ESTADOS UNIDOS

The United States of America and the Republic of Peru, in order to understand more intimately their relations of friendship and good understanding, and desiring to promote the benefit of their respective commerce and that of other nations, to establish an understanding of maritime legislation, in time of war, in accordance with the present state of civilization, have agreed to declare, by means of a formal formalization, the principles which the two Republics acknowledge as the basis of the right of neutrals at sea, and which they recognize and profit as permanent and incontestable, considering them as the true and indispensable conditions of all freedom of navigation and maritime commerce and trade.

For this purpose, the President of the United States of America has signed the following powers on John Randolph Clay, Envoy Extraordinary and Minister Plenipotentiary to the Government of Peru, and the President of the Republic of Peru has conferred similar powers on John Scott, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Government of Peru, having exchanged their said power of hands, to be in good and due form, have agreed and concluded the following Articles:
Article I.

Las dos Altas Partes Contratantes reconocen como permanentes e inviolables los siguientes principios:

1. Las leyes libres hacen libres los mercomaderos, es decir, que los efectos de comercio no pertenecen a una potencia o nación que se halla en guerra con otra, o a sus ciudadanos o súbditos, están libres de precio o confiscación si se encuentran a bordo de buques neutrales, con excepción de lo que relacione el contrabando de guerra.

2. Que la propiedad real a bordo de un buque enemigo, no están sujetas al destierro o confiscación, salvo que sean contrabandos de guerra; entendiéndose que en cuanto a las dos partes contratantes, no se considerarán tal contrabando de guerra los artículos distintos al uso y servicio de cada una de ellas.

Las dos Altas Partes Contratantes se comprometen a aplicar los anteriores principios de comercio y navegación, y declaran que concurren en adoptarlos como permanentes e inviolables.

Article II.

Se conviene en lo mismo por las dos Altas Partes Contratantes en que las estipulaciones continuadas en el Artículo anterior y del tratado Concluido entre ellas, en Lima a veintiún y uno de julio del año mil ochocientos cincuenta y uno, quedan anuladas y revocadas, en cuanto se opongan y sean contrarias a las estipulaciones continuadas en este Convenio.

Por lo que las estipulaciones de la presente Convenio no afectan o invaden el marco de las estipulaciones continuadas en el demas artículo del dicho tratado del veintiún y uno de julio del año mil ochocientos cincuenta y uno, las cuales subsisten en todo su valor y efecto.

Article III.

Las dos Altas Partes Contratantes.

The two High Contracting Parties, recognizing as permanent and immutable the following principles,

That free ships make free goods, that is to say, that the effects of commerce belonging to a Power or Nation at war with its citizens or subjects, are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

That the property of neutral vessels of an enemy's vessel is not subject to detention or confiscation, unless the goods be contraband of war, as being also understood that, as far as regards the two Contracting Parties, the articles declared for the use of either of them shall not be considered contraband of war.

The two High Contracting Parties engage to apply these principles to the commerce and navigation of all Powers and States, as shall seem to them as permanent and immutable.

Article III.

It is hereby agreed between the two High Contracting Parties, that the provisions contained in Article twenty-first of the Treaty Concluded between them at Lima, on the twenty-first day of July in the thousand eight hundred and fifty-one, and all other articles hereby amended and added, in so far as they militate against or are contrary to the stipulations contained in this Convention, shall be null and void.

Nothing in the present Convention shall, in any manner, affect or accommodate the stipulations contained in the other Articles of the said Treaty of the date of the sixteenth day of July, the thousand eight hundred and fifty-one, which shall remain in their full force and effect.
It is agreed between the two High Contracting Parties that all Nations which shall consent to accede to the Articles of this Convention, by a formal declaration, stipulating to observe them, shall enjoy the rights resulting from such accession, so they shall be perceived and treated by the two Parties enjoying this Convention. They shall communicate to each other the results of the steps which may result on the subject.

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 United States, and by the President of the Republic of Peru, with the authentication of the Legislative Body of Peru, and the ratifications shall be exchanged at Washington, within eighteen months from the date of the signature hereof, in form of perjury.

In faith whereof the signatories of the Republic of Peru have signed and sealed this Convention.

Done at the City of Lima on the twenty-second day of July, in the
del año del Señor de mil ochocientos cincuenta y seis.