New Orleans Republican.
OFFICIAL JOURNAL OF THE UNITED STATES
OFFICIAL JOURNAL OF NEW ORLEANS

OFFICIAL JOURNAL

OF THE

PROCEEDINGS OF THE SENATE

SECOND SESSION

OF THE

SECOND GENERAL ASSEMBLY

OF THE

STATE OF LOUISIANA.

Second Day's Session.

SENATE CHAMBER,
Tuesday, January 2, 1872.

The Senate met pursuant to adjournment.

Present—Hon. P. B. S. Pinchback, Lieutenant Governor and President of the Senate, and Messrs. Barber, Butler, Campbell, Gallup, Harris, Hunsaker, Jenks, Kelso, Lynch, McMillen, Noland, Ragan, Swords, Twitchell, Whitney—15.

The President announced that there was no quorum present.

Mr. McMillen offered the following resolutions:

Resolved, That the Sergeant-at-Arms and his assistants be and they are hereby instructed and ordered to arrest all Senators who were absent when the roll was called this morning, and hold them in custody until the next meeting of the Senate, should the Senate not be in session at the time the arrest is made, and compel the attendance of such as may be thus arrested at the next session of the Senate.

Resolved, That the Sergeant-at-Arms be empowered, with the approval of the President of the Senate, to appoint as many sergeants-at-arms and employ such force as may be necessary to accomplish this object.

Which was adopted.

Mr. Hunsaker moved that the Senate take a recess until four o'clock P. M.

Adopted.

The time of the recess having expired, the Senate was called to order by the President, and on a call of the roll the following Senators answered to their names:

Messrs. Barber, Butler, Gallup, Harris, Hunsaker, Jenks, Lynch, Noland, Ragan, Swords, Twitchell—11.

The President announced that there was no quorum present.

Mr. Hunsaker moved that the Senate adjourn until to-morrow at twelve o'clock M.

Adopted.

The President then announced that the Senate stood adjourned until to-morrow at twelve o'clock M.

CHARLES H. MERRITT,
Secretary of the Senate.

OFFICIAL JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

SECOND SESSION

OF THE

SECOND GENERAL ASSEMBLY

OF THE

STATE OF LOUISIANA.

Third Day's Proceedings.

HOUSE OF REPRESENTATIVES,
Wednesday, January 3, 1872.

The House met pursuant to adjournment. Speaker Carter in the chair.

The roll was called and the following members answered to their names:

Speaker Carter, Abel, Adolphe, Antoine, Baker, Barker, Barrett, Barrow, Belot, Bentley, Bickham, Blunt, Bowen, Brewster, Brown, Bryan, Burch, Butler, Carr, Chachere, Crawford, Darby, Darinsburg, Davidson, Davis, Demas, Dewees, Durio, Ellis, Faulkner, Floyd, Fontelieu, Gaddis, Gardner, Garstkamp, P. Harper, William Harper, Hempstead, Hyams, Johnson, Kearson, Kenner, Killen, Kinsella, La Saliniere, Laurent, Llambias, H. Lott, J. B. Lott, Lynch, Mahoney, Marie, Marvin, Matthews, McCarty, McFarland, Meadows, Moncure, Moore, Morphy, Morris, Murray, Nelson, Ong, Oplatek, Otto, Overton, Pond, Quinn, Raby, Riley, Ringgold, Sartain, Schumacher, Smith, Soner, Stamps, Stanton, Stevens, Stinson, Tatman, Thompson, Tureaud, Ullman, Verrett, Washington (Assumption), Washington (Concordia), Waters, E. Williams, Wilson, Worrall, Wands, Wheyland, Yorke, Young—95.

Quorum present.

Prayer by Rev. Mr. Burch.

Mr. Dewees, of De Soto, moved that the reading of the journal be dispensed with, and that its consideration be postponed until to-morrow, and, being seconded by Mr. Quinn, of Orleans, demanded the yeas and nays thereon, with the following result:

Yeas—Abel, Barrett, Belot, Bentley, Blunt, Bowen, Brewster, Brown, Carr, Crawford, Darinsburg, Davidson, Davis, Demas, Dewees, Faulkner, Floyd, Fontelieu, Gardner, Garstkamp, P. Harper, Hempstead, Kinsella, La Saliniere, Mahoney, Marie, Marvin, McCarty, McFarland, Morphy, Morris, Murray, Ong, Oplatek, Quinn, Raby, Riley, Ringgold, Smith, Soner, Stamps, Stanton, Verrett, Washington (Concordia), Washington (Assumption), Waters, Worrall, Wheyland, Young—49.

