New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES

OFFICIAL JOURNAL OF NEW ORLEANS

CITY COUNCIL--OFFICIAL

REGULAR MEETING—CONTINUED.

City Hall, New Orleans, Friday, November 29, 1872.

The Council was called to order after the recess, at 12 M.

Present—Mayor Benj. F. Flanders (presiding), and Administrators John Cockrem (Improvements), Alfred Shaw (Public Accounts), L. T. Delassize (Waterworks and Public Buildings), F. C. Remick (Commerce), James Lewis (Police), John S Walton (Finance), and H. Bonzano (Assessments).

The Municipal Candidates.

The Mayor laid before the Council the following communication:

Mayoralty of New Orleans, November 29, 1872.

To the City Council of New Orleans:

I have called the Council together on account of the demand of certain candidates for city offices with the form of credentials given below, but without commissions from the Governor.

I have already taken steps to obtain eminent legal advice, and ask that my act be sanctioned by the Council.

We must act, not as men who simply desire to retain our offices. I, for my part, am willing to part with our troubles and responsibilities. We would be advised whether we can lawfully and properly turn over the city government to the claimants or refer them to the peaceful arbitrament of the courts. Either of these things we must be prepared to do, according as under the light of the best advice may appear to be our duty.

It is not to be supposed, under a government of law, any resort will be had to illegal interference or violence. We should cheerfully give way at once if legal advice should concur that we should, and as cheerfully submit to the courts if otherwise; and we can not suppose that any disposition exists on the other hand except to accomplish lawful results by lawful and peaceful means. The community would reprobate any other line of conduct on either side.

BENJ. F. FLANDERS, Mayor.

State of Louisiana, Office of State Registrar of Voters, New Orleans, November 27, 1872.

Hon. L. A. Wiltz:

Dear Sir—In reply to your request of this date, I have the honor to inform you that, from the most reliable sources of information accessible to this office, the vote for the office of Mayor of the city of New Orleans, cast in this parish at the general election of the fourth instant, was as follows:

L. A. Wiltz received 23,896 votes.
W. R. Fish received 12,984 votes.

I am sir, very respectfully your obedient servant,

B. P. BLANCHARD,
State Registrar of Voters and Supervisor of Registration, Parish of Orleans.

The Mayor laid before the Council a communication, signed Fergus Fusilier and E. Howard McCaleb, counsel for Messrs. Wiltz and others, giving the grounds on which they based their claims to the seats.

Mr. Shaw moved that the communication, in view of its having already been published and read, be respectfully received and filed.

It was so ordered.

Mr. Shaw offered the following resolution:

Resolved, That the Mayor be authorized and empowered to employ special counsel on the part of the city and to consult with said counsel upon the official duty of the Mayor and Administrators, relative to the claims of candidates for office alleged to have been elected but who have not been returned or commissioned; to take or authorize such proceedings on behalf of either of the members of the Council or the city as may under advice appear to be his or their duty in responsee to any legal proceedings taken on behalf of said claimants, as well as in case of any illegal or violent interference.

The resolution was unanimously adopted.

The Council took a further recess subject to call.

D. CONQUEST CLARKE,
Secretary.

Opinion of Mr. C. Roselius.

New Orleans, November 22, 1872.

Hon. Benjamin F. Flanders, Mayor, and the Administrators of the city of New Orleans:

Gentlemen—You request my opinion on the question whether the certificate of B. P. Blanchard, State registrar of voters and supervisor of registration of the parish of Orleans, is a sufficient authority to entitle the Mayor and Administrators elect to qualify and enter on the discharge of the duties of their respective offices?

That certificate is as follows:

State of Louisiana, Office State Registrar of Voters, New Orleans, November 27, 1872.

Hon. L. A. Wiltz.

Dear Sir—In reply to your request of this date, I have the honor to inform you that from the most reliable sources of information accessible to this office, the vote for the office of Mayor of the city of New Orleans, cast in this parish at the general election of the fourth instant, was as follows:

L. A. Wiltz received 23,896 votes; W. R. Fish received 12,984 votes.

I am, sir, very respectfully,

B. P. BLANCHARD,
State Registrar of Voters, and Supervisor of Registration, Parish of Orleans.

It is perfectly clear that this certificate does not entitle the Hon. L. A. Wiltz to enter into the office of Mayor. Mr. Blanchard has no authority, officially, to issue such a certificate.

This election took place under the law approved on the sixteenth March, 1870, entitled "an act to regulate the conduct and to maintain the freedom and purity of elections; etc.," the fifty third and fifty fourth sections of which provide "that immediately upon the close of the polls on the day of election the commissioners of election at each poll or voting place shall seal the ballot-box by pasting slips of paper over the key hole and the opening in the top thereof, and fastening the same with sealing wax, on which they shall impress a seal, and they shall write the names of the commissioners on the said slips of paper; they shall forthwith convey the ballot-box so sealed to the office of and deliver said ballot-box to the supervisor of registration for the parish, who shall keep his office open for that purpose from the hour of the close of the election until all the votes from the several polls or voting places of the precinct shall have been received and counted. The supervisor of registration shall immediately upon the receipt of said ballot-box note its condition and the state of the seals and fastenings thereof, and shall, when in the presence of the commissioners of election and three citizens, freeholders of the parish for such poll or voting place, open the ballot box and count the ballots therein, and make a list of all the names of the persons and offices voted for, the number of votes for each person, the number of ballots in the box, and the number of ballots rejected and the reason therefor. Said statement shall be made in triplicate, and each copy thereof shall be signed and sworn to by the commissioners of election of the poll and by the supervisor of registration. As soon as the supervisor of registration shall have made the statement above provided for for each poll in his precinct or parish, and it shall have been sworn to and subscribed as above directed, the supervisor of registration shall inclose in an envelope of strong paper or cloth, securely sealed, one copy of such statement from each poll and one copy of the list of persons voting at each poll, and one copy of any statements as to violence or disturbance, bribery or corruption, or other offenses specified in section twenty-nine of this act, if any there be, together with all memoranda and tally lists used in [illegible] the count and statement of the [illegible] and shall send such package by mail, [illegible] and plainly addressed, to the Governor of the State. The supervisor of registration shall send a second copy of said statement to the Governor of the State by the next most safe and speedy mode of conveyance, and shall retain the third copy in his own possession.

