# *Honduras*

## FRIENDSHIP, COMMERCE, AND NAVIGATION

*Treaty signed at Comayagua July 4, 1864*
*Senate advice and consent to ratification February 20, 1865*
*Ratified by the President of the United States March 9, 1865*
*Ratified by Honduras April 27, 1865*
*Ratifications exchanged at Tegucigalpa May 5, 1865*
*Entered into force May 5, 1865*
*Proclaimed by the President of the United States May 30, 1865*
*Superseded July 19, 1928, by treaty of December 7, 1927* [1]

13 Stat. 699; Treaty Series 172

TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF HONDURAS

Commercial intercourse having been for some time established between the United States and the Republic of Honduras, 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:

The President of the United States, Thomas H. Clay, Minister Resident of the United States to the Republic of Honduras;

And his Excellency, the President of the Republic of Honduras, Señor Licenciado Don Manuel Colindres, Minister of Foreign Relations of that Republic;

[1] TS 764, *post*, p. 905.

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 Honduras and its citizens on the other.

ARTICLE II

There shall be, between all the territories of the United States and the territories of the Republic of Honduras, 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.

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

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

ARTICLE III

It being the intention of the two high contracting parties to bind themselves by the preceding articles, to treat each other on the footing of the most favored nation, it is hereby agreed between them, that any favor, privilege or immunity whatever in matters of commerce and navigation, which either contracting party has actually granted, or may hereafter grant to the 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 concession shall have been conditional.

ARTICLE IV

No higher nor other duties shall be imposed on the importation into the territories of the United States of any article being of the growth, produce, or manufacture of the Republic of Honduras, and no higher nor other duties shall be imposed on the importation into the territories of the Republic of Honduras of any article being of 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 Honduras, to or from the said territories of the United States, or to or from the Republic of Honduras, which shall not extend equally to all other nations.

ARTICLE V

No higher nor other duties or payments on account of tonnage, of light, of 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 Honduras, on vessels of the United States, than those payable in the same ports by vessels of Honduras; nor in any of the ports of the United States, on vessels of Honduras, than shall be payable in the same ports on vessels of the United States.

ARTICLE VI

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

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

of the United States, whether such exportation shall be made in United States or in Honduras' 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 Honduras, 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 Honduras, nor to pay them any other salary or remuneration than such as is paid in like cases by citizens of Honduras; and absolute freedom in all cases shall be allowed 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 Honduras, 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 Honduras under the same conditions.

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

ARTICLE VIII

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

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.

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## Article IX

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

## Article X

It shall be free for each of the two high contracting parties to appoint consuls for the protection of trade, to reside in any of the territories of the other party; but before any consul shall act as such, he shall, in the usual form be approved and admitted by the government to which he is sent; and either of the high contracting parties may except from the residence of consuls, such particular places, as they judge fit to be excepted. The diplomatic agents and consuls of Honduras 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 Honduras shall enjoy according to the strictest reciprocity whatever privileges, exemptions and immunities are or may be granted in the Republic of Honduras to the diplomatic agents and consuls of the most favored nation.

## Article XI

For the better security of commerce between the citizens of the United States and the citizens of the Republic of Honduras 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

The citizens of the United States and the citizens of the Republic of Honduras 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.

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 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.

ARTICLE XIV

Inasmuch as a contract was entered into by the government of Honduras, and a company entitled the "Honduras Inter-oceanic Railway Company," for the construction of a Railway from the Atlantic to the Pacific Oceans, through the territories of Honduras, which contract was ratified by the Constitutional Powers of the State and proclaimed as a law on the 28th of April 1854; and inasmuch, by the terms of Article 5, section VI of said contract "the government of Honduras with the view to secure the route herein

contemplated from all interruption and disturbance from any cause, or under any circumstances engages to open negociations with the various governments with which it may have relations, for their separate recognition of the perpetual neutrality, and for the protection of the aforesaid route;" therefore to carry out the obligations thus incurred;

1. The Government of Honduras agrees that the right of way or transit over such route or road, or any other that may be constructed within its territories, from sea to sea, shall be at all times open and free to the Government and citizens of the United States, for all lawful purposes whatever. No tolls, duties or charges of any kind shall be imposed by the Government of Honduras on the transit of property belonging to the Government of the United States, or on the public mails sent under authority of the same, nor on the citizens of the United States. And all lawful produce, manufactures, merchandise or other property belonging to citizens of the United States passing from one ocean to the other, in either direction, shall be subject to no import or export duties whatever, nor to any discriminating tolls or charges for conveyance or transit, on any such route or road as aforesaid, and shall be secure and protected from all interruption or detention on the part of the State. The Republic of Honduras further agrees that any other privilege or advantage, commercial or other, which is or may be granted to the subjects or citizens of any other country, in regard to such route or road as aforesaid, shall also, and at the same time be extended to citizens of the United States; and finally as an evidence of its disposition to accord to the travel and commerce of the world, all the advantages resulting from its position in respect to the two great oceans, Honduras of her own good will engages to establish the Ports at the extremities of the contemplated road as Free ports, for all the purposes of commerce and trade.

2. In consideration of these concessions, in order to secure the construction and permanence of the route or road herein contemplated, and also to secure for the benefit of mankind the uninterrupted advantages of such communication from sea to sea, the United States recognizes the rights of sovereignty and property of Honduras in and over the line of said road, and for the same reason guaranties positively and efficaciously the entire neutrality of the same, so long as the United States shall enjoy the privileges conceded to it in the preceding section of this Article. And when the proposed road shall have been completed, the United States equally engages in conjunction with Honduras to protect the same from interruption, seizure or unjust confiscation from whatsoever quarter the attempt may proceed.

3. Nevertheless the United States in according its protection to the said route or road and guaranteeing its neutrality when completed, always understand that this protection and guarantee are granted conditionally and may be withdrawn if the United States should deem that the persons or company undertaking or managing the same, adopt or establish such regulations con-

cerning the traffic thereupon as are contrary to the spirit and intention of this Article, either by making unfair discriminations in favor of the commerce of any nation or nations over the commerce of any other nation or nations, or by imposing oppressive exactions or unreasonable tolls upon passengers, vessels, goods, wares, merchandise, or other articles. The aforesaid protection and guarantee shall not, however, be withdrawn by the United States without first giving six months' notice to the Republic of Honduras.

ARTICLE XV

The present treaty shall be ratified, and the ratifications shall be exchanged at Comayagua within the space of one year, or sooner if possible.

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

Done at Comayagua this fourth day of July, in the year of our Lord, one thousand eight hundred and sixty four.

THOS. H. CLAY [SEAL]
M. COLINDRES [SEAL]