

COSTA RICA.

COSTA RICA, 1851.

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION, WITH COSTA RICA, CONCLUDED AT WASHINGTON JULY 10, 1851; RATIFICATION ADVISED BY SENATE MARCH 11, 1852; RATIFIED BY PRESIDENT MAY 25, 1852; RATIFICATIONS EXCHANGED AT WASHINGTON MAY 26, 1852; PROCLAIMED MAY 26, 1852.

July 10, 1851.

Treaty of Friendship, Commerce, and Navigation, between the United States of America and the Republic of Costa Rica.

In the name of the Most Holy Trinity.

Commercial intercourse having been for some time established between the United States and the Republic of Costa Rica, 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. For this purpose they have named their respective plenipotentiaries, that is to say:

Preamble.

The President of the United States, Daniel Webster, Secretary of State, and his Excellency the President of the Republic of Costa Rica, Señor Don Felipe Molina, Envoy Extraordinary and Minister Plenipotentiary of that Republic to the United States;

Negotiators.

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 Costa Rica and its citizens on the other.

Perpetualamity.

ARTICLE II.

There shall be, between all the territories of the United States and the territories of the Republic of Costa Rica 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 warehouses for the purposes of their commerce; and, generally, the merchants and traders of each 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.

Reciprocal freedom of commerce.

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.

Ships of war and post-office packets.

Coasting trade.

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.

Favors granted to other nations to become common.

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 subjects 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 concessions shall have been conditional.

ARTICLE IV.

Equality of duties on produce of either nation.

[See Article XIII, p. 163.]

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

Equality of prohibitions.

ARTICLE V.

Tonnage duties and other charges.

[See Article XIII, p. 163.]

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 Costa Rica, on vessels of the United States, than those payable in the same ports by Costa Rican vessels; nor in any of the ports of the United States, on Costa Rican vessels, than shall be payable in the same ports on vessels of the United States.

ARTICLE VI.

Vessels of both countries on the same footing.

[See Article XIII, p. 163.]

The same duties shall be paid on the importation into the territories of the Republic of Costa Rica of any article being of the growth, produce, or manufacture of the territories of the United States, whether such importation shall be made in Costa Rican, 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 Costa Rica, whether such importation shall be made in United States or in Costa Rican vessels.

Drawbacks and bounties.

The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation to the Republic of Costa Rica of any articles being the growth, produce, or manufacture of the territories of the

United States, whether such exportations shall be made in Costa Rican 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 Costa Rica to the territories of the United States, whether such exportation shall be made in United States or in Costa Rican 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 Costa Rica, 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 Costa Ricans, nor to pay them any other salary or remuneration than such as is paid in like cases by Costa Rican 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 merchandise imported into or exported from the Republic of Costa Rica, 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 Costa Rica under the same conditions.

Privileges of residents.

Freedom to trade.

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.

Access to courts of justice.

ARTICLE VIII.

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of merchandise, 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.

Equality of internal duties, &c.

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

Intestate property.

ARTICLE IX.

The citizens of the United States residing in the Republic of Costa Rica, and the citizens of the Republic of Costa Rica 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.

Exemption from military service, &c.

ARTICLE X.

Consuls and diplomatic agents.

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 Costa Rican diplomatic agents and Consuls 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 Costa Rican territories shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are or may be granted in the Republic of Costa Rica to the diplomatic agents and Consuls of the most favored nation.

ARTICLE XI.

Agreement in case of war.

For the better security of commerce between the citizens of the United States and the citizens of the Republic of Costa Rica, 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 coast, 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 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 intrusted 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.

Protection to citizens.

The citizens of the United States and the citizens of the Republic of Costa Rica, 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, 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.

Security of conscience.

Rights of burial.

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 giving to the other party notice of its intention to terminate Articles IV, V, and 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.

Duration of treaty.

ARTICLE XIV.

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

Ratifications.

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

Signatures.

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

Date.

DAN'L WEBSTER. [SEAL.]
F. MOLINA. [SEAL.]

COSTA RICA, 1860.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF COSTA RICA, FOR THE ADJUSTMENT OF CLAIMS, CONCLUDED AT SAN JOSE JULY 2, 1860; RATIFICATION ADVISED BY SENATE JANUARY 16, 1861; RATIFIED BY PRESIDENT JANUARY 21, 1861; TIME FOR EXCHANGE OF RATIFICATIONS EXTENDED BY SENATE MARCH 12, 1861; RATIFICATIONS EXCHANGED AT WASHINGTON NOVEMBER 9, 1861; PROCLAIMED NOVEMBER 11, 1861.