"Sec. 54. Be it further enacted, etc., That the Governor, the Lieutenant Governor, the Secretary of State, and John Lynch, and T. C. Anderson, or a majority of them, shall be the returning officers for all elections in the State, a majority of whom shall constitute a quorum and have power to make the returns of all elections. In case of any vacancy by death, resignation or otherwise by either of the board, then the vacancy shall be filled by the residue of the board of returning officers.

"The returning officers shall, after each election, before entering upon their duties, take and subscribe to the following oath before a judge of the Supreme or any district court:

I, A. B., do solemnly swear (or affirm) that I will faithfully and diligently perform the duties of a returning officer as prescribed by law; that I will carefully and honestly canvass and compile the statements of the votes, and make a true and correct return of the election. So help me God.

"Within two days after the closing of the election said returning officers shall meet in New Orleans to canvass and compile the statements of votes made by the supervisors of registration, and make returns of the election to the Secretary of State. They shall continue in session until such returns have been completed. The Governor shall at such meeting open, in the presence of the said returning officers, the statements of the supervisors of registration, and the said returning officers shall, from said statements, canvass and compile the returns of the election in duplicate. One copy of such returns they shall file in the office of the Secretary of State, and of one copy they shall make public proclamation by printing in the official journal and such other newspapers as they may deem proper, declaring the names of all persons and officers voted for, the number of votes for each person, and the names of the persons who have been duly and lawfully elected. The returns of the elections thus made and promulgated shall be prima facie evidence in all courts of justice and before all civil officers until set aside, after a contest according to law of the right of any person named therein to hold and exercise the office to which he shall by such return be declared elected.

"The Governor shall, within thirty days after, issue commissions to all officers thus declared elected who are required by law to be commissioned."

Here the duties of the supervisor of registration and those of the returning officers of the election are pointed out in language too clear to be misunderstood. Until a return of the election has been made in the manner here directed, the successful candidates can not claim the offices to which they have been elected.

Even after the return of the election has been made in legal form, the officers elected can not enter on the discharge of the duties of their offices until they have been commissioned by the Governor.

By the twenty-eighth section it is provided "that the Governor shall commission all officers elect, except members of the General Assembly and the Governor."

It can not be said that this section refers to State officers alone, for the first section of the act provides, in express terms, "that all elections for State, parish and judicial officers, members of the General Assembly, and for members of Congress shall be held on the first Monday in November, and said elections shall be styled the general elections.

"They shall be held in the manner and form and subject to the regulations hereinafter prescribed, and no other."

A commission issued by the Governor before the returns of the election have been made in legal form is a mere nullity, and can produce no legal effect whatever. But in this instance no commission has been issued.

The act passed by the last Legislature, entitled "An act to regulate the conduct and maintain the freedom and purity of elections," etc., was not in force when the election took place, and therefore has no application to it. The idea that a part of an election may be regulated by one law, and another part by a law approved subsequently, is, in my opinion, entirely inadmissible.

Besides, I do not think the Governor has the power to approve a law passed by a Legislature which has ceased to exist; he could certainly not return such a law with his objections to the new Legislature and the approval by the Governor on the twentieth of November, 1872, could not revive it. The Supreme Court went quite far enough when it decided that the Governor had the right to approve a law after the adjournment of an existing Legislature. But I do not think that that high and enlightened tribunal will ever hold that the approval by the Governor can give life to a law which has ceased to exist before such approval.

But if the act could be considered in force, and applicable to this election, the objections to the certificate of Mr. Blanchard would be equally fatal. By the forty-third section of that act it is provided, "That immediately upon the close of the polls on the day of election, the commissioners of the election at each poll or voting place shall proceed to count the votes, as provided in section thirteen of this act, and after they shall have so counted the votes and made a list of the names of all the persons voted for, and the offices for which they were voted for, and the number of votes received by each, the number of ballots contained in the box, and the number rejected, and the reasons therefor, duplicates of such lists shall be made out, signed and sworn to by the commissioners of election of each poll, and such duplicate lists shall be delivered, one to the supervisor of registration of the parish, and one to the clerk of the district court of the parish, and in the parish of Orleans, to the Secretary of State, by one or all such commissioners in person, within twenty-four hours after the closing of the polls. It shall be the duty of the supervisors of registration, within twenty-four hours after the receipt of all the returns for the different polling places to consolidate such returns, to be certified as correct by the clerk of the district court, and forward the consolidated returns with the originals received by him, to the returning officers provided for by section two of this act, the said report and returns to be inclosed in an envelope of strong paper or cloth, securely sealed and forwarded by mail. He shall forward a copy of any statement as to violence or disturbance, bribery or corruption, or other offenses specified in section twenty-six of this act if any there be, together with all memoranda and tally lists used in making the count, and statement of the votes."

