

August 27, 1901.

*Convention between the United States and Guatemala relating to the tenure and disposition of real and personal property. Signed at Guatemala, August 27, 1901; ratification advised by the Senate, January 30, 1902; ratified by the President, February 6, 1902; ratified by Guatemala, September 12, 1902; ratifications exchanged at Guatemala, September 16, 1902; proclaimed, September 18, 1902.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.

Whereas a Convention between the United States of America and the Republic of Guatemala, relating to the tenure and disposition of real and personal property, was concluded at the City of Guatemala on the 27th day of August, one thousand nine hundred and one, the original of which Convention, being in the English and Spanish languages, is word for word as follows:

Contracting parties.

The United States of América and the Republic of Guatemala, desiring to improve the condition of the citizens of each of the respective countries in relation to the tenure and disposition of real and personal property situated or being within the territories of the other, as well as to authorize the representation of deceased persons by the Consuls of their respective nations in the settlement of estates, have resolved to conclude a convention for those purposes and have named as their Plenipotentiaries:

Plenipotentiaries.

The President of the United States of América the Honorable W Godfrey Hunter, Envoy Extraordinary and Minister Plenipotentiary of the United States of América in Guatemala; and

The President of Guatemala the Licentiate Juan Barrios M., Secretary of State in the Department of Foreign Affairs,

Who having exchanged their said full powers, found in due and

Los Estados Unidos de América y la República de Guatemala deseando mejorar la situación de los ciudadanos de los respectivos países con referencia á la posesión y disposición de la propiedad inmueble y personal, situada ó estante dentro de los territorios de la otra, como también autorizar la representación de personas fallecidas, por medio de los Cónsules de sus respectivas naciones en el arreglo de testamentarias, han resuelto concluir una convención para esos objetos, y han nombrado por sus Plenipotenciarios:

El Presidente de los Estados Unidos de América al Honorable señor don W Godfrey Hunter, Enviado Extraordinario y Ministro Plenipotenciario de los Estados Unidos de América en Guatemala; y

El Presidente de Guatemala al señor Licenciado don Juan Barrios M., Secretario de Estado y del Despacho de Relaciones Exteriores,

Quienes, habiendo canjeado sus dichos plenos poderes, hallados en

proper form have agreed to and signed the following articles:

## ARTICLE I.

Where on the death of any person holding real property (or property not personal), within the territories of one of the Contracting Parties, such real property would, by the laws of the land, pass to a citizen of the other, were he not disqualified by the laws of the country where such real property is situated, such citizen shall be allowed a term of three years, in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and to withdraw the proceeds thereof, without restraint or interference, and exempt from any succession probate or administrative duties or charges other than those which may be imposed in like cases upon the citizens of the country from which such proceeds may be drawn.

## ARTICLE II.

The citizens of each of the Contracting Parties shall have full power to dispose of their personal property within the territories of the other, by testament, donation, or otherwise; and their heirs, legatees, and donees, being citizens of the other Contracting Party, whether resident or non-resident, shall succeed to their said personal property, and may take possession thereof either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the citizens of the country where the property lies shall be liable to pay in like cases.

## ARTICLE III.

In case of the death of any citizen of the United States of América in Guatemala, or of any citizen of Guatemala in the United States, without having in the country of

buena y debida forma, han convenido en los artículos siguientes que han firmado:

## ARTÍCULO I.

Cuando á la muerte de cualquier persona que tuviere bienes inmuebles (ó propiedades no personales) dentro de los territorios de una de las Partes Contratantes, dicha propiedad inmueble, por las leyes del país, pasare á un ciudadano de la otra, si no estuviere él inhabilitado por las leyes del país en donde está situada dicha propiedad inmueble, á eso ciudadano se les concederá un término de tres años para venderla, debiendo prolongarse razonablemente este término, si las circunstancias lo hicieren necesario, y sacar el producido de la venta, sin restricciones ó intervención, y libre de cualesquiera derechos ó gabelas por sucesión, homologación ó administrativos, distintos de los que, en iguales casos, estén impuestos á los ciudadanos del país de donde han de sacarse dichos producidos.

Three years allowed aliens to sell inherited real property.

