New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES

OFFICIAL JOURNAL OF NEW ORLEANS

COMMERCIAL PROSPECTS AND PROGRESS OF NEW ORLEANS.

A Letter Addressed by Hon. Thomas H. Nelson, United States Minister at Mexico, to J. H. Oglesby, Esq., President of the Chamber of Commerce of New Orleans.

TERRE HAUTE, Ind., December 13, 1872.

J. H. Oglesby, Esq., President of the Chamber of Commerce, New Orleans:

DEAR SIR—Instead of returning to my post of duty by way of New Orleans, as I had intended, I find, on the eve of my departure, that important considerations compel me to go by way of New York. I will therefore submit, in writing, some hastily prepared suggestions, in response to your communication, in respect to the prospects and methods of establishing and maintaining commercial and mercantile relations with our sister republic.

Nothing is more common among persons who possess but a superficial knowledge of Mexico than the opinion that its present condition is infinitely less prosperous than before its emancipation from the yoke of Spain.

This statement, which first acquired currency in the United States about the time of the Mexican war, and which at that time was based upon plausible, if not upon correct reasoning, has obtained such strength by constant repetition as to have become one of the commonplaces of the American press, and one of the firmly rooted convictions of the American people. And yet, to those who know in what consists the real strength and prosperity of a people, to those who can distinguish between the interests of a limited class and those of a nation at large, to those who understand that the tawdry finery of a score of aristocrats and the deceptive ostentation of a church, endowed with the spoils of centuries, does not constitute national prosperity; to those, in short, who have instituted an intelligent comparison between the Mexico of to-day and the Mexico of the preceding generation, and with New Spain under its latest Viceroys, it is apparent not only that Mexico has made notable strides along the pathway of progress, but that she has passed through the furnace of political regeneration, has secured the great conquests of civil and religious liberty, and has opened wide her doors to the regenerating influences which will make her, in brief, a participant of the wonderful blessings which Providence has so lavishly bestowed upon our own favored land.

At the beginning of the present century, and for many years thereafter, Mexico was the most populous country in the New World, and its capital was the largest city in America. Since that time Mexico has nearly doubled in population, while it has lost two thirds of its territory, but the miraculous rapidity with which the United States has advanced, leaving Mexico far behind, causes us to regard her slower growth as a retrogression.

The long series of revolutions of which Mexico has been the prey has given rise to the natural opinion in foreign countries that the Mexican people are essentially turbulent and impossible to govern. Those who hold this opinion are not aware of the causes which have lain at the bottom of Mexican commotions, and consequently of the reasons which may be adduced to show that the revolutionary epoch in Mexico is substantially closed.

Mexico, at the time of achieving her independence, had absolutely no education in self-government. The movement of independence commenced in 1810 by the Priest Hidalgo, was drowned in blood after eight years of irregular warfare, during which the insurgents never succeeded in establishing a regular government. The movement of Iguala, which, in 1821, effected the separation from Spain, under the guidance of Augustine Iturbide, had in view merely her independence from the Spanish yoke, but without a thought of effecting any change in the form of government.

That Mexico is to-day a republic is primarily owing to refusal of the royal family of Spain to send one of its princes as the monarch of Mexico; and secondarily to the reaction brought about by the Spanish party in Mexico, who were unwilling to see a native of the country seated upon the throne, which they had destined for a Spanish prince. The republic was founded in 1824, after the fall of the ephemeral empire of Iturbide, not because there was not a Republican party in Mexico, but because that was the only possible form of government in the absence of a monarch. The first generation of Mexican presidents and cabinet ministers was composed almost exclusively of persons who were at heart monarchists, and it is easy to divine the confusion which this fact introduced into all branches of the administration. Personal ambition took the place of administrative talent, and as armed force was the only certain means of satisfying such ambition, none but military leaders for nearly forty years ever occupied the presidency of Mexico. The first constitution, a hastily devised imitation of our own, could not flourish in such soil. The American constitution had for its mission to unite colonies previously separated; the Mexican constitution erected semi-independent States, in a country previously ruled by a centralizing system. It was natural that the first generation of the independent existence of Mexico should be filled with the complex strife between despotic and liberal institutions, between centralism and federalism, and that the strife should be the more bloody because largely made in the interest of personal ambition. The most representative man whom Mexico has produced, General Santa Anna, aptly symbolizes in his manifold career the war of ideas from which Mexico has but just emerged. Commencing life as a subaltern in the Spanish army, in waging war upon the early insurgents, we see him in 1821 acquire the rank of General by co-operating in the monarchical revolution of Iturbide, to be the first to pronounce against that unhappy Emperor in 1822. In the series of nearly fifty rulers who have held sway in Mexico since then, Santa Anna has waged open or secret war for or against every administration but his own. In his first Presidency he was elected as a federalist, and overthrew the federal constitution. In his second term he again overthrew the existing institutions in favor of another plan of government. In his third presidency he restored the constitution of 1824, and in his last administration made himself dictator, with the title of "His Serene Highness." What Santa Anna did upon a grand scale, many other military chieftains did upon the lesser theatre of the State governments. The question of the form of government could never be said to be definitly solved for Mexico until the adoption in 1857 of her present constitution, and that event, as is well known, became the signal for the essentially religious contest known as the war of reform, which, in its turn, led to foreign intervention and to the evanescent empire of Maximilian.