And by sections two and three it is enacted: "That five persons, to be elected by the Senate from all political parties, shall be the returning officers for all elections in the State, a majority of whom shall constitute a quorum, and have power to make the returns of all elections. In case of any vacancy by death, resignation or otherwise by either of the board, then the vacancy shall be filled by the residue of the board of returning officers. The returning officers shall, after each election, before entering on their duties, take and subscribe to the following oath before a judge of the Supreme or any district court: I, A. B., do solemnly swear (or affirm) that I will faithfully and diligently perform the duties of a returning officer as prescribed by law; that I will carefully and honestly canvass and compile the statements of the votes and make a true and correct return of the election. So help me God.

"Within ten days after the closing of the election said returning officers shall meet in New Orleans to canvass and compile the statement of votes made by the commissioners of election, and make returns of the election to the Secretary of State. They shall continue in session until such returns have been compiled. The presiding officer shall, at such meeting, open, in the presence of the said returning officers, the statements of the commissioners of election, and the said returning officers shall, from said statements, canvass and compile the returns of the election in duplicate, one copy of such returns they shall file in the office of the Secretary of State and of one copy they shall make public proclamation by printing in the official journal and such other newspapers as they may deem proper, declaring the names of all persons and officers voted for, the number of votes for each person and the names of the persons who have been duly and lawfully elected. The return of the election thus made and promulgated shall be prima facie evidence in all courts of justice and before all civil officers until set aside after a contest according to law, of the right of any person named therein to hold and exercise the office to which he shall by such return be declared elected. The Governor shall, within thirty days thereafter, issue commissions to all officers thus declared elected, who are required by law to be commissioned.

"Sec. 3. Be it further enacted, etc., That in such canvass and compilation the returning officers shall observe the following order: They shall compile, first, the statements from all polls or voting places at which there shall have been a fair, free and peaceable registration and election. Whenever, from any poll or voting place, there shall be received the statement of any supervisor of registration or commissioner of election, in form as required by section twenty-six of this act, on affidavit of three or more citizens, of any riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences, which prevented, or tended to prevent, a fair, free and peaceable vote of all qualified electors entitled to vote at such poll or voting place, such returning officers shall not canvass, count or compile the statement of votes from such poll or voting place until the statements from all other polls or voting places shall have been canvassed and compiled. The returning officers shall then proceed to investigate the statements of riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences at any such poll or voting place; and if, from the evidence of such statement, they shall be convinced that such riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences did not materially interfere with the purity and freedom of the election at such poll or voting place, or did not prevent a sufficient number of qualified voters thereat from registering or voting to materially change the result of the election, then, and not otherwise, said returning officers shall canvass and compile the vote of such poll or voting place with those previously canvassed and compiled; but if said returning officers shall not be fully satisfied thereof, it shall be their duty to examine further testimony in regard thereto, and to this end they shall have power to send for persons and papers. If, after such examination, the said returning officers shall be convinced that said riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences did materially interfere with the purity and freedom of the election at such poll or voting place, or did prevent a sufficient number of the qualified voters thereat from registering and voting to materially change the result of the election, then the said returning officers shall not canvass or compile the statement of the votes of such poll or voting place, but shall exclude it from their returns; provided, that any person interested in said election by reason of being a candidate for office, shall be allowed a hearing before said returning officers upon making application within the time allowed for the forwarding of the returns of said election."

Section twenty-five provides, "That it shall be the duty of the Governor to commission all officers elect except members of the General Assembly, the Governor and the members of the police jury."

To enable a person to enter into an elective office, three facts must concur, namely, First, an election; secondly, a return of the result of the election; and thirdly, the qualifying for the office, by taking the oath, etc. It has been suggested that provisions of the law approved on the sixteenth March, 1870, entitled "An act to extend the limits of the parish of Orleans, and to change the boundaries of the parishes of Orleans and Jefferson, etc." control the election of the Mayor and Administrators of the city of New Orleans. The only sections of that law in which any reference is made at all to the election of these officers are the fourth, fifth and sixth, which are as follows:

"Sec. 4. That the government of the city of New Orleans, and the administration of its affairs shall be vested in a Mayor and seven Administrators, to wit: One of Finance, one of Commerce, one of Improvements, one of Assessments, one of Police, who shall be ex-officio a member of the Board of Metropolitan Police, one of Public Accounts, and one of the Waterworks and Public Buildings, with administration and executive functions; and said Mayor and Administrators shall be appointed or elected as hereinafter provided, and shall form a Council of the city of New Orleans. The Governor shall, by and with the advice and consent of the Senate, appoint the Mayor and the seven Administrators, who shall hold their offices until the first Monday of November, 1871. There shall be an election for the Administrators of Finance, Improvements, Public Accounts, Waterworks and Public Buildings, and every two years thereafter; said officers, when elective, shall be elected at large by the qualified voters of the city of New Orleans, as constituted by this act.