## ARTÍCULO II.

Los ciudadanos de cada una de las Partes Contratantes tendrán plena facultad para disponer de sus propiedades personales que estén dentro de los territorios de la otra, por testamento, donación ó de cualquier otro modo; y sus herederos, legatarios y donatarios que sean ciudadanos de la otra Parte Contratante, ya residentes, ya no-residentes, sucederán á sus dichas propiedades personales, y pueden tomar posesion de ellas, ya sea por sí mismos, ya sea por medio de otros que obren á su nombre, y dispondrán de ellas á su placer, pagando únicamente los derechos que los ciudadanos del país en donde esté la propiedad, estén obligados á pagar en casos iguales.

Disposition of personal property.

## ARTÍCULO III.

En caso de muerte de cualquier ciudadano de los Estados Unidos de América en Guatemala, ó de cualquier ciudadano de Guatemala en los Estados Unidos, sin tener

Notice to consul of death of citizen of one country dying in the other.

his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the Nation to which the deceased person belonged of the circumstance in order that the necessary information may be immediately forwarded to persons interested.

Consul to represent absent heirs.

The said consular officer shall have the right to appear personally or by delegate in all proceedings on behalf of the absent heirs or creditors, until they are otherwise represented.

en el país en que falleció herederos conocidos, ó ejecutores testamentarios, nombrados por él, las autoridades locales competentes, inmediatamente, informarán al más inmediato funcionario consular de la Nación á que perteneció la persona difunta, de lo ocurrido, á fin de que se dirija inmediatamente el necesario informe á las personas interesadas.

El dicho funcionario consular tendrá el derecho de comparecer personalmente ó por delegado, en todas las tramitaciones, á nombre de los herederos ó acreedores ausentes, hasta que éstos estén representados de cualquier otra manera.

#### ARTICLE IV.

Duration.

The present Convention shall come into effect ten days after the day upon which the ratifications are exchanged, and shall remain in force for ten years after such exchange. In case neither of the Contracting Parties shall have given notice to the other, twelve months before the expiration of the said period of ten years, of the intention to terminate the present Convention, it shall remain in force until the expiration of one year from the day on which either of the High Contracting Parties shall have given such notice.

#### ARTÍCULO IV.

La presente convención se pondrá en vigor diez días después de aquel en que se canjéen las ratificaciones, y quedará en vigor por diez años después del canje. En el caso de que ninguna de las Partes Contratantes dé noticia á la otra, doce meses antes de que expire el dicho período de diez años, de la intención de poner fin á la presente Convención, ésta continuará en vigor hasta que expire un año á contar desde el día en que una ú otra de las Altas Partes Contratantes haya dado dicho aviso.

#### ARTICLE V.

Ratification.

The present convention shall be duly ratified by the President of the United States, by and with the approval of the Senate thereof, and by the President of Guatemala, by and with the approval of the National Legislative Assembly thereof, and the ratifications shall be exchanged in Washington or in Guatemala.

In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty and have hereunto affixed our seals.

Done in duplicate at Guatemala, this twenty seventh day of august, one thousand nine hundred and one.

Signatures.

W. GODFREY HUNTER [SEAL.]

#### ARTÍCULO V.

La presente convención será ratificada en debida forma por el Presidente de los Estados Unidos, mediante la aprobación de su Senado, y por el Presidente de Guatemala, mediante la aprobación de la Asamblea Nacional Legislativa; y las ratificaciones serán canjeadas en Washington ó en Guatemala.

En fé de lo cual, nosotros los respectivos Plenipotenciarios, hemos firmado este Tratado y puesto en él nuestros sellos.

Hecho por duplicado en la ciudad de Guatemala, hoy veintisiete de agosto de mil novecientos uno.

JUAN BARRIOS M. [SEAL.]

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the City of Guatemala on the 16th. day of September, one thousand nine hundred and two:

Proclamation.

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this eighteenth day of September in the year of our Lord one thousand nine hundred and [SEAL.] two and of the Independence of the United States, the one hundred and twenty-seventh.

THEODORE ROOSEVELT

By the President:

ALVEY A. ADEE

*Acting Secretary of State.*