New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES

OFFICIAL JOURNAL OF NEW ORLEANS

AMUSEMENTS.

St. Charles Theatre.

The Lingards opened to a fair house last night, which was somewhat diminished by the political excitement outside. The new comedy of "Life's Dream" was admired by the audience, and it will be repeated again this evening, together with the new sketches of William Horace Lingard. In preparation, the new operetta of "Los Ladrones."

Varieties Theatre.

There is little room for criticism in Mr. Lawrence Barrett's personation of *Enoch Arden* in the "Under the Palm," which was presented last night and will constitute the entertainment this evening and for the matinee to-morrow noon. To-morrow evening, "Romeo and Juliet." Thursday evening, only benefit of Mr. Lawrence Barrett, when he will appear as *Richelieu*. Next Monday evening, Miss Charlotte Cushman in her great impersonation of *Meg Merrilies*.

Academy of Music.

Not only every seat, but all the standing room in the house was taken last night, on the first presentation of "Blue Beard" by Lydia Thompson and her burlesquers. This evening "Blue Beard" will be produced again, and those who want to secure seats should do so early this morning.

Tivoli Circle.

Old John Robinson's circus was the great centre of attraction yesterday noon, and especially last night. At least 4000 people were in attendance at the latter period, though there were still a few unoccupied seats. The entertainments of the arena are of the highest order, and that noble steed, the horse, never was exhibited to better advantage. Two performances a day, at 1 A. M and 7 P. M. One ticket admits the holder to the museum, aquarium, menagerie and circus. Everything is precisely as represented on the street posters and in the advertisements.

Exposition Hall.

The skating assembly at Carondelet Hall, Exposition building, afforded a lively scene last evening, and the numbers in attendance were large.

Statistics of Commerce and Navigation.

Monthly report No. 1, series 1872-73, of the Bureau of Statistics contains the statistics of our foreign trade for the month ended July 31, 1872, and for the seven months ended the same, compared with the corresponding periods of 1871. The chief of the bureau furnishes the following synopsis:

Periods.	Imports.	Domestic exports (specie values).	Foreign exports.
Month ended July 1—			
1872	$59,481,748	$46,824,681	$3,408,916
1871	47,850,042	37,618,743	3,252,072
Seven months ended July 1—			
1872	412,848,734	322,347,185	14,356,546
1871	350,793,776	222,859,561	16,227,910

The total value of foreign commodities remaining in warehouse July 31, 1872, was $112,896,690, as compared with $70,257,875, July 31, 1871.

The respective amounts of the foreign trade for the seven months, which consisted of merchandise and gold and coin and silver bullion were as follows:

SEVEN MONTHS ENDED JULY 31, 1872.

	Imports.	Domestic exports.	Foreign exports.
Merchandise	$401,991,052	$256,726,097	$9,667,521
Specie and bullion	338,943,175	273,515,212	8,774,957

SEVEN MONTHS ENDED JUNE 31, 1871.

	Imports.	Domestic exports.	Foreign exports.
Merchandise	$10,857,642	$66,121,093	$4,489,025
Specie and bullion	11,850,601	49,344,349	9,452,953

Allowing for the difference in the warehouse account, the imports for the seven months ended July 31, 1872, are in excess of the domestic and foreign exports combined, to the amount of $33,096,188, or nearly 8.69 per cent, while for the seven months ended July 31, 1871, the exports exceeded the imports by $1,755,764, or about 0 50 per cent.

Of the total imports and exports for the seven months ended July 31, 1872, and 1871, the following amounts were carried in American and foreign vessels, and in cars and other land vehicles, respectively:

SEVEN MONTHS ENDED JULY 31, 1871.

Vessels.	Imports.	Domestic exports.	Foreign exports.
American	$118,907,705	$96,931,220	$3,775,788
Foreign	283,245,519	252,426,862	7,959,365
Land vehicles	10,605,510	2,294,962	2,621,393

SEVEN MONTHS ENDED JULY 31, 1872.

Vessels.	Imports.	Domestic exports.	Foreign exports.
American	$110,819,576	$105,185,341	$5,850,517
Foreign	231,291,017	245,210,771	11,179,653
Land vehicles	8,683,183	3,627,255	1,197,740

From this table it appears that, of our total foreign trade in seven months ended July 31, 1872, carried in vessels, over seventy-one per cent was in foreign vessels, as compared with sixty-eight per cent for the corresponding period of 1871.

