

## FRIENDSHIP, COMMERCE, AND NAVIGATION

*Treaty signed at Asunción February 4, 1859*

*Ratified by Paraguay February 11, 1859*

*Senate advice and consent to ratification February 27, 1860*

*Ratified by the President of the United States March 7, 1860*

*Ratifications exchanged at Washington March 7, 1860*

*Entered into force March 7, 1860*

*Proclaimed by the President of the United States March 12, 1860*

12 Stat. 1091; Treaty Series 272<sup>1</sup>

A TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA, AND OF THE REPUBLIC OF PARAGUAY, CONCLUDED AND SIGNED IN THE CITY OF ASSUMPTION, THE CAPITAL OF THE REPUBLIC OF PARAGUAY, ON THE FOURTH DAY OF FEBRUARY IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FIFTY NINE.—THE EIGHTY THIRD YEAR OF THE INDEPENDENCE OF THE UNITED STATES OF AMERICA AND THE FORTY-SEVENTH OF THAT OF THE REPUBLIC OF PARAGUAY.

In the name of the most Holy Trinity.

The Governments of the two Republics, the United States of America and of Paraguay in South America being mutually disposed to cherish more intimate relations and intercourse than those which have heretofore subsisted between them, and believing it to be of mutual advantage to adjust the conditions of such relations by signing a "Treaty of Friendship, Commerce and Navigation;"—for that object have nominated their respective Plenipotentiaries, that is to say:

His Excellency the President of the United States of America has nominated James B. Bowlin a Special Commissioner of the United States of America at Assumption.

And His Excellency the President of the Republic of Paraguay has nominated the Paraguayan citizen Nicolas Vasquez Secretary of State and Minister of Foreign Relations of the Republic of Paraguay.

Who after having communicated competent authorities, have agreed upon, and concluded the following Articles.

<sup>1</sup> For a detailed study of this treaty, see 8 Miller 189.

## ARTICLE I

There shall be perfect peace and sincere friendship between the Government of the United States of America and the Government of the Republic of Paraguay, and between the citizens of both States and without exception of persons or places. The high contracting parties shall use their best endeavors that this friendship and good understanding may be constantly and perpetually maintained.

## ARTICLE II

The Republic of Paraguay, in the exercise of the sovereign right which pertains to her, concedes to the merchant flag of the citizens of the United States of America the free navigation of the River Paraguay as far as the dominions of the Empire of Brazil, and of the right side of the Paraná throughout all its course belonging to the Republic, subject to police and fiscal regulations of the Supreme Government of the Republic in conformity with its concessions to the commerce of friendly nations. They shall be at liberty, with their ships and cargoes, freely and securely to come to and to leave all the places and ports which are already mentioned, to remain and reside in any part of the said territories; hire houses and warehouses, and trade in all kinds of produce, manufactures and merchandize of lawful commerce, subject to the usages and established customs of the country. They may discharge the whole or a part, of their cargoes, at the ports of Pilar, and where commerce with other nations may be permitted, or proceed with the whole or part, of their cargo to the port of Assumption, according as the Captain, owner or other duly authorized person shall deem expedient.

In the same manner shall be treated and considered such Paraguayan citizens as may arrive at the ports of the United States of America with cargoes in Paraguayan vessels or vessels of the United States of America.

## ARTICLE III

The two high contracting parties hereby agree that any favor, privilege or immunity whatever, in matters of commerce or navigation which either contracting party has actually granted, or may hereafter grant to the citizens or subjects of any other 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 state shall have been gratuitous, or in return for an equivalent compensation, if the concession shall have been conditional.

## ARTICLE IV

No other or higher duties shall be imposed on the importation or exportation of any article of the growth, produce or manufacture of the two contracting States, than are or shall be payable on the like article being the growth, produce or manufacture of any other foreign country. No prohibi-

tion shall be imposed upon the importation or exportation of any article of the growth, produce or manufacture of the territories of either of the two contracting parties into the territories of the other, which shall not equally extend to the importation or exportation, of similar articles to the territories of any other nation.

#### ARTICLE V

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

#### ARTICLE VI

The same duties shall be paid upon the importation and exportation of any article which is or may be legally importable or exportable into the dominions of the United States of America and into those of Paraguay, whether such importation or exportation be made in vessels of the United States of America or in Paraguayan vessels.

#### ARTICLE VII

All vessels, which, according to the laws of the United States of America are to be deemed vessels of the United States of America, and all vessels which according to the laws of Paraguay, are to be deemed Paraguayan vessels, shall, for the purposes of this Treaty be deemed vessels of the United States of America and Paraguayan vessels respectively.

#### ARTICLE VIII

Citizens of the United States of America shall pay in the territories of the Republic of Paraguay the same import and export duties, which are established or may be established hereafter, for Paraguayan citizens. In the same manner the latter shall pay in the United States of America the duties which are established or may hereafter be established for citizens of the United States of America.

#### ARTICLE IX

All merchants, commanders of ships and others the citizens of each country respectively, shall have full liberty, in all the territories of the other, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as Agent, Broker, Factor or Interpreter; and they shall not be obliged to employ any other persons than those employed by natives, nor to pay to such persons as they shall think fit to

employ, any higher salary or remuneration than such as is paid in like cases by natives.

