTICLE XXIII.

It is further agreed that in all cases the established courts for prize causes, in the countries to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal, of either party, shall pronounce judgment against any vessel, or goods, or property claimed by the citizens or subjects 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.

Prize courts and
decrees.

ARTICLE XXIV.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen or subject of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or cooperating hostilely with the said enemy, against the said party so at war, under the pain of being treated as a pirate.

Letters of
marque.

ARTICLE XXV.

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 have agreed, and do 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 and subjects of all other occupations, who may be established in the territories or dominions of the United States, and of the Empire of Brazil, 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.

Privileges in
time of war.

ARTICLE XXVI.

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

No property to
be confiscated.

ARTICLE XXVII.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to their Envoys, Ministers, and other public Agents, the same favors, immunities, and exemptions which those

Envoys, minist-
ters, &c.

of the most favored nation do or shall enjoy; it being understood that whatever favors, immunities, or privileges the United States of America or the Empire of Brazil may find it proper to give the Ministers and public Agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE XXVIII.

Consuls and
Vice-Consuls.

To make more effectual the protection which the United States and the Empire of Brazil shall afford in future to the navigation and commerce of the citizens and subjects 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 accept those ports and places in which the admission and residence of such Consuls may not seem convenient.

ARTICLE XXIX.

Exequaturs.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commissions 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 XXX.

Privileges of con-
sular officers.

It is likewise agreed that the Consuls, their secretaries, officers, and persons attached to the service of Consuls, they not being citizens or subjects of the country in which the Consul resides, shall be exempt from all public service, and also from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens or subjects and inhabitants, native and foreign, of the country in which they reside are subject; being in everything besides subject to the laws of their 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 XXXI.

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 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 vessel or ship's roll, or other public documents, that those men were part of said crews; and on this demand so proved, (saving, however, where 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 prison, 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 no more be arrested for the same cause.

ARTICLE XXXII.

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

Consular convention.

ARTICLE XXXIII.

The United States of America and the Emperor of Brazil, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties by virtue of this treaty, or general convention of peace, amity, commerce, and navigation, have declared solemnly and do agree to the following points :

1st. The present treaty shall be in force for twelve years from the date hereof, 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 twelve years ; and it is hereby 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 the parts relating to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship it shall be permanently and perpetually binding on both powers.

Duration of treaty.

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

Infringement of treaty.

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

Reprisals and declarations of war.

4thly. Nothing in this treaty contained shall, however, be construed to operate contrary to former and existing public treaties with other Sovereigns or States.

Treaties with other nations not affected.

The present treaty of peace, amity, commerce, and navigation shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the Emperor of Brazil, and the ratifications shall be exchanged within eight months from the date of the signature hereof, or sooner if possible.

Ratifications.

In faith whereof we, the Plenipotentiaries of the United States of America and of His Majesty the Emperor of Brazil, have signed and sealed these presents.

Signatures.

Done in the City of Rio de Janeiro, this twelfth day of the month of December, in the year of our Lord Jesus Christ one thousand eight hundred and twenty-eight.

Date.

[L. S.]
[L. S.]
[L. S.]

W. TUDOR.
MARQUEZ DE ARACATY.
MIGUEL DE SOUZA MELLO E ALVIM.

BRAZIL, 1849.

January 27, 1849. CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE EMPEROR OF BRAZIL, FOR THE SATISFACTION OF CLAIMS OF CITIZENS OF THE UNITED STATES ON THE BRAZILIAN GOVERNMENT, CONCLUDED AT RIO DE JANEIRO JANUARY 27, 1849; RATIFICATION ADVISED BY SENATE JANUARY 14, 1850; RATIFIED BY PRESIDENT JANUARY 18, 1850; RATIFICATIONS EXCHANGED AT WASHINGTON JANUARY 18, 1850; PROCLAIMED JANUARY 19, 1850.

In the name of the Most Holy and Indivisible Trinity.

Contracting parties.