July 2, 1860.

Convention for the adjustment of claims of citizens of the United States against the Government of the Republic of Costa Rica.

The United States of America and the Republic of Costa Rica, desiring to adjust the claims of citizens of said States against Costa Rica in such a manner as to cement the good understanding and friendly relations now happily subsisting between the two Republics, have resolved to settle such claims by means of a convention; and, for that purpose, appointed and conferred full powers, respectively, to wit:

Contracting parties.

The President of the United States, on Alexander Dimitry, Minister Resident of said United States in the Republic of Costa Rica, and his Excellency the Constitutional President of said Republic of Costa Rica, on Manuel José Carazo and Francisco Maria Yglesias; who, upon an exchange of their plenary powers, which were found in good and proper form, have agreed to the following articles:

Negotiators.

ARTICLE I.

It is agreed that all claims of citizens of the United States, upon the Government of Costa Rica, arising from injuries to their persons, or damages to their property, under any form whatsoever, through the action of authorities of the Republic of Costa Rica, statements of which, soliciting the interposition of the Government of the United States, have been presented to the Department of State at Washington,

Claims to be referred to board of commissioners.

Commissioners,
how appointed.

or to the diplomatic agents of said United States at San José, of Costa Rica, up to the date of the signature of this convention, shall, together with the documents in proof, on which they may be founded, be referred to a board of commissioners, consisting of two members, who shall be appointed in the following manner: one by the Government of the United States of America, and one by the Government of the Republic of Costa Rica: Provided, however, That no claim of any citizen of the United States, who may be proved to have been a belligerent during the occupation of Nicaragua by the troops of Costa Rica, or the exercise of authority, by the latter, within the territory of the former, shall be considered as one proper for the action of the board of commissioners herein provided for.

Vacancies in com-
mission, how filled.

In case of the death, absence, or incapacity of either commissioner, or in the event of either commissioner's omitting or ceasing to act, the Government of the United States of America, or that of the Republic of Costa Rica, respectively, or the minister of the latter, in the United States, acting by its direction, shall forthwith proceed to fill the vacancy thus occasioned.

ARTICLE II.

When and where
commissioners to
meet.

The commissioners so named shall meet at the city of Washington, within ninety days from the exchange of the ratifications of this convention; and, before proceeding to business, they shall, each of them, exhibit a solemn oath, made and subscribed before a competent authority, that they will carefully examine into, and impartially decide, according to the principles of justice and of equity, and to the stipulations of treaty, upon all the claims laid before them, under the provisions of this convention, by the Government of the United States, and in accordance with such evidence as shall be submitted to them on the part of said United States and of the Republic of Costa Rica, respectively. And their oath, to such effect, shall be entered upon the record of their proceedings.

Selection of um-
pire.

Said commissioners shall then proceed to name an arbitrator, or umpire, to decide upon any case or cases concerning which they may disagree, or upon any point or points of difference which may arise in the course of their proceedings. And if they cannot agree in the selection, the arbitrator or umpire shall be appointed by the minister of His Majesty the King of the Belgians, to the United States, whom the two high contracting parties shall invite to make such appointment, and whose selection shall be conclusive on both parties.

ARTICLE III.

Mode of proce-
dure of commis-
sioners.

The arbitrator, or umpire, being appointed, the commissioners shall, without delay, proceed to examine and determine the claims which may be presented to them, under the provisions of this convention, by the Government of the United States, as stated in the preceding article; and they shall hear, if required, one person in behalf of each Government, on every separate claim.

Each Govern-
ment to furnish pa-
pers in regard to
claims.

Each Government shall furnish, upon request of either of the commissioners, such papers in its possession as may be deemed important to the just determination of any claims of citizens of the United States, referred to the board, under the provisions of the first article.

Amount of in-
demnify.

In cases, whether touching injuries to the person, limb, or life of any said citizens, or damages committed, as stipulated in the first article, against their property, in which the commissioners may agree to award an indemnity, they shall determine the amount to be paid. In cases in which said commissioners cannot agree, the points of difference shall be referred to the arbitrator, or umpire, before whom each of the commissioners may be heard, and his decision shall be final.

ARTICLE IV.