The citizens of the United States of America in the territories of Paraguay, and the citizens of Paraguay in the United States of America shall enjoy the same full liberty, which is now, or may hereafter be, enjoyed by natives of each country respectively, to buy from, and sell to, whom they like, all articles of lawful commerce, and to fix the prices thereof as they shall see good without being affected by any monopoly, contract or exclusive privilege of sale or purchase, subject, however, to the general ordinary contributions or imposts established by law.

The citizens of either of the two contracting parties in the territories of the other, shall enjoy full and perfect protection for their persons and property, and shall have free and open access to the Courts of Justice for the prosecution and defence of their just rights; they shall enjoy, in this respect the same rights and privileges as native citizens; and they shall be at liberty to employ, in all causes, the Advocates, Attorneys or Agents of whatever description, whom they may think proper.

#### ARTICLE X

In whatever relates to the police of the ports, the lading or unlading of ships, the warehousing and 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 or testament, or in any other manner whatsoever, as also with regard to the administration of justice, the citizens of each contracting party shall enjoy in the territories of the other, the same privileges, liberties and rights as native citizens, and shall not be charged, in any of these respects, with any other or higher imposts or duties than those, which are or may be paid by native citizens, subject always to the local laws and regulations of such territories.

In the event of any citizen of either of the two contracting parties dying without will or testament in the territory of the other contracting party, the Consul General, Consul or Vice Consul of the nation to which the deceased may belong, or, in his absence, the Representative of such Consul General, Consul or Vice Consul, shall, so far as the laws of each country will permit, take charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, until an executor or administrator be named by the said Consul General, Consul or Vice Consul, or his Representative.

#### ARTICLE XI

The citizens of the United States of America residing in the territories of the Republic of Paraguay and the citizens of the Republic of Paraguay residing in the United States of America shall be exempted from all compulsory military service whatsoever, whether by sea or land, and from all forced loans or

military exactions or requisitions, and they shall not be compelled to pay any charges, requisition or taxes, other or higher than those that are, or may be, paid by native citizens.

#### ARTICLE XII

It shall be free for each of the two contracting parties to appoint Consuls for the protection of trade, to reside in 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 two contracting parties may except from the residence of Consuls, such particular places as either of them may judge fit to be excepted.

The Diplomatic Agents and Consuls of the United States of America in the territories of the Republic of Paraguay, shall enjoy whatever privileges, exemptions and immunities, are or may be there granted to the Diplomatic Agents and Consuls of any other nation whatever; and in like manner, the Diplomatic Agents and Consuls of the Republic of Paraguay in the United States of America shall enjoy whatever privileges, exemptions and immunities are, or may be, there granted to Agents of any other Nation whatever.

#### ARTICLE XIII

For the better security of commerce between the citizens of the United States of America and the citizens of the Republic of Paraguay, it is agreed that if, at any time, any interruption of friendly intercourse, or any rupture should unfortunately take place between the two contracting parties, the citizens of either of the said contracting parties, who may be established in the territories of the other, in the exercise of any trade or special employment, shall have the privilege of remaining and continuing such trade or employment therein, without any manner of interruption, in 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, or to any other charges or demands than those which may be made upon the like effects or property belonging to native citizens. If, however, they prefer to leave the country, they shall be allowed the time they may require to liquidate their accounts and dispose of their property, and a safe conduct shall be given them to embark at the ports which they shall themselves select. Consequently, in the case referred to of a rupture, the public funds of the contracting state shall never be confiscated, sequestered or detained.

#### ARTICLE XIV

The citizens of either of the two contracting parties, residing in the territories of the other, shall enjoy, in regard to their houses, persons and prop-

erties, the protection of the Government, in as full and ample a manner as native citizens.

In like manner, the citizens of each contracting party shall enjoy in the territories of the other, full liberty of conscience, and shall not be molested on account of their religious belief; and such of those citizens as may die in the territories of the other party, shall be buried in the public cemeteries or in places appointed for the purpose, with suitable decorum and respect.

The citizens of the United States of America residing within the territories of the Republic of Paraguay shall be at liberty to exercise in private and in their own dwellings, or within the dwellings or offices of the Consuls or Vice Consuls of the United States of America their religious rites, services and worship, and to assemble therein for that purpose without hindrance or molestation.

ARTICLE XV

The present Treaty shall be in force during ten years counted from the day of the exchange of the ratifications; and further until the end of twelve months after the Government of the United States of America on the one part or the Government of Paraguay on the other shall have given notice of its intention to terminate the same.

The Paraguayan Government shall be at liberty to address to the Government of the United States of America or to its Representative in the Republic of Paraguay, the official declaration agreed upon in this article.

ARTICLE XVI

The present treaty shall be ratified by his Excellency the President of the United States of America within the term of fifteen months, or earlier if possible, and by his Excellency the President of the Republic of Paraguay within twelve days from this date and the ratifications shall be exchanged in Washington.

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

Done at Assumption this fourth day of February, in the year of Our Lord one thousand eight hundred and fifty nine.

JAMES B. BOWLIN [SEAL]

NICOLAS VASQUEZ [SEAL]