The United States of America and His Majesty the Emperor of Brazil, desiring to remove every cause that might interfere with the good understanding and harmony which now happily exist between them, and which it is so much the interest of both countries to maintain; and to come, for that purpose, to a definitive understanding, equally just and honorable to each, as to the mode of settling the long-pending questions arising out of claims of citizens of said States, have for the same appointed, and conferred full powers, respectively, to wit:

Negotiators.

The President of the United States of America, on David Tod, Envoy Extraordinary and Minister Plenipotentiary from the said States near the court of Brazil; and His Majesty the Emperor of Brazil, upon the most illustrious and most excellent Viscount of Olinda, of his Council, and of the Council of State, Senator and Grandee of the Empire, Grand Cross of the Order of Saint Stephen of Hungary, of the Legion of Honor of France, and of Saint Maurice and Saint Lazarus of Sardinia, Officer of the Imperial Order of the Cross, Commander of the Order of Christ, President of the Council of Ministers, Minister and Secretary of State for Foreign Affairs;

Who, after exchanging their full powers, which were found in good and proper form, agreed to the following articles:

ARTICLE I.

Sum to be placed at disposal of President of United States.

The two high contracting parties, appreciating the difficulty of agreeing upon the subject of said reclamations, from the belief entertained by each—one of the justice of the claims, and the other of their injustice—and being convinced that the only equitable and honorable method by which the two countries can arrive at a perfect understanding of said questions is to adjust them by a single act, they mutually agreed, after a mature examination of these claims, and, in order to carry this agreement into execution, it becomes the duty of Brazil, to place at the disposition of the President of the United States the amount of five hundred and thirty thousand milreis, current money of Brazil, as a reasonable and equitable sum; which shall comprehend the whole of the reclamations, whatever may be their nature and amount, and as full compensation for the indemnifications claimed by the Government of said States, to be paid in a round sum, without reference to any one of said claims, upon the merits of which the two high contracting powers refrain from entering; it being left to the Government of the United States to estimate the justice that may pertain to the claimants, for the purpose of distributing among them the aforesaid sum of five hundred and thirty thousand milreis as it may deem most proper.

ARTICLE II.

Responsibility arising from claims.

In conformity to what is agreed upon in the preceding article, Brazil is exonerated from all responsibility springing out of the aforesaid claims presented by the Government of the United States up to the date of this convention, which can neither be reproduced nor reconsidered in future.

ARTICLE III.

In order that the Government of the United States may be enabled properly to consider the claims of the citizens of said States, they remaining, as above declared, subject to its judgment, the respective documents which throw light upon them shall be delivered by the Imperial Government to that of the United States, so soon as this convention shall receive the ratification of the Government of said States.

Documents to be furnished.

ARTICLE IV.

The sum agreed upon shall be paid by the Imperial Government to that of the United States, in the current money of Brazil, as soon as the exchange of the ratifications of this convention is made known in this capital, for which His Majesty the Emperor of Brazil pledges himself to obtain the necessary funds at the next session of the legislature.

Payment by Brazil.

ARTICLE V.

The payment of the sum above named, of five hundred and thirty thousand milreis, shall not be made until after the reception of the notice in this capital of the exchange of ratifications; but the said sum shall bear interest, at six per centum per annum, from the first day of July next. The Imperial Government, however, obliges itself to make good that interest only when, in conformity to the preceding article of this convention, the amount stipulated shall be paid.

Payment of interest.

ARTICLE VI.

The present convention shall be ratified, and the ratifications exchanged, in Washington, within twelve months after it is signed in this capital, or sooner if possible.

Ratifications.

In faith of which we, Plenipotentiaries of the United States of America and of His Majesty the Emperor of Brazil, sign and seal the same.

Signatures.

Done in the city of Rio de Janeiro, this twenty-seventh day of January, in the year of our Lord one thousand eight hundred and forty-nine.

Date.

[L. S.]
[L. S.]

DAVID TOD.
VISCONDE DE OLINDA.