"Sec. 5. Be it further enacted, etc., That the qualifications of the Mayor and of the Administrators of departments shall be as follows: They shall be qualified electors, and shall be citizens of the State, and for one year residents of the city of New Orleans; they shall, before entering upon the duties of their offices, respectively take and subscribe before the court having probate jurisdiction in the parish of Orleans, or before the judge thereof in chambers, the oath prescribed by article 100 of the constitution of the State; also, that they possess the qualifications above required, and will faithfully perform the duties and discharge the obligations imposed upon them by this act, and, with the exception of the Mayor, shall moreover give bond, as hereinafter more particularly prescribed and directed."

"Sec. 6. Be it further enacted, etc., That on the second Monday following the day of their appointment or election, the Council shall hold its first meeting in the City Hall, at which the Mayor and Administrators of departments elect, having presented and filed their certificates of election and qualifications, as herein provided, shall enter upon the discharge of their duties as specified in this act, and their predecessors shall turn over to them all books, papers, property, money and accounts pertaining to their offices and to the city of New Orleans."

These sections, it is seen, only refer to the time when the election shall take place, to the qualifications of the Mayor, and the period when they shall enter into office.

This act was amended by "an act to amend an act to extend the limits of the parish of Orleans, etc., approved March 16, 1870, and to prescribe additional regulations for the government of the corporation of the city of New Orleans, approved March 13, 1871." In the second section of this law, it is provided that—

"The elections for the Mayor and the several Administrators shall be held biennially, at the time of the elections for members of the General Assembly; and they shall be chosen at large by the qualified voters of the city of New Orleans. All vacancies occurring by resignation, death, or any disability, at any other time than the general election, shall be filled by appointment of the Governor, by and with the consent of the Senate, when in session, or submitted fo such advice and consent at its next session; provided, that should the number of vacancies, or other cause or reason, justify the expense of holding an election, to fill the vacancies or positions held by appointment, the Governor or the Legislature may call an election for that purpose. Vacancies may be temporarily filled until action of the Governor, by the Administrator of Finance, acting as Mayor pro tempore; and the Mayor may assign any Administrator to another department, ad interim; and the same course shall be observed in case of temporary absence or sickness. And all officers herein provided for shall hold their offices until their successors are duly elected, or appointed and qualified."

Nothing is said in either of these acts as to one mode of holding the election or its return. The questions, therefore, by whom the election is to be ordered, how it shall be conducted, and who shall make the returns, must be answered by the act of the sixteenth of March, 1870, or by the act approved on the twentieth November, 1872, if the latter act, contrary to my opinion, can be considered as a valid law.

I am, gentlemen, very respectfully, your obedient servant,

C. ROSELIUS.

Henry Ward Beecher said in his sermon last Sunday, "A fire-devil sits on every mansard roof." For an imp of darkness to do that is imp-olite.—*Indianapolis Journal.*

OFFICIAL.

TREATIES AND PROCLAMATIONS.

Postal Convention between the United States of America and the Republic of Ecuador.

The undersigned, John A. J. Creswell, Postmaster General of the United States of America, in virtue of the powers vested in him by law, and Antonio Flores, minister of the Republic of Ecuador at Washington, in the name of his government, and by virtue of the powers which he has formally presented to this effect, have agreed upon the following articles, to wit:

ARTICLE I.

An exchange of mails shall hereafter take place between the United States of America and the Republic of Ecuador, by the ordinary means of communication via the Isthmus of Panama, the government of the United States to be at the expense of the transportation thereof between New York and Panama, San Francisco and Panama, so long as direct service by United States steamers, including the Isthmus transit, is maintained under existing conditions; and the government of Ecuador to be at the expense of the transportion thereof between Panama and Ecuador so long as the present or other similar arrangement for the ocean mail service between Panama and Ecuador is continued. The correspondence so exchanged shall comprise:

1. Letters and manuscripts subject by the laws of either country to letter rate of postage.

2. Newspapers and prints of all kinds, in sheets, in pamphlets, and in books, sheets of music, engravings, lithographs, photographs, drawings maps and plans, and such correspondence may be exchanged, whether originating in either of said countries and destined for the other, or originating in or destined for foreign countries to which they may respectively serve as intermediaries.

ARTICLE II.

New York and San Francisco shall be the offices of exchange on the side of the United States, and Guayaquil and Manta shall be the offices of exchange on the side of Ecuador, for all mails transmitted between the two countries under this arrangement; and all mail matter transmitted in either direction between the respective offices of exchange shall be forwarded in closed bags or pouches, under seal, addressed to the corresponding exchange office, and the mails so dispatched from either country to the other shall be forwarded to the United States consul and resident mail agent at Panama, who is hereby designated as the agent of the two governments for receiving the bags or pouches at that port from either direction, and for dispatching the same to their respective ultimate destinations.

The two Post Departments may, at any time, discontinue either of said offices of exchange or establish others.

ARTICLE III.

The standard weight for the single rate of postage and rule of progression shall be:

1. For letters, or manuscripts subject by law to letter rate of postage, one-half ounce (avoirdupois).

2. For all other correspondence mentioned in the second paragraph of the first article, that which each country shall adopt for the mails which it dispatches to the other, adapted to the convenience and habits of its interior administration; but each country shall give notice to the other of the standard weight it adopts, and of any subsequent change thereof. The weight stated by the dispatching exchange office shall always be accepted, except in cases of manifest error.

ARTICLE IV.