Nays—Adolphe, Antoine, Baker, Barker, Barrow, Bickham, Bryan, Burch Butler, Chachere, Darby, Durio, Ellis, Gaddis, William Harper, Huston, Hyams, Johnson, Kearson, Kenner, Killen, Laurent, Llambias, H. Lott, J. B. Lott, Lynch, Matthews, Meadows, Moncure, Moore, Nelson, Otto, Overton, Pond, Sartain, Schumacher, Stevens, Stinson, Tatman, Thompson, Tureaud, Ullman, E. Williams, Wilson, Wands, Yorke—46.

Mr. Moncure, of Caddo, was called to the chair.

Speaker Carter, on vacating the chair, claimed the floor, desiring to speak upon a privileged question.

Mr. Garstkamp, of Jefferson, also claimed the floor.

The Speaker pro tem decided that Speaker Carter had the floor on a privileged question.

Mr. Stamps, of Jefferson, appealed from the decision of the chair.

Mr. Burch, of East Baton Rouge, raised the following point of order:

If an appeal from a decision granting priority of the floor to a privileged question could be entertained.

The Chair decided that the appeal was in order.

Messrs. Raby, of Natchitoches, and Garstkamp, of Jefferson, demanded the yeas and nays upon the appeal, with the following result:

Yeas—Adolphe, Antoine, Baker, Barker, Barrow, Bickham, Brewster, Bryan, Burch, Butler, Chachere, Darby, Davidson, Durio, Ellis, Faulkner, Gaddis, P. Harper, William Harper, Hyams, Johnson, Kearson, Kenner, Killen, Kinsella, Laurent, Llambias, H. Lott, J. B. Lott, Lynch, Matthews, Meadows, Moncure, Moore, Nelson, Otto, Overton, Pond, Sartain, Schumacher, Stevens, Stinson, Tatman, Thompson, Tureaud, Ullman, E. Williams, Wilson, Wands, Yorke—50.

Nays—Abel, Barrett, Belot, Bentley, Blunt, Bowen, Brown, Carr, Cochrane, Crawford, Darinsburg, Davis, Demas, Dewees, Floyd, Fontelieu, Gardner, Garstkamp, Hempstead, Huston, La Saliniere, Mahoney, Marie, Marvin, McCarty, McFarland, Morphy, Morris, Murray, Ong, Oplatek, Quinn, Raby, Riley, Ringgold, Smith, Soner, Stamps, Stanton, Verrett, Washington (Concordia), Washington (Assumption), Waters, Worrall, Wheyland, Young—49.

Mr. Moncure, of Caddo, moved that the Speaker Carter be declared vacant, which motion was ruled out of order.

Mr. Wands, of Tangipahoa, presented the following charges and sworn affidavis against Messrs. Dewees and Carr, of De Soto, and moved that they be referred to a committee of three to be elected by the House, and called for the previous question upon the adoption of his motion:

I, the undersigned, William W. McCullough, one of the experts appointed by the honorable the Eighth District Court to examine the vouchers and warrants issued for mileage, per diem and contingent expenses of the General Assembly for 1871, to ascertain which, if any, were fraudulent, would state that on or about the seventeenth of November, 1871, one Mortimer Carr, a member of the General Assembly, did sign three several warrants as Speaker of the House of Representatives (said warrants purporting to be order of John W. Madden, for $3000 each, and antedated January 30, 1871), with the object of defrauding the State.

W. W. McCULLOUGH.

Sworn to and subscribed this third day of January, 1872, before me.

JOHN P. MONTAMAT,
Third Justice of the Peace for the parish of Orleans.

To the honorable Speaker and members of the House of Representatives:

GENTLEMEN—I hereby charge Mortimer Carr, representing the parish of De Soto in the House of Representatives, with fraud and conspiracy to defraud the State, in that he, in conjunction with E. W. Dewees and others, did sign, as Speaker, certain warrants on or about the seventeenth of November, and ante date the same to the thirtieth day of January, 1871, as more particularly described in the accompanying affidavit of Expert McCullough, sworn officer of the honorable Eighth District Court, herewith attached.

J. B. WANDS.

I, the undersigned, William W. McCullough, one of the experts appointed by the honorable the Eighth District Court to examine the vouchers and warrants issued for mileage, per diem and contingent expenses of the General Assembly for 1871, to ascertain which, if any, were fraudulent, would state that on or about the seventeenth day of November, 1871, one E. W. Dewees, a member of the General Assembly, did sign three several warrants as chairman of the Committee on Contingent Expenses, said warrants purporting to be drawn to the order of John W. Madden, for $3000 each, and ante dated January 30, 1871, with the object of defrauding the State.

W. W. McCULLOUGH.

Sworn to and subscribed this third day of January, 1872, before me.