The number and tonnage of vessels engaged in the foreign trade, which entered into and cleared from the ports of the United States during the twelve months ended July 31, 1872 and 1871, respectively, were as follows:

TWELVE MONTHS ENDED JULY 31, 1872.

	Entered— No.	Entered— Tons.	Cleared— No.	Cleared— Tons.
American vessels	10,769	3,727,103	10,692	3,678,304
Foreign vessels	18,719	7,152,737	18,890	7,129,665

TWELVE MONTHS ENDED JULY 31, 1871.

	Entered— No.	Entered— Tons.	Cleared— No.	Cleared— Tons.
American vessels	10,758	3,769,702	10,567	3,744,364
Foreign vessels	19,366	6,354,251	19,322	6,288,663

In addition to the foregoing, this report contains statements showing the receipts, expenditures and financial condition of the life insurance companies in the United States; railroad earnings in the United States; exports from Birmingham, England; production of minerals, manufactures and agriculture in France; exports from Chemnitz, Saxony, and exports, etc., of Cuba.

JOHN WILSON.—This gentleman, under whose charge the entire arenic part of old John's entertainment is given, is a finished artist in his profession; his masterly management of four horses is surprisingly wonderful. Wilson's act is replete in every particular, and can not fail to call forth rapturous applause.

Meteorological and River Report.

The signal service, United States army, reports, for the benefit of commerce, the meteorological record, and rise or fall of the rivers, at 3:43 P. M., local time, yesterday, as follows:

Place.	Ther.	Wind.	Weather.
Cairo	63	S.	Fair.
Chicago	35	W.	Threatening.
Cincinnati	53	S.W.	Fair.
Davenport	31	W.	Clear.
Galveston	68	S. E.	Fair.
Indianola	71	S.	Clear.
Keokuk	33	N. W.	Fair.
Leavenworth	36	N. W.	Fair.
Louisville	54	S. W.	Clearing.
Memphis	60	S.	Cloudy.
Nashville	52	S.	Light rain.
New Orleans	66	S. E.	Fair.
Omaha	28	N. W.	Cloudy.
Pittsburg	48	S. W.	Light rain.
Shreveport	68	S.	Cloudy.
St. Louis	50	W.	Clear.
St. Paul	21	N. W.	Cloudy.
Vicksburg	63	S. W.	Fair.

THE RIVERS.

Stations.	Rise, inches.	Fall, inches.	Above low water mark. Ft.	In.
Davenport	..	..	4	10
Keokuk	River gorged.			
Cairo	..	..	20	4
St. Louis	6	..	8	10
Pittsburg	..	4	7	6
Cincinnati	..	41	19	7
Louisville	..	7	9	1
Memphis	10	..	11	8
Vicksburg	..	..	8	10
Shreveport	7	..	5	2
Nashville	..	12	9	0

The river here is fourteen feet five inches below high water mark of 1871.

Ossian E. Dodge, once a notable concert giver, has just compelled the Duluthians to give him the deed of a tract of land worth $20,000, which they promised him for securing that place the terminus of the Lake Superior and Mississippi railway.

A Springfield, Massachusetts, little girl, only seven years old, has been made honorary member of a fire company in appreciation of her services in being the first person to discover a fire on Vernon street.

THE COURTS.

Supreme Court of Louisiana.

In the following cases the opinions were rendered yesterday in the Supreme Court:

Maurice M. Bowman & Co. vs. city of New Orleans—Appeal from the Sixth District Court, parish of Orleans.—Motion to dismiss denied, and judgment confirmed.

Given, Watt & Co., in liquidation, E. E. Norton et al., assignee in bankruptcy, appellants, vs. G. M. Alexander & Co., Rickerson, Abbe & Co., intervenors, appellees—Appeal from the Fourth District Court, parish of Orleans.—Judgment affirmed.

Crescent City Bank vs. Joseph Hernandez—Judgment affirmed.

Charles Hodges vs. Graham, Hodges & Co.—Judgment affirmed.