The facts upon which the preceding *resume* are founded, fill the melancholy history of Mexico for a half a century, and it must be confessed are quite sufficient to justify the popular impression of Mexico as an essentially turbulent country.

Yet in the light of the above considerations can it be wondered at, that it has cost half a century of blood and suffering to conquer the assurance of a prosperous future, under a genuinely Republican system of government?

The history of Mexico during the fifteen years that have elapsed since the adoption of the constitution of 1857, is a sufficient guarantee that such a future is really before her. The great questions which have so long agitated the country, have been, as I believe, definitely resolved. It is certain that Mexico is to continue without interruption under her present republican and federal *regime*; it is certain that the power and influence of the clergy, which for three centuries and a half preyed like a vampire upon her life blood, is irretrievably gone; it is certain that the people have now received that education in self-government, which will enable it easily to resolve the administrative problems of the future. Above all, there now remains no great question of the future, which, like the slavery question, for a long time, with us, was a standing menace for the perpetuity of her institutions. Strong in her costly acquisitions of liberty and independence, strong in the assured friendship of her powerful neighbor, rich in the countless treasures of her soil and climate, fortunate beyond calculation in her geographical position with reference to the commerce of the world, resolute in the adoption and naturalization of the great inventions of the age for abbreviating time and space, Mexico is now just entering upon an era of internal improvements which may be considered to date from the conclusion of the railway between the City of Mexico and the port of Vera Cruz at the end of the present year.

The competition of American and European capital for the lucrative privilege of providing Mexico with means of communication has fairly commenced, and the Americans are likely to gain the preference. Two great railroad enterprises, either of which, if fully carried out, is certain to revolutionize the commerce of Mexico, are now knocking at the doors of the Mexican Congress for permission to confer upon Mexico the greatest of blessings. I refer to the International railway of Texas, which proposes to construct a line from the City of Mexico to the Rio Grande, and to the scheme of General Rosecrans for a system of railways to connect most of the important cities of the republic with its capital. It is probable that both undertakings will be successful in great part, and that five years hence it will be possible not only to leave New Orleans in a palace car and arrive within a week in the City of Mexico, but also to visit in the same manner the eight or ten principal cities of the republic. Within the same period of time the Texas Pacific railroad will undoubtedly be completed, skirting one-half of the northern frontier of Mexico, and intersecting at Paso del Norte with the narrow guage Denver and El Paso road, which will probably extend far beyond Chihuahua toward the interior of Mexico. The port of Guaymas will then be connected with the capital of Arizona by means of a railroad running due north, and intersecting the Texas Pacific at another point.

When once these links of union shall have been established, the commercial relations between the United States and Mexico will rapidly assume enormous proportions. Each country seems to have been created expressly to become the natural feeder and the natural market of the other. Each abounds, by reason of its differences of soil and climate, in precisely the productions which are most needed in the other. While in the United States the area which can be successfully devoted to the cultivation of articles of such universal consumption as cotton, sugar, rice and tobacco, is necessarily limited, and for the three latter is sufficient to supply but a small proportion of the home demand, the capacity of Mexico for the production of these four great staples is practically unlimited. In connection with our sources of supply of these articles, a consideration arises, which, I think, should have great weight with our government in awarding the preference to Mexico above Cuba, Puerto Rico, and Brazil, which at the present time enjoy the profitable monopoly of these great staples of commerce. Since the moral sense of our nation, aided by the irresistible logic of events, pronounced its fiat of reprobation upon the institution of human slavery, the United States should be considered as essentially an anti-slavery nation, and, in despite of former prejudices, no section of the country has now any interest in defending the memory of that extinct abuse. It is now time that, having washed our own hands of that reproach, by the events of a period to which I need not refer in detail, we now have a right to openly express our opinion of slavery in other countries where it exists in forms so repugnant as almost to justify, by contrast, the milder system which cost us so much blood and treasure to extirpate. We have now a right, and many would maintain that it is a national duty, to discriminate in our tariff legislation between the product of free and slave labor, and such just discrimination would undoubtedly redound chiefly to the profit of Mexico. But it is not merely under philanthropical aspects that such legislation may be justified and recommended; it is equally desirable from the standpoint of the Monroe doctrine. The countries competing with Mexico in the staples above mentioned, are not merely countries whose productive industry is based upon slave labor, but they are also ruled upon the monarchical system, which, at this period of the nineteenth century, ought to be considered an exotic upon American soil. None of the countries in question could justly complain of a discrimination based upon two such powerful and equitable considerations. It would constitute another great step in the onward march of our distinctively American international law, and would probably find imitators, as it would certainly merit applause and respect among the more advanced nations of the Old World. It would be a signal national testimonial of friendship and encouragement to all the republics of the New World, and would be directly profitable not only to Mexico, but also to the five republics of Central America, to Colombia and Venezuela.