JOHN P. MONTAMAT,
Third Justice of the Peace for the parish of Orleans.

To the Honorable Speaker and members of the House of Representatives:

GENTLEMEN—I hereby charge E. W. Dewees, representing the parish of De Soto in the House of Representatives, with fraud and conspiracy to defraud the State, in that he, in conjunction with Mortimer Carr and others, did sign, as chairman of the Committee on Contingent Expenses, certain warrants on or about the seventeenth of November, and ante date the same to the thirtieth day of January, 1871, as more particularly described in the accompanying affidavit of Expert McCullough, sworn officer of the honorable Eighth District Court, herewith attached.

J. B. WANDS.

Mr. Carr, of De Soto, moved that the lobby be cleared of visitors.

Carried.

Mr. Carr, of De Soto, raised the following point of order:

That, according to the rules of the House, all reports had to lie over for one day.

The Chair decided that after the previous question had been called for no other question could be entertained.

Upon the call for the previous question, the yeas and nays were demanded by Messrs. Soner, of Avoyelles, and Dewees, of De Soto, which resulted as follows:

Yeas—Adolphe, Antoine, Baker, Barker, Barrow, Bickham, Bryan, Burch, Butler, Chachere, Darby, Durio, Ellis, Gaddis, William Harper, Hyams, Johnson, Kearson, Killen, Laurent, Llambias, H. Lott, J. B. Lott, Lynch, Matthews, Meadows, Moncure, Nelson, Otto, Overton, Pond, Sartain, Schumacher, Stevens, Stinson, Tatman, Thompson, Ullman, E. Williams, Wilson, Worrall, Wands, Yorke—43.

Nays—Abel, Barrett, Belot, Bentley, Blunt, Bowen, Brewster, Brown, Carr, Cochrane, Crawford, Darinsburg, Davidson, Davis, Demas, Dewees, Faulkner, Floyd, Fontelieu, Gardner, Garstkamp, P. Harper, Hempstead, La Saliniere, Mahoney, Marie, Marvin, McCarty, McFarland, Moore, Morphy, Morris, Murray, Ong, Oplatek, Quinn, Raby, Riley, Ringgold, Smith, Soner, Stamps, Stanton, Verrett, Washington (Assumption), Washington (Concordia), Waters, Wheyland, Young—49.

The main question was not ordered.

Pending the calling of the roll, objection being made to Messrs. Carr and Dewees voting, they were permitted to do so by a vote of the House.

The following persons were appointed assistant sergeants-at-arms:

F. K. Luraschi, J. H. Wynne, and James Johnson.

Mr. Dewees, of De Soto, offered the following motion, which was read and adopted:

That the subject be postponed, and that the Chair appoint a committee, consisting of Messrs. Davidson, Barrett and Yorke, to investigate these charges.

Upon motion of Mr. Dewees, of De Soto, the House was adjourned until to-morrow at twelve o'clock, M.

WILLIAM VIGERS,
Chief Clerk.

A Coal Tide Promised.

[From the Louisville Ledger of Monday.]

At last the heavens have opened, and the rain has come. It commenced in good earnest Saturday night, and continued steadily until three o'clock Sunday afternoon. Sunday forenoon the heaviest rain of the year fell. It poured down in broad sheets, flooding the streets and overflowing the gutters. An immense quantity of water fell. The indications, as we write, are favorable for a continuance of wet weather. There were several heavy thunder storms during Sunday, the lightning flashing as vividly, and the thunder rolling as loudly, as though it had been July.

Our advices from the upper Ohio, as high as Pittsburg, are to the effect that the rain was general and heavy all along the river and its tributaries. At Pittsburg, the rain commenced falling on Saturday, and continued throughout most of Sunday. The promise is, therefore, very cheering for a big river.

It is likely the Allegheny and Monongahela ice will break up to-day or to-morrow, leaving those streams open and clear for the coal fleet. With thirteen feet of water at Pittsburg, not less than ten millions of bushels of coal will leave that port for down river ports. There is this quantity of coal there at present in barges, which is a larger quantity than was ever before lying at that port at one time. Let the coal monopolists prepare to stand from under. Let the "Pumpkin Patch" holders throw up their hands. Othello's occupation will soon be gone. Every consumer of coal in this city will rejoice at this.

We congratulate our steamboatmen, who have suffered so much from low water and ice the present season, upon the prospect of a big river and a speedy resumption of navigation, not to be again suspended until they have much more than made up their losses on the business season of 1871, notably the dullest in the steamboat line known since 1861.

OFFICIAL.

TREATIES AND PROCLAMATIONS.