Given, Watts & Co. vs. G. M. Alexander & Co.—Judgment affirmed.

J. D. O'Leary vs. Martin, Cobb & Co.—Judgment affirmed.

Matilda Flower, wife of W. H. Rice, vs. Calvin Tate et al.—Judgment against Tate for $11,600.

Dominique Duroc vs. Widow Ferrarie; Widow Ferrarie vs. Dominique Duroc and sheriff—Two suits.—Judgment affirmed.

Frederick Belden vs. Read & Hunt—Appeal from the Fourth District Court, parish of Orleans.—Judgment reversed and case dismissed.

Ellen Fitzpatrick and husband vs. Mutual Aid and Benevolent Life Association of Louisiana—Appeal from Seventh District Court, parish of Orleans. Judgment affirmed.

J. Q. A. Thomas vs. city of New Orleans—Appeal from Sixth District Court, parish of Orleans. Judgment annulled, and rendered in favor of defendant.

Thomas J. Emerson vs. George P. Porter—Appeal from the Fifth District Court, parish of Orleans. Judgment affirmed.

R. A. Winter and W. A. Steele vs. Beadle, Winge & Co.—Appeal from Seventh District Court. Judgment affirmed.

Mrs. A. M. Jennings vs. Mrs. T. M. McConnico—Appeal from Fourth District Court, Orleans. Appeal dismissed.

Waterhouse, Pearl & Co vs. Citizens' Bank—Appeal from the Sixth District Court, parish of Orleans. Judgment affirmed.

Choppin & White vs. Blanc & Legendre—Appeal from Fifth District Court, parish of Orleans. Judgment affirmed.

Alfio LeBlanc vs. D. A. Thibault & Dannoy—Appeal from District Court of parish of Plaquemines. Sent back for informality.

J. Macheca vs. P. Avegno, and P. Avegno vs. J. Macheca. Appeal from Sixth District Court, parish of Orleans. Judgment in case of Macheca vs. Avegno affirmed; judgment in case of Avegno vs. Macheca reversed.

A. W. Walker vs. Etienne Villavasso et als. Appeal from the District Court, parish of St. Bernard. Motion to dismiss appeal refused.

Heirs of John Slidell vs. Edward Heath. Appeal from Fourth District Court, parish of Orleans. Judgment affirmed.

Bank of New Orleans vs. Orleans Railroad Company et als. Appeal from Fourth District Court, parish of Orleans. Judgment reversed.

A. M. Holbrook vs. Jennie Bronson Holbrook. Appeal from Eighth District Court, taken by defendant. Dismissed with costs.

Superior District Court.

The following decision was rendered yesterday by Judge Hawkins:

State ex rel Attorney General, on the information of John T. Michel, vs. Benjamin Campbell.—This is an action under the intrusion in office act, to test the right of the defendant, Benjamin Campbell, to hold the office of recorder of the Sixth District of the city of New Orleans. Defendant was elected recorder of said district by the City Council of New Orleans and duly commissioned by the Mayor on the fourth of April, 1870, which, by the provisions of the charter, was to continue for two years. On the fourth of April, 1872, two years after the appointment by the Council, a vacancy would occur, which it was made the duty of the Council to fill by another appointment. The Council failed to act on this vacancy, and Campbell continued to discharge the duties of the office under the provisions of the constitution, which require all officers to remain in the discharge of their duties until their successors are duly qualified and inducted into office. On the twentieth day of September, 1872, John T. Michel was appointed by the Governor to fill said vacancy. On the twenty-fourth of September, 1872, Benjamin Campbell was re-elected by the Council to fill said office. The principal question in this case is the right of the Governor to fill the vacancy where the law had provided another and a different mode of filling it. I am of opinion that when the law creating an office provides for filling the vacancies that may occur they can not be filled in any other mode. The vacancy that occured in this office by the failure of the Council to elect at the date of the expiration of the term could therefore only be filled by the Council. Meanwhile the incumbent, Campbell, continued to hold the office and discharge the duties thereof. The term of the new appointment made by the Council on the twenty-fourth of September, 1872, of course expires on the fourth of April, 1874. There was in this case no such vacancy of the office as the Governor might fill by appointment. He can only fill vacancies for the unexpired term. But this vacancy occurs from the expiration of the term, which does not fall within the provisions of the law conferring upon the Governor the power to fill vacancies.