Moreover, from the materialistic standpoint of national and private interests, the policy I recommend has peculiar claims upon the people of the Southwestern States, more particularly Louisiana and Texas. Their commercial future is so directly and intimately bound up in the growth and development of mercantile relations with Mexico as to make it unnecessary to dwell further upon this point. Every legislative step which tends to foster such commerce is a step in favor of the Southwestern States.

Not only the four staples which I have mentioned above would share in the impulse given by a wise development of commercial relations with Mexico; there are other articles of vast consumption, not produced upon our own soil, with which Mexico is capable of supplying the world. I need only mention coffee, chocolate, indigo, mahogany and dye woods. In return for these precious commodities, Mexico would naturally receive from us the manufactures which she now buys chiefly from England, France and Germany. Thus, our American manufactures, availing themselves of our magnificent water power, would take deep root in the Gulf States, and would elevate them to a degree of prosperity unknown in their palmiest days of old.

To attain this result, the adoption of the legislation I have indicated would undoubtedly tend in no ordinary degree.

The completion of the projected line of railways, between the two countries, will certainly have a vital influence in the same direction, with or without the stimulus of such favoring legislation.

But, for the inauguration of a vast and profitable commerce between Mexico and the Southwestern States, it is not necessary to await the tardy apparition of the iron horse in the central States of Mexico, nor to follow the uncertain course of legislation. The road to the treasures of Mexico lies open to the merchants of New Orleans, and it is a cause of unceasing wonder to me, that that road has been completely abandoned. Mexico has done her part. In the years since the fall of the short-lived Empire, she has increased the production of her Gulf States. She has reformed her vexatious fiscal legislation, by means of a comparatively liberal tariff, which went into force the first of July last; and above all, she has completed the most important railway for the interests of her maritime commerce. Before the first of January next trains will have passed from the capital of Mexico to her most important sea port. Above all, she stands ready to give, if she has not already given, a liberal subsidy to a line of steamers from New Orleans to Vera Cruz. She has already aided the establishment of a line of coasting steamers, owned in New York, and which should begin its trips to all the Mexican ports of the gulf in November or December of the present year. The importance of this line as a feeder to a New Orleans line can not be ignored. And I have no doubt that, in the case of the adoption of the friendly American legislation to which I have before adverted, Mexico would be sufficiently grateful to her nearest neighbor and her best friend to make corresponding discriminations in our favor, constituting in fact, if not in name, something very like a reciprocity treaty, which will redound to the benefit of both countries.

In conclusion, I beg leave to inclose a copy of a dispatch, addressed by me to the Department of State in November, 1870, which covers most of the inquiries contained in your communication.

I remain, with great respect, your obedient servant, THOMAS H. NELSON.

MR NELSON TO MR. FISH.

LEGATION OF THE UNITED STATES, Mexico, November 4, 1870.

SIR—In compliance with the instructions contained in the circular from the Department of State, dated the nineteenth of August last, I have the honor to submit the following facts and considerations respecting the present state of commercial intercourse between the United States and Mexico; the causes of the present prostrate condition of American interest here, and means which might probably be efficaciously employed by our government to bring about a more prosperous state of affairs.

On the first of August, 1869, I addressed a confidential circular to all the American consuls and consular agents residing in the republic of Mexico, requesting them to furnish me with data concerning the political and material condition of the States in which they respectively reside. Replies were received from most of these officers, and copies of several interesting and valuable communications were transmitted by this legation to the State Department in the closing months of 1869, and the earlier portion of the present year. I respectfully suggest that a collation of these documents will furnish data upon many of the points covered by the Senate resolution.

As the chief practical inference from so many communications, and from my own observation, experience, and inquiries, I may state that the present commercial intercourse between the United States and Mexico is in a state of the utmost prostration and decadence. The reports of our consuls are unanimous upon this point. In this city, which is one of the largest in Spanish America, the number of American mercantile houses does not exceed two or three, and the total number of American residents is but a score or two. The same is the case in Vera Cruz, and in the principal ports of the Pacific, as well as, with greater reason, in the large cities of the interior.