A PROCLAMATION by the President of the United States of America:

Convention between the United States of America and the Austro-Hungarian monarchy. Rights, etc., of consuls. Signed July 11, 1870; ratified December 19, 1870; ratifications exchanged June 26, 1871; proclaimed June 29, 1871.

Whereas a convention between the United States of America and his majesty the emperor of Austria, king of Bohemia, etc., and apostolic king of Hungary, concerning the rights, privileges, immunities and duties of consuls, as concluded and signed at Washington by their respective plenipotentiaries on the eleventh day of July, 1870, which convention, being in the English and German languages, is word for word as follows:

The President of the United States of America and His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary, animated by the desire to define, in a comprehensive and precise manner, the reciprocal rights, privileges, and immunities of the consuls general, consuls, vice consuls, and consular agents, their chancellors and secretaries, of the United States of America and of the Austro-Hungarian monarchy, and to determine their duties and their respective sphere of action, have agreed upon the conclusion of a consular convention, and for that purpose have appointed their respective Plenipotentiaries, namely: the President of the United States of America, Hamilton Fish, Secretary of State of the United States; and His Majesty the Emperor of Austria, apostolic king of Hungary, Charles, Baron von Lederer, knight of the imperial and royal order of Leopold, and his majesty's envoy extraordinary and minister plenipotentiary in the United States of America, who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Each of the high contracting parties shall be at liberty to establish consuls general, consuls, vice consuls, or consular agents at the ports and places of trade of the other party, except those where it may not be convenient to recognize such officers; but this exception shall not apply to one of the high contracting parties without, also, applying to every other power.

Consuls general, consuls and other consular officers appointed and taking office according to the provisions of this article in one or the other of the two countries, shall be free to exercise the right accorded them by the present convention throughout the whole of the district for which they may be respectively appointed.

The said functionaries shall be admitted and recognized, respectively, upon presenting their credentials in accordance with the rules and formalities established in their respective countries.

The exequatur required for the free exercise of their official duties shall be delivered to them free of charge; and upon exhibiting such exequatur, they shall be admitted at once and without interference by the authorities, federal or State, judicial or executive, of the ports, cities, and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted.

ARTICLE II.

The consuls general, consuls, vice consuls and consular agents, their chancellors and other consular officers, if they are citizens of the State which appoint them, shall be exempt from military billetings, from service in the military or the national guard, and other duties of the same nature, and from all direct and personal taxation, whether federal, state or municipal, provided they be not owners of real estate, and neither carry on trade nor any industrial business.

If, however, they are not citizens of the state which appoints them, or if they are citizens of the state in which they reside, or if they own property or engage in any business there that is taxed under any laws of the country, then they shall be subject to the same taxes, charges and assessments as other private individuals.

They shall, moreover, enjoy personal immunities, except for acts regarded as crimes by the laws of the country in which they reside.

If they are engaged in commerce, personal detention can be resorted to in their case only for commercial liabilities, and then in accordance only with general laws, applicable to all persons alike.

ARTICLE III.

Consuls general, consuls, and their chancellors, vice consuls, and consular officers, if citizens of the country which appoints them, shall not be summoned to appear as witnesses before a court of justice, except when, pursuant to law, the testimony of a consul may be necessary for the defense of a person charged with crime.

In other cases the local court, when it deems the testimony of a consul necessary, shall either go to his dwelling to have the testimony taken orally, or shall send there a competent officer to reduce it to writing, or shall ask of him a written declaration.

ARTICLE IV.

Consuls general, consuls, vice consuls, and consular agents shall be at liberty to place over the chief entrance of their respective offices the arms of their nation, with the inscription: "Consulate General," "Consulate," "Vice Consulate," or "Consular Agency," as may be.

They shall also be at liberty to hoist the flag of their country on the consular edifice, except when they reside in a city where the legation of their government may be established. They shall also be at liberty to hoist their flag on board the vessel employed by them in part for the discharge of their duty.

ARTICLE V.

The consular archives shall be at all times inviolable, and under no pretense whatever shall the local authorities be allowed to examine or seize the papers forming part of them.

ARTICLE VI.

In the event of incapacity, absence or death of consuls general, consuls, vice-consuls, their consular pupils, chancellors or secretaries, whose official character may have been previously made known to the respective authorities in the United States, or in the Austro-Hungarian empire, shall be admitted at once to the temporary exercise of the consular functions, and they shall, for the duration of it, enjoy all the immunities, rights and privileges conferred upon them by this convention.

ARTICLE VII.

Consuls general and consuls shall have the power to appoint vice-consuls and consular agents in the cities, ports and towns within their consular districts, subject, however, to the approbation of the government of the country where they reside.