The appointment and commissioning of Michel to the office of recorder of the Sixth District of the city of New Orleans on the twentieth day of September, 1872, was an absolute nullity, and conferred no right whatever upon him to the office.

Judgment for defendant.

State of Louisiana vs. A. Dubuclet et al.—In this case a petition of intervention and prayer to dissolve is filed by the New Orleans, Mobile and Texas Railroad Company praying that the Attorney General show cause on the thirteenth of January why this injunction, so far as it concerned the bonds and coupons of this company, should not be dismissed, on the following grounds:

1. There is no evidence before the court to justify any injunction nor any injunction bond.

2. The Attorney General is without any authority, in virtue of his office, to institute the suit.

3. There are no proper parties to the suit.

4. The bonds mentioned in the said sections twelve and thirty, of the plaintiff's petition were issued to intervenor in exchange and payment for capital stock of intervenor's company, to the amount of $2,500,000, which stock was duly issued by said company to the State of Louisiana, and is now held and owned by said State, and can not be surrendered or transferred without the permission of the General Assembly.

5. There is no warrant of law to authorize this honorable court or any court to enjoin, obstruct, or regulate the administration of the finances of the State by the legislative and executive departments in the manner attempted by the plaintiff in this case.

6. That the allegations of the petition constitute no cause of action as against the just rights of the intervenor.

7. That the allegations of fact in said petition, by which it is sought to be established that the bonds issued to intervenor are illegal, are erroneous.

The case was continued to a future day, when it will be tried on its merits.

State ex rel. P. H. Morgan vs. J. H. Kennard.—This is a suit under the intrusion in office act, filed yesterday, in which relator seeks to obtain the office of Associate Justice of the Supreme Court, now unlawfully held by respondent, to which he, relator, had been appointed by the Acting Governor, confirmed by the Senate, and commissioned on the fourth of January.

The Temperature.

Mr. Louis Frigerio, No. 50 Chartres street, reports the weather for yesterday as follows:

	8 A. M.	2 P. M.	6 P. M.
January 12	42	61	59
January 13	50	64	62

Lowest point during the night of January 12, 47°.

THE ONLY STICKNEY.—The famous equestrian will most positively appear at each of the entertainments to be given by "old" John Robinson's unequaled combination. Two performances daily, at 12 M. and 7:30 P. M., at Tivoli circle lot during this week only.

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.

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.

A PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

Convention between the United States and the German Empire respecting Consuls and trade-marks, signed December 11, 1871; exchanged April 29, 1872; proclaimed June 1, 1872.

WHEREAS, A convention between the United States of America and the German Empire, relating to the rights, privileges, immunities and duties of Consuls, and to the protection of trade-marks, was signed at Berlin on the eleventh day of December, in the year of our Lord one thousand eight hundred and seventy-one, by their respective plenipotentiaries;

And whereas a protocol thereto was signed by the said plenipotentiaries on the twenty-ninth day of April last; which convention and protocol, in the English and German languages are, word for word, as follows:

The President of the United States of America, and his majesty the Emperor of Germany, King of Prussia, in the name of the German Empire, led by the wish to define the rights, privileges, immunities and duties of the respective consular agents, have agreed upon the conclusion of a consular convention, and for that purpose have appointed their plenipotentiaries, namely:

The President of the United States of America, George Bancroft, Envoy Extraordinary and Minister Plenipotentiary from the said States, near his majesty the Emperor of Germany; his majesty the Emperor of Germany, King of Prussia, Bernard Konig, his Privy Councilor of Legation, who have agreed to and signed the following articles;

ARTICLE I.

Each of the contracting parties agrees to receive from the other Consuls General, Consuls, Vice Consuls and Consular Agents, in all its ports, cities and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the contracting parties without also applying to every other power.

ARTICLE II.

The Consuls General, Consuls, Vice Consuls, or Consular Agents shall be reciprocally received and recognized, on the presentation of their commissions, in the forms established in their respective countries. The necessary exequatur for the exercise of their functions shall be furnished to them free of charge, and, on the exhibition of this instrument, they shall be admitted at once, and without difficulty, by the territorial authorities, federal, State or communal, judicial or executive, of the ports, cities, and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted. The government that furnishes the exequatur reserves the right to withdraw the same on a statement of the reasons for which it has thought proper to do so.

