

TENURE AND DISPOSITION OF REAL AND PERSONAL PROPERTY

Convention signed at Guatemala August 27, 1901

Senate advice and consent to ratification January 30, 1902

Ratified by the President of the United States February 6, 1902

Ratified by Guatemala September 12, 1902

Ratifications exchanged at Guatemala September 16, 1902

Proclaimed by the President of the United States September 18, 1902

Entered into force September 26, 1902

32 Stat. 1944; Treaty Series 412

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:

The President of the United States of America the Honorable W. Godfrey Hunter, Envoy Extraordinary and Minister Plenipotentiary of the United States of America 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 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 America in Guatemala, or of any citizen of Guatemala in the United States, without having in the country of 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.

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.

ARTICLE IV

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.

ARTICLE V

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.

W. GODFREY HUNTER [SEAL]

JUAN BARRIOS M. [SEAL]