These vice-consuls and consular agents may be selected indiscriminately from among citizens of the two countries or from foreigners, and they shall be furnished with a commission issued by the appointing consul, under whose orders they are to be placed.

They shall enjoy the privileges and liberties stipulated in this convention.

To vice-consuls and to consular agents who are not citizens of the state which appoints them, the privileges and immunities specified in Article II. shall not extend.

ARTICLE VIII.

Consuls general, consuls, vice consuls or consular agents of the two countries may, in the exercise of their duties, apply to the authorities within their districts, whether federal or local, judicial or executive, in the event of any infraction of the treaties and conventions between the two countries; also, for the purpose of protecting the rights of their countrymen.

Should the said authorities fail to take due notice of their application, they shall be at liberty, in the absence of any diplomatic representative of their country, to apply to the government of the country where they reside.

ARTICLE IX.

Consuls general, consuls, vice consuls or consular agents of the two countries, also their chancellors, shall have the right to take at their office, at the residence of the parties, or on board ship, the depositions of the captains, and crews of vessels of their own nation, of passengers on board of them, of merchants, or any other citizens of their own country.

They shall have the power also to receive and verify conformably to the laws and regulations of their country: 1. Wills and bequests of their countrymen, and all such acts and contracts between their countrymen as are intended to be drawn up in an authentic form and verified. 2. Any and all acts of agreement entered upon between citizens of their own country and inhabitants of the country where they reside.

All such acts of agreement, and other instruments, and also copies thereof, when duly authenticated by such consul general, consul, vice consul or consular agent under his official seals, shall be received in courts of justice as legal documents, or as authenticated copies, as the case may be, and shall have the same force and effect as if drawn up by competent public officers of one or the other of the two countries.

Consuls general, consuls, vice consuls, or consular agents of the respective countries shall have the power to translate and legalize all documents issued by the authorities or functionaries of their own country; and such papers shall have the same force and effect in the country where the aforesaid officers reside as if drawn up by sworn interpreters.

ARTICLE X.

Consuls general, consuls, vice consuls, or consular agents shall be at liberty to go on board the vessels of their nation admitted to entry, either in person or by proxy, and to examine the captain and crew, to look into the register of the ship, to receive declarations with reference to their voyage, their destination, and the incidents of the voyage; also, to draw up manifests, lists of freight, to assist in dispatching their vessels, and, finally, to accompany the said captains or crews before the courts and before the administrative authorities, in order to act as their interpreters or agents in their business transactions or applications of any kind.

The judicial authorities and customhouse officials shall, in no case, proceed to the examination or search of merchant vessels without previous notice to the consular authority of the nation to which the said vessels belong, in order to enable them to be present.

They shall also give due notice to consuls, vice consuls, or consular agents, in order to enable them to be present at any depositions or statements to be made in courts of law, or before local magistrates, by captains or persons composing the crew, thus to prevent errors or false interpretations which might impede the correct administration of justice.

The notice to consuls, vice consuls, or consular agents shall name the hour fixed for such proceedings, and upon the non-appearance of the said officers or their representatives, the case shall be proceeded with in their absence.

ARTICLE XI.

Consuls, vice consuls, or consular agents, shall have exclusive charge of the internal order of the merchant vessels of their nation. They shall have therefore the exclusive power to take cognizance of and to settle all differences which may arise at sea or in port between captains, officers, and crews, in reference to wages and the execution of mutual contracts, subject in each case to the laws of their own nation.

The local authorities shall in no way interfere, except in cases where the differences on board ship are of a nature to disturb the peace and public order in port or on shore, or when persons other than the officers and the crew of the vessel are parties to the disturbance; except as aforesaid the local authorities shall confine themselves to the rendering of forcible assistance if required by the consuls, vice consuls, or consular agents, and shall cause the arrest, temporary imprisonment, and removal on board his own vessel, of every person whose name is found on the muster rolls or register of the ship or list of the crew.

ARTICLE XII.

Consuls general, consuls, vice consuls, or consular agents shall have the power to cause the arrest of all sailors or all other persons belonging to the crews of vessels of their nation who may be guilty of having deserted on the respective territories of the high contracting powers, and to have them sent on board or back to their native country.

To that end they shall make a written application to the competent local authority, supporting it by the exhibition of the ship's register and list of the crew, or else, should the vessel have sailed previously, by producing an authenticated copy of these documents, showing that the persons claimed really do belong to the ship's crew.

Upon such request the surrender of the deserter shall not be refused. Every and assistance shall, moreover, be granted to the said consular authorities for the detection and arrest of deserters, and the latter shall be taken to the prisons of the country and there detained at the request and expense of the consular authority until there may be an opportunity for sending them away.