ARTICLE III.

The respective Consuls General, Consuls, Vice-Consuls, or Consular Agents, as well as their chancellors and secretaries, shall enjoy in the two countries all privileges, exemptions and immunities which have been granted, or may in future be granted, to the agents of the same rank of the most favored nation. Consular officers, not being citizens of the country where they are accredited, shall enjoy, in the country of their residence, personal immunity from arrest or imprisonment, except in the case of crimes, exemption from military billetings and contributions, from military service of every sort, and other public duties, and from all direct or personal or sumptuary taxes, duties and contributions, whether Federal, State, or municipal. If, however, the said consular officers are or become owners of property in the country in which they reside, or engage in commerce, they shall be subject to the same taxes and imposts, and to the same jurisdiction, as citizens of the country, property-holders, or merchants. But under no circumstances shall their official income be subject to any tax. Consular officers who engage in commerce shall not plead their consular privileges to avoid their commercial liabilities. Consular officers of either character shall not in any event be interfered with in the exercise of their official functions, further than is indispensable for the administration of the laws of the country.

ARTICLE IV.

Consuls General, Consuls, Vice Consuls and Consular Agents may place over the outer door of their offices or of their dwellings the arms of their nation, with the proper inscription indicative of the office. And they may also hoist the flag of their country on their consular edifice, except in place where a legation of their country is established.

They may also hoist their flag on board any vessel employed by them in port for the discharge of their duty.

ARTICLE V.

The consular archives shall be at all times inviolable, and under no pretence whatever shall the local authorities be allowed to examine or seize the papers forming part of them. When, however, a consular officer is engaged in other business, the papers relating to the consulate shall be kept in a separate enclosure.

The offices and dwellings of Consules missi who are not citizens of the country of their residence shall be at all times inviolable. The local authorities shall not, except in the case of the pursuit for crimes, under any pretext invade them. In no case shall they examine or seize the papers there deposited. In no event shall those offices or dwellings be used as places of asylum.

ARTICLE VI.

In the event of the death, prevention, or absence of Consuls General, Consuls, Vice Consuls, Consular Agents, their chancellors or secretaries, whose official character may have previously been made known to the respective authorities in Germany or in the United States, may temporarily exercise their functions, and, while thus acting, they shall enjoy all the rights, prerogatives, and immunities granted by this convention to the incumbents.

ARTICLE VII.

Consuls General and Consuls may, with the approbation of their respective governments, appoint Vice Consuls and Consular Agents in the cities, ports and places within their consular jurisdiction. These officers may be citizens of Germany, of the United States, or any other country. They shall be furnished with a commission by the Consul who appoints them and under whose orders they are to act, or by the government of the country which he represents. They shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in article three.

ARTICLE VIII.

Consuls General, Consuls, Vice Consuls and Consular Agents shall have the right to apply to the authorities of the respective countries, whether federal or local, judicial or executive, within the extent of their consular district, for the redress of any infraction of the treaties and conventions existing between the two countries, or of international law; to ask information of said authorities, and to address said authorities to the end of protecting the rights and interests of their countrymen, especially in cases of the absence of the latter; in which cases such consuls, etc., shall be presumed to be their legal representatives. If due notice should not be taken of such application, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the government of the country where they reside.

ARTICLE IX.

Consuls General, Consuls, Vice Consuls or Consular Agents of the two countries, or their chancellors, shall have the right, conformably to the laws and regulations of their country—

1. To take at their office or dwelling, at the residence of the parties, or on board of vessels of their own nation, the depositions of the captains and crews, of passengers on board of them, of merchants, or of any other citizens of their own country.

2. To receive and verify unilateral acts, wills and bequests of their countrymen, and any and all acts of agreement entered upon between citizens of their own country and between such citizens and the citizens or other inhabitants of the country where they reside; and also all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation by which the said consular officers are appointed.

All such acts of agreement and other instruments, and also copies and translations thereof, when duly authenticated by such Consul General, Consul, Vice Consul or Consular Agent, under his official seal, shall be received by public officials and 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 or authenticated by competent public officers of one or the other of the two countries.