The commerce of importation into this republic is almost exclusively in the hands of European merchants, chiefly English, French and German. The large number of citizens of the Southern States of the Union who came to Mexico immediately after the rebellion, have almost all returned to the United States. The agricultural colony near Cordova, from which so much was expected, has been completely broken up and dispersed, and there is not at this moment in Mexico a single notability remaining out of the many Confederate refugees. Of the few American commercial houses in Mexico, the greater part import more foreign than American goods, there being, I believe, but one house which deals exclusively in articles of American manufacture—that is to say, in arms and ammunition. On the Pacific coast our commerce via San Francisco is almost limited to the vessels of the Pacific Mail Steamship Company, which complains of a loss of trade, and is even said to be running at a loss. The importations by this line are chiefly confined to arms, and agricultural and mining implements, with small quantities of hardware and Chinese goods. The causes of this low state of American commerce in Mexico are but too easily explained. They may be summed up as follows:

1. The force of habit; the Europeans having preceded us in establishing commercial relations here.
2. The low rate of interest which Europeans pay for their borrowed capital, contrasting with that of the United States, in the proportion of from five to ten per centum.
3. The fact that European manufacturers of cotton and fancy gooods invariably consult the Mexican taste, thus enabling them to make little account of durability of material, and successfully to compete with American articles of stronger texture, but of subdued colors.
4. The chronic insecurity of life and property, which has exerted and still exerts a fatal influence upon all foreign capital in the country, and whose effect on Americans has been absolutely to preclude its introduction.
5. The entire want of railroad and telegraphic communication between the two countries along our 1500 miles of frontier.

In respect to the proper remedies which might be employed by the government of the United States to enable Americans gradually to assume that commercial importance in Mexico in which our proximity and political sympathies entitle us, they may be summed up, in general, as being those measures which will most effectually operate for the removal or neutralization of these five causes.

Undoubtedly, under favorable circumstances, something may be accomplished diplomatically to place the commerce of the United States upon a more favorable footing as toward the Mexican revenue system. By the continuance of the wise policy of giving moral aid and contenance to the present liberal and patriotic government of Mexico, we shall also contribute to the rapid development of that energetic protection to life and property which is of such urgent necessity, and which this government is doing all in its power to establish. In the line of active promotion of American interests in Mexico, I know of nothing more important to be consulted than the facility and rapidity of intercommunication by means of railway and steamship lines and telegraphs, both as between the two countries, and as within the extensive Mexican territories, where the almost total absence of good means of communication is proverbial. However desirable American colonization may be to Mexico and to our interests, it can not be effectually promoted in any other way. The construction of railways, then, through the State of Texas and the Territories of New Mexico and Arizona, to the Mexican frontier, is an object of the first importance for the interests to which this inquiry is directed. When such roads once exist to the frontier the Mexican government will undoubtedly make great efforts to promote their extension through the vast States, fabulously rich in mines and in agricultural wealth, of her northern zone. The unfriendly legislation which, under the name of the *zona libre*, and other burdensome clogs upon our commerce, would then naturally disappear. The growing prosperity of our Southern States, and especially the gratifying progress of the port of New Orleans, is destined to exert a speedy and beneficial influence upon our commerce with Mexico. It is worthy of inquiry whether our government might not properly do something in aid of the re-establishment of lines of steamships from New Orleans to the Mexican ports of the Gulf.

Finally, everything which promotes a knowledge in detail of the vast but undeveloped resources of the several States of Mexico will inevitably exert a powerful influence for good in the desired direction. The speedy construction of the Tehuantepec railroad will be an inestimable boon to the increasing community of interests between the two republics. The survey about to be made of that isthmus by an expedition under the auspices of the American Navy Department, will, if successful in its object of establishing the feasibility of interoceanic navigation, do more than anything else that could be suggested to excite in our commercial houses that interest and curiosity which are the precursors of enterprise. Beside giving the widest publicity to the results of that survey, if favorable, might not our government usefully undertake the scientific survey of other portions of Mexican territory contiguous to our own, with a view to other international public works?

The suggestion made in the closing paragraphs of the able preliminary report on this subject of the Department of State, concerning a congressional appropriation to employ statisticians of ability to collect and collate information upon this subject, seems to me eminently conducive to the attainment of important results, and, in case of its adoption, I would suggest that one or more persons be detailed to the special study of the subject upon Mexican soil. I have addressed a note to Mr. Romero, the Secretary of the Treasury, requesting him to furnish me certain information and statistics upon several of the matters involved in this inquiry, which I hope to be able to communicate to the State Department by the next steamer. THOMAS H. NELSON.

It is claimed that Pinchback's proclamation was garbled in reaching the press, and that he did not contemplate any interference with the opposition Legislature so long as they refrained from aggressive action of an official character.—*Washington Chronicle.*

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 transportation 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 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 places 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 these 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 24, 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