The duration of this imprisonment shall not exceed the term of three months, at the expiration of which time, and upon three days' notice to the consul, the prisoner shall be set free, and he shall not be liable to rearrest for the same cause.

Should, however, the deserter have committed on shore an indictable offense, the local authorities shall be free to postpone his extradition until due sentence shall have been passed and executed.

The high contracting parties agree that seamen, or other individuals forming part of the ship's crew, who are citizens of the country in which the desertion took place, shall not be affected by the provisions of this article.

ARTICLE XIII.

In all cases where no other agreement to the contrary exists between owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter the respective ports voluntarily or by stress of weather, shall be settled by the consuls general, consuls, vice-consuls, or consular agents of their respective nation, provided no interests of citizens of the country where the said functionaries reside, nor of citizens of a third power, are concerned. In that case, and in the absence of a friendly compromise between all parties interested, the adjudication shall take place under supervision of the local authorities.

ARTICLE XIV.

In the event of a vessel belonging to the government, or owned by a citizen of one of the two contracting states, being wrecked or cast on shore upon the coast of the other, the local authorities shall inform the consuls general, consuls, vice consuls, or consular agents of the district of the occurrence; or, if such consular agency does not exist, they shall communicate with the consul general, consul, vice consul, or consular agent of the nearest district.

All proceedings relative to the salvage of American vessels wrecked or cast on shore in Austro-Hungarian waters shall be directed by the United States consuls general, consuls, vice consuls, or consular agents; also all proceedings relative to the salvage of Austro-Hungarian vessels wrecked or cast on shore in American waters shall be directed by Austro-Hungarian consuls general, consuls, vice consuls, or consular agents.

An interference of the local authorities in the two countries shall take place for the purpose only of assisting the consular authorities in maintaining order and protecting the rights of salvors not belonging to the crew, also for enforcing the regulations relative to the import or export of the merchandise saved.

In the absence and until the arrival of the consuls general, consuls, vice-consuls, or consular agents, or their duly appointed delegates, the local authorities shall take all the necessary measures for the protection of persons and preservation of the property saved from the wreck.

No charges shall be made for the interference of the local authorities in such cases, except for expenses incurred through salvage and the preservation of property saved; also for those expenses which, under similar circumstances, vessels belonging to the country where the wreck happens would have to incur.

In case of a doubt concerning the nationality of the wrecks, the local authorities shall have exclusively the management and execution of the provisions laid down in the present article.

The high contracting parties also agree that all merchandise and goods not destined for consumption in the country in which the wreck takes place shall be free of all duties.

ARTICLE XV.

Consuls general, consuls, vice-consuls, and consular agents, also consular pupils, chancellors, and consular officers, shall enjoy in the two countries all the liberties, prerogatives, immunities, and privileges granted to functionaries of the same class of the most favored nation.

ARTICLE XVI.

In case of the death of a citizen of the United States in the Austrian-Hungarian monarchy, or of a citizen of the Austrian Hungarian monarchy in the United States, without having any known heirs or testamentary executors by him appointed, the competent local authorities shall inform the consuls or consular agents of the State to which the deceased belonged of the circumstance, in order that the necessary information may be immediately forwarded to the parties interested.

ARTICLE XVII.

The present convention shall remain in force for the space of ten years from the date of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Washington within the period of ten (10) months, or sooner if possible.

In case neither of the contracting parties give notice before the expiration of the said term of its intention not to renew this Convention, it shall remain in force a year longer, and so on, from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In testimony whereof, the respective plenipotentiaries, have signed this Convention and have hereunto affixed their respective seals.

Done in duplicate at Washington, this eleventh day of July, in the year of our Lord one thousand eight hundred and seventy.

HAMILTON FISH.
LEDERER.

And whereas the Senate, by their resolution of the twelfth of May, 1871, did advise and consent that the period within which it was stipulated in the said Convention that the ratification thereof should be exchanged might be extended for a period of three months:

And whereas the said Convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged, in this city, on the twenty-sixth day of June, 1871, by Hamilton Fish, Secretary of State of the United States, and Baron Lederer, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Austria, etc., accredited to this government on the part of their respective governments.

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, have caused the said convention to be made public, to the end that the same, and every clause and article 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 twenty-ninth day of June, in the year of our Lord one thousand eight hundred and seventy-one, and of the Independence of the United States the ninety-fifth.

U. S. GRANT.

By the President:
HAMILTON FISH,
Secretary of State.

A PROCLAMATION by the President of the United States of America.

Convention between the United States of America and the Republic of Nicaragua. Extradition. Signed June 25, 1870; ratified April 11, 1871; ratifications exchanged June 21, 1871; proclaimed September 19, 1871.