ARTICLE X.

In case of the death of any citizen of Germany in the United States, or of any citizen of the United States in the German Empire, without having in the country of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the nation to which the deceased belongs of the circumstance, in order that the necessary information may be immediately forwarded to parties interested.

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

In all successions to inheritances citizens of each of the contracting parties shall pay in the country of the other such duties only as they would be liable to pay if they were citizens of the country in which the property is situated or the judicial administration of the same may be exercised.

ARTICLE XI.

Consuls General, Consuls, Vice Consuls and Consular Agents of the two countries are exclusively charged with the inventorying and the safe-keeping of goods and effects of every kind left by sailors or passengers on ships of their nation, who die either on board ship or on land, during the voyage or in the port of destination.

ARTICLE XII.

Consuls General, Consuls, Vice Consuls, and Consular Agents shall be at liberty to go either in person or by proxy on board vessels of their nation admitted to entry and to examine the officers and crews, to examine the ships' papers, to receive declarations concerning their voyage, their destination and the incidents of the voyage; also to draw up manifests and lists of freight, to facilitate the entry and clearance of their vessels, and finally to accompany the said officers or crews before the judicial or administrative authorities of the country, to assist them as their interpreters or agents.

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

They shall also give due notice to the said consular officers 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 officers or persons belonging to 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. Upon the non appearance of the said officers or their representatives, the case may be proceeded with in their absence.

ARTICLE XIII.

Consuls General, Consuls, Vice Consuls or Consular Agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall have the exclusive power to take cognizance of and to determine differences of every kind which may arise, either at sea or in port, between the captains, officers and crews, and specially in reference to wages and the execution of mutual contracts. Neither any court or authority shall, on any pretext, interfere in these differences, 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 crew of the vessel are parties to the disturbance.

Except as aforesaid, the local authorities shall confine themselves to the rendering of efficient aid to the Consuls, when they may ask it in order to arrest and hold all persons whose names are borne on the ship's articles, and whom they may deem it necessary to detain. Those persons shall be arrested at the sole request of the Consuls, addressed in writing to the local authorities and supported by an official extract from the register of the ship or the list of the crew, and shall be held during the whole time of their stay in port, at the disposal of the Consuls. Their release shall be granted only at the request of the Consuls, made in writing.

The expenses of the arrest and detention of those persons shall be paid by the consuls.

ARTICLE XIV.

Consuls General, Consuls, Vice Consuls or Consular Agents may arrest the officers, sailors and all other persons making part of the crews of ships of war or merchant vessels of their nation, who may be guilty or be accused of having deserted said ships and vessels, for the purpose of sending them on board or back to their country.

To that end, the Consuls of Germany in the United States shall apply to either the federal, State or municipal courts or authorities; and the Consuls of the United States in Germany shall apply to any of the competent authorities, and make a request in writing for the deserters, supporting it by an official extract of the register of the vessel and the list of the crew, or by other official documents, to show that the men whom they claim belong to said crew. Upon such request alone thus supported, and without the exaction of any oath from the Consuls, the deserters (not being citizens of the country where the demand is made either at the time of their shipping or of their arrival in the port) shall be given up to the Consuls. All aid and protection shall be furnished them for the pursuit, seizure and arrest of the deserters, who shall be taken to the prisons of the country and there detained at the request and at the expense of the Consuls, until the said Consuls my find an opportunity of sending them away.

If however, such opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause.

ARTICLE XV.

In the absence of an agreement to the contrary between the owners, freighters and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily or are forced by stress of weather, shall be settled by the Consuls General, Consuls, Vice Consuls and Consular Agents of the respective countries. If, however, any inhabitant of the country, or citizen or subject of a third power, shall be interested in the matter, and the parties can not agree, the competent local authorities shall decide.

ARTICLE XVI.

In the event of a vessel belonging to the Government, or owned by a citizen of one of the two contracting parties being wrecked, or cast on shore, on the coast of the other, the local authorities shall inform the Consul General, Consul, Vice Consul, or Consular Agent of the district of the occurrence, or if there be no such consular agency, they shall inform 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 the territorial waters of the German Empire shall take place in accordance with the laws of Germany; and, reciprocally, all measures of salvage relative to German vessels wrecked or cast on shore in the territorial waters of the United States shall take place in accordance with the laws of the United States.