No accounts shall be kept between the Postoffice Departments of the two countries on the international correspondence, written or printed, exchanged between them; but each country shall levy, collect and retain to its own use the following postal charges, viz:

1. The postage to be charged and collected in the United States on each letter, or manuscript, subject to letter postage, mailed in the United States, and addressed to any place in the Republic of Ecuador, shall be twenty cents, United States currency, per each weight of half an ounce or fraction of half an ounce; and the postage to be charged and collected in Ecuador on each letter, or manuscript subject to letter postage, mailed in Ecuador and addressed to any place in the United States of America, shall be two reals, or the fifth part of a dollar (hard), Ecuador currency, the same to be in each case in full of all charges whatever to the place of destination in either country. Either country, however, is at liberty to reduce this charge, but not to increase it without the previous assent of the other.

2. On all other correspondence mentioned in the second paragraph of the first article the Post Departments of the United States and Ecuador may respectively levy, collect, and retain to their separate and exclusive use such rates of postage adapted to their interior administration and to the cost of sea transportation as they shall deem advisable. But each office shall give notice to the other of the rates it adopts, and of any subsequent change thereof.

Newspapers and other correspondence of the class referred to in the preceding paragraph shall be sent in narrow bands or covers, open at the sides or ends, so that that they may be easily examined; and packages of such correspondence shall be subject to the laws and regulations of each country in regard to their liability to pay customs duty, if containing dutiable goods, or to be rated with letter postage when containing written matter, or for any other cause specified in said laws and regulations.

ARTICLE V.

Letters, and other communications in manuscript, which, from any cause, can not be delivered to their address, after the expiration of a proper period to effect their delivery, shall be reciprocally returned every month, unopened and without charge, to the Postoffice Department of the dispatching country; but newspapers, and all other articles of printed matter, shall not be returned, but remain at the disposal of the receiving office.

Letters erroneously transmitted, or wrongly addressed, shall be promptly returned to the dispatching office without charge.

ARTICLE VI.

The Post Department of the United States shall establish, in conformity with the arrangements in force at the time, the conditions upon which the Post Department of Ecuador may exchange, in open mails, the correspondence originating in Ecuador and destined for countries to which the United States may serve as an intermediary: but such correspondence shall only be charged with the international postage established by this convention, augmented by the postage rates in force between the United States and the country of destination, and any other tax for exterior service.

The Post Department of the United States shall furnish the Post Department of Ecuador with a list stating the foreign countries to which the foreign postage and the amounts thereof must be absolutely prepaid, or can be left unpaid, and shall modify such list from time to time, as the exigencies of its foreign postal service may require.

In conformity to the requirements of the preceding paragraph, a table marked A is hereunto annexed, enumerating the countries with which, and specifying the terms and conditions on which, Ecuador may exchange correspondence by way of the United States.

Correspondence of this class must be accompanied by a letter bill from the dispatching exchange office of Ecuador, specifying the amount due thereon to the United States, and the receiving exchange office of the United States shall return by next post to such dispatching exchange office an acknowledgment of receipt and verification thereof, which letter bills and acknowledgments of receipt shall be in conformity to the models B and C, hereunto annexed, and shall serve as vouchers in the settlement of the accounts.

The accounts to be kept between the two Post Departments upon this class of correspondence shall be stated quarterly, transmitted and verified as speedily as practicable; and the amounts found due shall be paid promptly to the United States office, under such regulations as the respective Post Departments may from time to time prescribe. Such quarterly statement shall be prepared by the United States office, and shall follow the form D, hereunto annexed.

ARTICLE VII.

Letters originating in foreign countries and addressed to the United States or Ecuador, respectively, on which the foreign and international postal charges are fully prepaid, shall, when forwarded in the mails of either country to the other, be delivered in the country of destination free of charge.

ARTICLE VIII.

The official correspondence between the two governments, that of each government with its legation near the other, and of each legation with its government, shall be conveyed to its destination free of postage and with all the precautions which the two governments may find necessary for its inviolability and security.

ARTICLE IX.

When in one of the two countries there is no legation of the other, the franking privilege of the vacant legation shall be transferred, in the terms stipulated in the preceding article, to the respective consulate or vice consulate at New York or Guayaquil.

ARTICLE X.

Neither Post Department shall be required to deliver any article received in the mails the circulation of which shall be prohibited by the laws in force in the country of destination; and any article subject by the laws of either country to customs duty or to confiscation shall, when received in the mails from the other, be treated in accordance with the laws of the receiving country.

ARTICLE XI.

The two Post Departments may, by mutual agreement, provide for the transmission of registered articles in the mails exchanged between the two countries.

The register fee of each article shall be ten cents in the United States and one real in Ecuador.

ARTICLE XII.

The two Post Departments shall settle, by agreement between them, all measures of detail and arrangement required to carry this convention into execution and may modify the same in like manner, from time to time, as the exigencies of the service may require. Articles may also, by mutual consent, be amended, added, or suppressed, according to the requirements of the service, without rescinding or otherwise altering or impairing any other of the articles of this convention.

ARTICLE XIII.

This convention shall take effect from the date of the exchange of ratifications, and shall continue in force until annulled by mutual consent, or until one year from the date of notice given by one of the two departments to the other of its desire to terminate the same.

ARTICLE XIV.

This convention shall be approved and ratified in the manner and form prescribed by the constitution and laws of each of the high contracting parties, and the exchange of ratifications shall be made at Washington six months after the last ratification, or sooner, if possible.