The commissioners shall issue certificates of the sums to be paid to the claimants, respectively, whether by virtue of the awards agreed to between themselves, or of those made by them, in pursuance of decisions of the arbitrator, or umpire; and the aggregate amount of said sums, decreed by the certificates of award made by the commissioners, in either manner above indicated, and of the sums also accruing from such certificates of award as the arbitrator, or umpire, may, under the authority hereinafter conferred by the seventh article, have made and issued, with the rate of interest stipulated in the present article, in favor of any claimant, or claimants, shall be paid to the Government of the United States, in the city of Washington, in equal semi-annual instalments. It is, however, hereby agreed, by the contracting parties, that the payment of the first instalment shall be made eight months from the termination of the labors of the commission; and, after such first payment, the second, and each succeeding one, shall be made semi-annually, counting from the date of the first payment; and the whole payment of such aggregate amount, or amounts, shall be perfected within the term of ten years from the termination of said commission; and each of said sums shall bear interest (also payable semi-annually) at the rate of six per cent. per annum, from the day on which the awards, respectively, will have been decreed.

Mode of payment of indemnity to claimants.

[See Article VII.]

When first instalment to be paid.

Subsequent instalments.

Interest.

To meet these payments, the Government of the Republic of Costa Rica hereby specially appropriates fifty per cent. of the net proceeds of the revenues arising from the customs of the said Republic; but if such appropriation should prove insufficient to make the payments as above stipulated, the Government of said Republic binds itself to provide other means for that purpose.

Provision by Costa Rica to meet payments.

ARTICLE V.

The commission herein provided shall terminate its labors in nine months from and including the day of its organization. They shall keep an accurate record of all their proceedings, and they may appoint a secretary, versed in the knowledge of the English and of the Spanish languages, to assist in the transaction of their business. And, for the conduct of such business, they are hereby authorized to make all necessary and lawful rules.

Termination of commission.

[See Article VII.]

ARTICLE VI.

The proceedings of this commission shall be final and conclusive with respect to all the claims of citizens of the United States, which, having accrued prior to the date of this convention, may be brought before it for adjustment; and the United States agree forever to release the Government of the Republic of Costa Rica from any further accountability for claims which shall be rejected, either by the board of commissioners, or by the arbitrator or umpire aforesaid; or for such as, being allowed by either the board or the umpire, the Government of Costa Rica shall have provided for and satisfied in the manner agreed upon in the fourth article.

Proceedings of commission conclusive.

Costa Rica released.

[See Article IV.]

ARTICLE VII.

In the event, however, that upon the termination of the labors of said commission stipulated for in the fifth article of this convention, any case or cases should be pending before the umpire, and awaiting his decision, it is hereby understood and agreed by the two contracting parties that, though the board of commissioners may, by such limitation, have terminated their action, said umpire is hereby authorized and empowered to proceed to make his decision or award in such case or cases pending as

Cases pending before umpire at termination of the commission.

[See Article IV.]

Umpire to decide
in sixty days.

aforesaid; and, upon his certificate thereof, in each case, transmitted to each of the two Governments, mentioning the amount of indemnity, if such shall have been allowed by him, together with the rate of interest specified by the fourth article, such decision or award shall be taken and held to be binding and conclusive, and it shall work the same effect as though it had been made by both the commissioners under their own agreement, or by them upon decision of the case or of the cases, respectively, pronounced by the umpire of said board, during the period prescribed for its sessions: Provided, however, That a decision on every case that may be pending at the termination of the labors of the board shall be given by the umpire within sixty days from their final adjournment; and that at the expiration of the said sixty days, the authority and power hereby granted to said umpire shall cease.

ARTICLE VIII.

Expenses of com-
mission.

Each government shall pay its own commissioner; but the umpire, as well as the incidental expenses of the commission, including the defrayal of the services of a secretary, who may be appointed under the fifth article, shall be paid one-half by the United States, and the other half by the Republic of Costa Rica.

ARTICLE IX.

Ratifications.

The present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States; and by the President of the Republic of Costa Rica, with the consent and approbation of the Supreme Legislative Power of said Republic; and the ratifications shall be exchanged in the city of Washington, within the space of eight months from the date of the signature hereof, or sooner if possible.

Signatures.

In faith whereof, and by virtue of our respective full powers, we, the undersigned, have signed the present convention, in duplicate, and have hereunto affixed our seals.

Date.

Done at the city of San José, on the second day of July, in the year one thousand eight hundred and sixty, and in the eighty-fourth year of the independence of the United States of America, and of the independence of Costa Rica the thirty-ninth.

ALEX'R DIMITRY.

MANUEL J. CARAZO.

FRAN'CO M. YGLESIAS.

[SEAL.]

[SEAL.]

[SEAL.]