The consular authorities have in both countries to intervene only to superintend the proceedings having reference to the repair and revictualing, or, if necessary, to the sale of the vessel wrecked or cast on shore.

For the intervention of the local authorities no charges shall be made except such as in similar cases are paid by vessels of the nation.

In case of a doubt concerning the nationality of a shipwrecked vessel, the local authorities shall have exclusively the direction of the proceedings provided for in this article.

All merchandise and goods not destined for consumption in the country where the wreck takes place shall be free of all duties.

ARTICLE XVII.

With regard to the marks or labels of goods, or of their packages, and also with regard to patterns and marks of manufacture and trade, the citizens of Germany shall enjoy in the United States of America, and American citizens shall enjoy in Germany, the same protection as native citizens.

ARTICLE XVIII.

The present convention shall remain in force for the space of ten years counting from the day of the exchange of the ratifications, which shall be exchanged at Berlin within the period of six months.

In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force one 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 faith whereof the plenipotentiaries have signed and sealed this convention.

Berlin, the eleventh of December, 1871.

GEORGE BANCROFT.

The undersigned met this day in order to effect the exchange of the ratifications of the Consular Convention, signed on the eleventh day of December, 1871, between the United States of America and Germany.

Before proceeding to this act, the undersigned Envoy Extraordinary and Minister Plenipotentiary of the United States of America declared—

1. That in accordance with the instruction given him by his government, with the advice and consent of the Senate, the expression "property," used in the English text of articles three and nine, is to be construed as meaning and intending "real estate."

2. That, according to the laws and the constitution of the United States, article ten applies not only to persons of the male sex but also to persons of the female sex.

After the undersigned, President of the office of the Chancellor of the Empire, had expressed his concurrence with this declaration, the acts of ratification, found to be in good and due form, were exchanged, and the present protocol was in duplicate executed.

Berlin, the twenty-ninth of April, 1872.

GEORGE BANCROFT.
DELBRUECK.

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchange at Berlin on the twenty-ninth day of April last—

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

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 Austro-Hungarian Monarchy. Naturalization. Signed September 20, 1870; ratified March 21, 1871; ratifications exchanged July 14, 1871; proclaimed August 1, 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 naturalization, was concluded and signed at Vienna by their respective plenipotentiaries on the twentieth day of September, 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, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to the territories of the Austro-Hungarian Monarchy, and from the Austro-Hungarian Monarchy to the United States of America, have resolved to treat on this subject, and have for that purpose appointed plenipotentiaries to conclude a convention, that is to say: The President of the United States of America, John Jay, Envoy Extraordinary and Minister Plenipotentiary from the United States to his imperial and royal Apostolic Majesty; and his Majesty the Emperor of Austria, etc., Apostolic King of Hungary, the Count Frederick Ferdinand de Beust, his Majesty's Privy Counselor and Chamberlain, Chancellor of the Empire, Minister of the Imperial House and of Foreign Affairs, Grand Cross of the Orders of St. Stephen and Leopold, who have agreed to and signed the following articles:

ARTICLE I.

Citizens of the Austro-Hungarian Monarchy who have resided in the United States of America uninterruptedly at least five years, and during such residence have become naturalized citizens of the United States, shall be held by the government of Austria and Hungary to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America who have resided in the territories of the Austro-Hungarian Monarchy uninterruptedly at least five years, and during such residence have become naturalized citizens of the Austro Hungarian Monarchy, shall be held by the United States to be citizens of the Austro-Hungarian Monarchy, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

ARTICLE II.

A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country committed before his emigration, saving always the limitation established by the laws of his original country and any other remission of liability to punishment.

In particular, a former citizen of the Austro-Hungarian Monarchy, who, under the first article, is to be held as an American citizen, is liable to trial and punishment, according to the laws of Austro-Hungary, for non-fulfillment of military duty:

1. If he has emigrated, after having been drafted at the time of conscription, and thus having become enrolled as a recruit for service in the standing army.