Whereas a convention for the extradition of criminals between the United States of America and the Republic of Nicaragua was concluded and signed at Managua, by their respective Plenipotentiaries, on the twenty-fifth day of June, 1870, which convention, being in the English and Spanish languages, is word for word as follows:

EXTRADITION CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF NICARAGUA.

The United States of America and the Republic of Nicaragua, having judged it expedient, with a view to the better administration of justice, and to prevention of crimes within their respective territories and jurisdiction, that persons convicted of or charged with the crimes hereinafter mentioned, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a convention for that purpose, and have appointed as their Plenipotentiaries: The President of the United States, Charles N. Riotte, a citizen and Minister Resident of the United States in Nicaragua, the President of the Republic of Nicaragua, Mister Tomas Ayon, Minister for For [eign] Relations, who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, viz:

ARTICLE I.

The government of the United States and the government of Nicaragua mutually agree to deliver up persons who, having been convicted or, or charged with the crimes specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime had been there committed.

ARTICLE II.

Persons shall be delivered up, who shall have been convicted of or be charged, according to the provisions of this convention, with any of the following crimes:

1. Murder, comprehending assassination, paricide, infanticide and poisoning.

2. The crimes of rape, arson, piracy and mutiny on board a ship, whenever the crew or part thereof, by fraud or violence against the commander, have taken possession of the vessel.

3. The crime of burglary, defined to be the action of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the action of feloniously and forcibly taking from the person of another goods or money, by violence or putting him in fear.

4. The crime of forgery, by which is understood the utterance of forged papers, the counterfeiting of public, sovereign, or government acts.

5. The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, bank notes, and obligations, and, in general, of all titles of instruments of credit, the counterfeiting of seals, dies, stamps, and marks of State and public administrations, and the utterance thereof.

6. The embezzlement of public moneys, committed within the jurisdiction of either party, by public officers or depositors.

7. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when these crimes are subjected to infamous punishment.

ARTICLE III.

The provisions of this treaty shall not apply to any crime or offense of a political character, and the person or persons delivered up for the crimes enumerated in the preceding article shall in no case be tried for any ordinary crime, committed previously to that for which his or their surrender is asked.

ARTICLE IV.

If the person, whose surrender may be claimed pursuant to the stipulations of the present treaty, shall have been arrested for the commission of offences in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

ARTICLE V.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or, in the event of the absence of these from the country or its seat of government, they may be made by superior consular officers. If the person whose extradition may be asked for shall have been convicted of a crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal, and an attestation of the official character of the judge by the proper executive authority, and of the latter by the minister or consul of the United States or of Nicaragua, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, and of the depositions upon which such warrants may have been issued, must accompany the requisition as aforesaid. The President of the United States, or the proper executive authority in Nicaragua, may then issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examining the question of extradition. If it should then be decided that, according to law and evidence, the extradition is due pursuant to this treaty, the fugitive may be given up according to the forms prescribed in such cases.

ARTICLE VI.

The expenses of the arrest, detention, and transportation of the persons claimed shall be paid by the government in whose name the requisition shall have been made.

ARTICLE VII.

This convention shall continue in force during five (5) years from the day of exchange of ratifications, but it neither party shall have given to the other six (6) months previous notice of its intention to terminate the same, the convention shall remain in force five (5) years longer, and so on.

The present convention shall be ratified and the ratifications exchanged at the capital of Nicaragua, or any other place temporarily occupied by the Nicaraguan government, within twelve (12) months, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Done at the city of Managua, capital of the Republic of Nicaragua, the twenty-fifth day of June, one thousand eight hundred and seventy, of the Independence of the United States the ninety-fourth, and of the Independence of Nicaragua the fifty-ninth.

CHARLES N. RIOTTE.
TOMAS AYON.

And whereas said convention as amended has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Managua, on the twenty-fourth day of June last, by Charles N. Riotte, Minister Resident of the United States, and J. D. Rodriguez, Member of the Chamber of Deputies of Nicaragua, on the part of their respective governments:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, have caused the said convention to be made public, to the end that the same, and every clause and article 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 nineteenth day of September, in the year of our Lord one thousand eight hundred and seventy-one, and of the Independence of the United States the ninety-sixth.

U. S. GRANT.

By the President:
HAMILTON FISH, Secretary of State.

Convention between the general postoffice of the United States of America and the general postoffice of the United Kingdom of Great Britain and Ireland.

The general postoffice of the United States of America and the general postoffice of the United Kingdom of Great Britain and Ireland, being desirous of establishing an exchange of money orders between the two countries, the undersigned, duly authorized for that purpose, have agreed upon the following articles:

ARTICLE I.