Done in duplicate, at the city of Washington, this ninth day of May, in the year of our Lord one thousand eight hundred and seventy-one.

JOHN A. J. CRESWELL,
Postmaster General of the United States.
ANTONIO FLORES.

I hereby approve the aforegoing convention, and in testimony thereof I have caused the seal of the United States to be affixed.

U. S. GRANT.

By the President:
Hamilton Fish,
Secretary of State.
Washington, May 9, 1871.

[Translation.]

Having seen and examined the aforegoing postal convention, which has been approved by the legislative decree of the first of the present month, and in exercise of the sixth attribute of the sixtieth article of the constitution, I have ratified it, as by the present I do ratify and declare it accepted, confirmed and obligatory in all and each of its clauses and stipulations contained in said convention, solemnly engaging and pledging for its faithful and exact observance on the part of Ecuador the national faith and honor.

In faith of which I have caused the present to be prepared, signed with my hand, sealed with the seal of the republic, and countersigned by the Secretary of State for Foreign Relations, at Quito, the thirtieth of September, eighteen hundred and seventy-one.

G. GARCIA MORENO.

Francisco Javier Leon.

We, John A. J. Creswell, Postmaster General of the United States, and Antonio Flores, minister of Ecuador to the United States, certify that on this date we have proceeded to perform the exchange of ratifications of the postal convention which was concluded between the United States and Ecuador at Washington, on the ninth day of May, A. D. 1871.

Done in duplicate and signed at Washington, this sixth day of December, A. D. 1871.

JOHN A. J. CRESWELL,
Postmaster General of the United States.
ANTONIO FLORES.

Convention for the regulation of the postal intercourse between the United States of America and the kingdom of Denmark.

The Post Department of the United States of America and the Danish Post Department have agreed upon employing the steamers in regular service between their territories, as well as the steamers engaged between Hamburg and Bremen on the one side, and American ports on the other, in order to establish an immediate exchange of mails, and have, for that purpose, consented to the following articles:

ARTICLE I.

There shall be an immediate exchange of correspondence between the United States of America and Denmark by means of the said steamers, and this correspondence shall embrace letters, newspapers, book packets, prints of all kinds (comprising maps, plans, engravings, drawings, photographs, lithographs, and all other like productions of mechanical processes, sheets of music, etc.), and patterns or samples of merchandise; and such correspondence may be exchanged, whether originating in either of the said countries, or originating in countries to which these may respectively serve as intermediaries.

ARTICLE II.

The exchange of correspondence shall take place between the postoffices to be hereafter designated by the two post departments; but either of the two offices so designated may at any time be discontinued, and others established by mutual consent.

ARTICLE III.

The United States office shall make its own arrangements for the dispatch of its mails to Denmark, and in like manner the office of Denmark shall make its own arrangements for the dispatch of its mails to the United States. The mails shall be reciprocally forwarded by the regular routes of communication hereinbefore mentioned, and each office shall, at its own cost, pay the expense of the intermediate transportation (sea and territorial) of the mails which it dispatches to the other. It is also agreed that the cost, either in whole or in part, of the international ocean and territorial transit of the closed mails exchanged in both directions between the respective frontiers shall, upon application of either office, be first defrayed by that one of the two offices which shall have obtained from the intermediaries the most favorable pecuniary terms for such conveyance, and any amount so advanced by one for or on account of the other shall be promptly reimbursed.

ARTICLE IV.

The postage on ordinary letters sent from the United States to Denmark, or from Denmark to the United States, shall be respectively twelve skilling rigsmont, or seven cents for a single letter.

The weight of a single letter shall not exceed fifteen grammes.

For every letter exceeding fifteen grammes there shall be paid a single rate of postage for every additional fifteen grammes or fraction of fifteen grammes. The weight stated by the dispatching office shall always be accepted, except in case of manifest error.

The maximum weight of letters shall be two hundred and fifty grammes.

ARTICLE V.

The prepayment of postage on ordinary letters shall be optional. If they shall be forwarded unpaid, or insufficiently paid, they shall, in the first case, be charged, besides the usual postage, with an additional postage of respectively four cents, or six skilling rigsmont, and in the last case, besides the deficient postage, with similar additional postage.

ARTICLE VI.

On all other correspondence in the first article mentioned, the rates shall be, for the mails dispatched, that which the dispatching office shall adopt, adapted to the convenience and habits of its interior administration. But each office shall give notice to the other of the rate it adopts, and of any subsequent change thereof. These articles shall be forwarded under regulations of the dispatching postoffice, but always including the following:

1. The postage shall be prepaid. If, however, the postage on the correspondence mentioned in this article should not be wholly prepaid, the said correspondence shall still be forwarded to the place of destination; but it shall, in that case, beside the deficient postage, be charged with an additional postage, not exceeding four cents in the United States, and six skilling rigsmont in Denmark.

2. No packet shall contain anything which shall be closed against inspection, nor any written communication whatever, except to state from whom and to whom the packet is sent, and the number and price placed upon each pattern or sample of merchandise.

3. No packet may exceed two feet in length, or one foot in any other dimension.

4. Neither office shall be bound to deliver any article the importation of which may be prohibited by the laws or regulations of the country of destination.

5. The customs duties that may be chargeable in each of the two countries may be levied for the use of the customs.

ARTICLE VII.