2. If he has emigrated while he stood in service under the flag, or had a leave of absence only for a limited time.

3. If, having a leave of absence for an unlimited time, or belonging to the reserve or to the militia, he has emigrated after having received a call into service, or after a public proclamation requiring his appearance, or after war has broken out.

On the other hand, a former citizen of the Austro-Hungarian Monarchy naturalized in the United States, who by or after his emigration has transgressed the legal provisions on military duty by any acts or omissions other than those above enumerated in the clauses numbered one, two and three, can, on his return to his original country, neither be held subsequently to military service nor remain liable to trial and punishment for the non-fulfillment of his military duty.

ARTICLE III.

The convention for the mutual delivery of criminals, fugitives from justice, concluded on the third of July, 1856, between the government of the United States of America on the one part and the Austro-Hungarian Monarchy on the other part, as well as the additional convention, signed on the eighth of May, 1848, to the treaty of commerce and navigation concluded between the said governments on the twenty-seventh of August, 1829, and especially the stipulations of Article IV. of the said additional convention concerning the delivery of the deserters from the ships of war and merchant vessels remain in force without change.

ARTICLE IV.

The emigrant from the one state, who, according to Article I. is to be held as a citizen of the other state, shall not, on his return to his original country, be constrained to resume his former citizenship; yet if he shall of his own accord re-acquire it, and renounce the citizenship obtained by naturalization, such a renunciation is allowable, and no fixed period of residence shall be required for the recognition of his recovery of citizenship in his original country.

ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

ARTICLE VI.

The present convention shall be ratified by the President of the United States, by and with the consent of the Senate of the United States, and by his Majesty the Emperor of Austria, etc., King of Hungary, with the constitutional consent of the two legislatures of the Austro-Hungarian Monarchy, and the ratifications shall be exchanged at Vienna within twelve months from the date hereof.

In faith whereof the plenipotentiaries have signed this convention as well in German as in English, and have thereto affixed their seals.

Done at Vienna the twentieth day of September, in the year of our Lord one thousand and eight hundred and seventy, in the ninety-fifth year of the Independence of the United States of America, and in the twenty-second year of the reign of his imperial and royal Apostolic Majesty.

JOHN JAY.
BEUST.

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Vienna, on the fourteenth day of July, 1871, by John Jay, Envoy Extraordinary and Minister Plenipotentiary of the United States, and Count Frederick Ferdinand de Beust, Minister for Foreign Affairs of the Austro-Hungarian Monarchy, etc., 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 first day of August, in the year of our Lord one thousand eight hundred and seventy-one, and of the Independence of the United States of America the ninety-sixth.

U. S. GRANT.

By the President:
HAMILTON FISH, Secretary of State.

A PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

Treaty between the United States of America and the Kingdom of Italy. Commerce and navigation. Signed February 26, 1871; ratified April 29, 1871; ratifications exchanged November 18, 1871; proclaimed November 23, 1871.

WHEREAS, A treaty of commerce and navigation between the United States of America and his majesty the King of Italy was concluded and signed by their respective plenipotentiaries, at the city of Florence, on the twenty-sixth day of February, one thousand eight hundred and seventy-one, which treaty, being in the English and Italian languages, is word for word as follows:

Treaty of commerce and navigation between the United States and the Kingdom of Italy.

The United States of America and his majesty the King of Italy, desiring to extend and facilitate the relations of commerce and navigation between the two countries, have determined to conclude a treaty for that purpose, and have named as their respective plenipotentiaries: The United States of America, George Perkins Marsh, their Envoy Extraordinary and Minister Plenipotentiary near his majesty the King of Italy; and his majesty the King of Italy, the Noble Emilio Visconti Venosta, Grand Cordon of his Orders of the Saints Maurice and Lazarus, and of the Crown of Italy, Deputy in Parliament, and his Minister Secretary of State for Foreign Affairs, and the said plenipotentiaries having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE .

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation.

Italian citizens in the United States, and citizens of the United States in Italy, shall mutually have liberty to enter with their ships and cargoes all the ports of the United States and of Italy respectively, which may be open to foreign commerce. They shall also have liberty to sojourn and reside in all parts whatever of said territories. They shall enjoy, respectively, within the States and possessions of each party, the same rights, privileges, favors, immunities and exemptions for their commerce and navigation as the natives of the country wherein they reside, without paying other or higher