There shall be a regular exchange of money orders between the two countries. The maximum of each order is fixed at ten pounds sterling, when issued in the United Kingdom of Great Britain and Ireland, and when issued in the United States, at fifty dollars in the national paper currency of the latter country.

ARTICLE II.

The British Postoffice shall have power to fix the rates of commission on all money orders issued in the United Kingdom; and the United States Postoffice shall have the same power in regard to all money orders issued in the United States. Each office shall communicate to the other its tariff of charges or rates of commission which shall be established under this convention, and these rates shall, in all cases, be paid in advance by the remitter, and shall not, in any event, be repayable. It is understood, moreover, that each office is authorized to suspend, temporarily, the exchange of money orders in case the course of exchange, or any other circumstance, should give rise to abuses, or cause detriment to the postal revenue.

ARTICLE III.

Each country shall keep the commission charged on all money orders issued within it, but shall pay to the other country one per cent on the total amount of such orders.

ARTICLE IV.

No money order shall include a fractional part of a penny or of a cent.

ARTICLE V.

The service of the postal money order system between the two countries shall be performed exclusively by the agency of offices of exchange. On the part of the United States, the office of exchange shall be New York, and on the part of the United Kingdom, London.

ARTICLE VI.

Any person in the United States desiring to remit to the United Kingdom a sum of money within the limits prescribed by article one, may pay it into any postoffice in the United States designated for such purpose from time to time, by the Postmaster General of that country. Such person shall, at the same time, give the name and address of the person to whom the amount is to be paid in the United Kingdom, and his own name and address. Any person in the United Kingdom, desiring to remit to the United States a sum of money within the same limits, may pay it into any money order office of the United Kingdom, giving, at the same time, the name and exact address of the person to whom the amount is to be paid in the United States, and his own name and address. The receiving postmaster in either country shall, in accordance with the rules established by his postal administration, notify every such payment to the dispatching exchange office. The postmaster of New York, upon receipt of every notification of that kind, shall make out and forward to the payee in the United Kingdom, a money order, payable in sterling at the postoffice in that country, designated by the remitter of the order, it being understood that the money orders so remitted shall be sent, in the first instance, to the controller of the money order office in London, and shall not be subject to postage.

ARTICLE VII.

By every mail, the exchange office of each country shall send to the exchange office of the other country a certified list of sums payable in that country, and received since the despatch of the previous list. As soon as any such list shall have reached the New York office, and been verified, this office shall make out inland money orders in favor of the payees, for the amount specified in the list, and shall promptly forward them to the payees or to the paying office, in conformity with the regulations existing in the United States for the payment of money orders. The list forwarded to the United Kingdom shall be accompanied by the relative letters of advice of the orders entered therein, together with the orders themselves, as already settled in article vi. After comparison with the list, the advices shall be despatched to the offices drawn upon, and the letters enclosing the orders posted for delivery. The lists, by means of which each office of exchange communicates with the other, shall be according to the forms A and B annexed.

ARTICLE VIII.

The lists dispatched from each office of exchange shall be numbered consecutively, commencing with No. 1, at the beginning of each year, and the entries, also, in these lists, shall have consecutive numbers, those in the lists from the United Kingdom commencing each calendar month with No. 1. Of each list dispatched from New York, a duplicate shall be sent, which duplicate shall, after being verified at the British office, be returned to New York.

ARTICLE IX.

Should any list fail to be received in due course, the dispatching office shall, on receiving information to that effect, transmit, without delay, a duplicate of the list, duly certified as such.

ARTICLE X.

Each office of exchange shall promptly communicate to the other the correction of any simple error which it may discover in the verification of the lists. When the lists shall show irregularities which the receiving office shall not be able to rectify, that office shall apply for an explanation from the dispatching office; and this explanation shall be afforded without delay.

ARTICLE XI.

Duplicate orders shall only be issued by the postal administration of the country in which the original orders were drawn, and in conformity with the regulations established or to be established in that country.

ARTICLE XII.

At the close of each quarter, three copies of an account shall be prepared and transmitted by the office at London, exhibiting the balance found due on the exchange of orders during the quarter; which balance, after proper verification, shall, if due by the United States office, be paid at London, but if due by the British office, it shall be paid at New York, and always in the money of the country to which the payment is made. If, pending the settlement of account, one of the two postal administrations shall ascertain that it owes the other a balance exceding one thousand pounds sterling, the indebted administration shall promptly remit the approximate amount of such balance to the credit of the other. This account, and the letters which accompany such intermediate remittances, shall be in accordance with the forms C, D and E annexed to this convention.

ARTICL