Any correspondence mentioned in article one may be registered, and the postage chargeable on such correspondence shall always be prepaid. Registered correspondence shall, in addition to the postage, be subject to an international registration fee not exceeding ten cents in the United States, and eight skilling rigsmont in Denmark, and this fee shall always be prepaid. Each office is at liberty to reduce this fee for the mails it dispatches. Each department shall use its best exertions for the safe delivery of registered correspondence, but is not responsible pecuniarily for the loss of any such correspondence.

ARTICLE VIII.

It is further agreed that no charge of any kind, or on any account, otherwise than is herein expressly provided, shall be levied or collected in the country of destination on the letters or other correspondence exchanged.

ARTICLE IX.

As to the correspondence originating in one country and destined for the other, no account shall take place, and thus the postoffice of the United States shall retain the whole amount of postage collected in the United States upon international paid correspondence forwarded to Denmark, and upon international unpaid or insufficiently paid correspondence received from Denmark; and in like manner the Danish postoffice shall retain the whole amount of postage collected in Denmark upon international paid correspondence forwarded to the United States, and upon international unpaid or insufficiently paid correspondence received from the United States.

However, each of the two departments shall be at liberty to claim accounts to be settled when it appears that in one country for one year there is levied twenty per cent more than in the other. If an account is claimed, it shall be regulated on the following basis:

From the total amount of postages and register fees collected by each office on letters, added to the total amount of prepaid postages and register fees on other correspondence which it dispatches, the dispatching office shall deduct the amount required for the conveyance of the mails between the two countries, and the amount of the two net sums shall be equally divided between the two offices.

The deficient and additional postages mentioned in article six shall not be included in the account between the two offices, but, unshared, shall belong to the office by which they are collected.

ARTICLE X.

The two post departments shall establish, by agreement, and in conformity with the arrangements in force at the time, the conditions upon which the two offices may respectively exchange in open mails the correspondence originating in or destined to other foreign countries to which they may reciprocally serve as intermediaries. It is always understood, however, that such correspondence shall only be charged with the American-Danish rate, augmented by the postage due to foreign countries, or for other exterior service.

It is agreed that the amount of this correspondence shall, as to the international postages chargeable on the same, be regulated on the basis mentioned in the preceding article, but that the amount of the extra-national postage, or other tax for exterior service, shall be reciprocally accounted for at full rates. Such charges for paid correspondence to and for unpaid correspondence from foreign countries shall, therefore, be summarily entered on the respective letter bills to the credit of the country through which the same is forwarded.

ARTICLE XI.

The Postoffice of the United States shall be granted the privilege of transit of closed mails through the Danish territory, exchanged in either direction, to and from Sweden and Norway, for a payment of four skilling rigsmont per thirty grammes net weight of letters, and two-thirds skilling rigsmont per forty grammes net weight of prints, patterns, and samples of merchandise. Correspondence exempt from postage, letters which can not be delivered, as well as money orders, shall not be charged with any transit rate.

Reciprocally, the United States office grants to the office of Denmark the privilege of transit of the closed mails exchanged in either direction between the latter and any country to which the former may serve as intermediary, by its usual means of mail transportation, whether on sea or land, and the terms of transit shall be agreed upon when the exercise of the privilege is required.

ARTICLE XII.

The postal accounts between the two offices shall be stated and transmitted quarterly, and verified as speedily as possible, and the balance found due shall be paid in the coin of the creditor country.

The rate for the conversion of the money of the two countries shall be one dollar for one rigsdaler, eighty-five skilling rigsmont. The two offices shall, however, always be at liberty to agree upon another rate for the conversion.

ARTICLE XIII.

Any ordinary correspondence wrongly addressed, or wrongly sent, shall, without delay, and registered correspondence of all kinds, as well as ordinary letters not deliverable for any other cause than the aforesaid, within the issue of every month, be mutually returned at the expense of the originating office. All other correspondence which can not be delivered shall remain at the disposition of the receiving office.

If any returned correspondence shall be charged with the postage debited the office of destination, the said correspondence shall be returned for the amount of postage which was originally charged by the dispatching office.

ARTICLE XIV.

When, in any port of either country, a closed mail is transferred from one vessel to another, without any expense to the office of the country where the transfer is made, such transfer shall not be subject to any postal charge by one office against the other.

ARTICLE XV.

Official communications between the two offices shall not be the occasion of any accounts on either side.

ARTICLE XVI.

The two offices shall, by mutual consent, establish the detailed regulations which the carrying into execution of the articles included in this convention may require.

ARTICLE XVII.

The present convention shall be carried into effect on the day on which the two offices shall agree, and shall continue in force until one of the two contracting parties shall have announced to the other, within the issue of a calendar year, its intention to terminate it.

ARTICLE XVIII.

The present convention is to be ratified, and the ratifications are to be exchanged as soon as possible.

Done at Copenhagen, in duplicate original, this seventh day of November, 1871, and at Washington this first day of December, 1871.

JOHN A. J. CRESWELL,
Postmaster General.
DANNESKJOLD SAMSOE.

I hereby approve the aforegoing convention, and in testimony thereof I have caused the seal of the United States to be affixed.

U. S. GRANT.

By the President:
Hamilton Fish, Secretary of State.
Washington, December 1, 1871.

We, Christian the Ninth, by the grace of God King of Denmark, the Vandals and Goths, Duke of Sleavig, Holstein, Stormarn, Ditmarsh, Lauenborg, and Oldenborg, have most graciously deigned, on our part, to ratify the foregoing convention by our signature.

Done at our capital and residence, Copenhagen, on the twentieth of March, 1872.

Under our hand and royal seal, in his majesty's name.

FREDERIK, Prince Royal.

Countersigned:
O. D. Rosenkorn Lehn.

Detailed regulations arranged between the Postoffice Department of the United States of America and the Postoffice Department of Denmark for the execution of the postal convention signed at Washington the first day of December, 1871, and at Copenhagen the seventh day of November, 1871.

ARTICLE I.

The offices for the exchange of the mails shall be: On the part of the United States, (1) New York; (2) Chicago. On the part of Denmark: (1) Copenhagen; (2) the traveling office between Korsoer and Kiel.

The exchange offices of New York and Chicago shall make up closed mails for the exchange offices of (1) Copenhagen, (2) the traveling office between Korsoer and Kiel; and these Danish exchange offices shall make up closed mails for New York and Chicago.

ARTICLE II.

Each mail exchanged between the two administrations shall be accompanied with a letter-bill, showing the postages, etc., accruing to each office upon the different kinds of correspondence. The form of this letter-bill shall follow the models A and B, hereto annexed, and shall, consecutively, be numbered by the dispatching office during each calendar year.

The receiving office shall acknowledge its receipt by the next dispatch.

ARTICLE III.

The exchange offices shall divide the correspondence which they dispatch into a suitable number of separate packages, according to the letter bill. Each of these packages shall bear the proper etiquette and number corresponding to the letter bill.

ARTICLE IV.

When more than a single rate is chargeable upon any letter or other article, the number of rates to which it is subject shall be indicated by the dispatching office, by a figure in the upper left corner of the address.

ARTICLE V.

Registered correspondence shall be described in a registered list, following the models C and D, hereto annexed.

All registered letters shall be enveloped together in a strong paper, securely fastened, and the packet inscribed with the words "Registered" or "Recommanderet," and placed in the mail.

The blank in the letter-bill for expressing the number of registered articles shall be filled by letters and figures expressing the number.

In case no registered articles are sent, the proper blank of the letter bill shall be filled with the word "nihil" or "nil."

ARTICLE VI.

The registered letters dispatched shall be acknowledged immediately by the receiving office. If the verification by the receiving office shall disclose an error of any kind in the register list, it shall be also by the first mail notified to the first dispatching office.

ARTICLE VII.

All letters exchanged between the two offices shall indicate, by stamp or writing thereon, the office of origin, and the unpaid letters so exchanged shall also be stamped with the name of the dispatching office of exchange.

Correspondence fully paid to destination shall be stamped "Paid all," in the United States, and "Franko" in Denmark.

Registered articles shall be stamped "Registered," in the United States, and "Recommanderet" in Denmark. Correspondence insufficiently paid shall be stamped "Insufficiently paid," in the United States, and "Utilstrækkelig frankeret" in Denmark, and the amount of the insufficient postage expressed in figures on the face.

Correspondence dispatched by the direct line between the respective countries shall be stamped "direct service," or "service direct."

When dispatched via Germany, it shall be stamped to indicate German transit.

ARTICLE VIII.

The two Post Departments are mutually to furnish each other with lists stating the foreign countries to which the foreign postage, and the amounts thereof, must be absolutely prepaid, or can be left unpaid; and until such lists are furnished, neither country is to mail to the other any correspondence for foreign countries in transit through the country to which the mail is sent.

Such lists shall also indicate the foreign countries with which registered correspondence may be exchanged in the open mails between the respective offices and the conditions thereof.

ARTICLE IX.

The respective exchange offices shall mark, in red ink, in the upper left corner of the address of prepaid letters sent for transit in the open mail, the amount of the postage due for exterior service to the country through which the same are forwarded, and in the same manner, but in black ink, shall mark the amount due for postage to the forwarding office upon the unpaid letters so sent in transit.

ARTICLE X.

Letters originating in or destined for foreign countries, sent in the open mails through the United States or through Denmark, and which are insufficiently paid, shall be transmitted as wholly unpaid, and no account taken between the two administrations of the amount prepaid; but letters and other correspondence originating in foreign countries, and addressed to the United States or to Denmark, respectively, on which the foreign and international postage charges are fully prepaid, shall, when forwarded through the mails of either country to the other, be delivered in the country of destination free of charge.

ARTICLE XI.

The letters and all registered articles mutually returned as not deliverable shall be accompanied by a statement exhibiting the number of ordinary letters, and the number and addresses of the registered articles so returned, and the aggregate amount reclaimed thereon from the dispatching office, which statement shall be verified and acknowledged as early as practicable.

The expense of transit of unpaid correspondence which has been transmitted by either administration in closed mails, and which shall be returned to the dispatching office as not deliverable, shall be deducted from the original amount charged for transit, upon a declaration of the amount by the office claiming the reduction.

No charge will be made by either administration for the transit of correspondence returned as not deliverable.

ARTICLE XII.

All correspondence wrongly addressed or missent shall be returned without delay by the receiving office to the exchange office which dispatched it. The receiving office shall also correct accordingly, in the column of verification, the original entries of the letter bill relating to such correspondence. The articles of a like nature addressed to persons who have changed their residence shall be mutually forwarded, charged with the rate that would have been paid at