New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES

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THE COURTS.

United States Circuit Court.

The grand jury was called and sworn yesterday, and John A. Walsh was appointed foreman, when they retired to deliberate upon such matters as the district attorney might have to bring before them. They subsequently returned the following:

United States vs. Uriah C. Pipes.—Indictment for embezzling a letter in his possession as postmaster. A true bill.

United States vs. Uriah C. Pipes.—Indictment for detaining, delaying and reopening letters and packages of letters. A true bill.

United States vs. Ernest Fontenette—Embezzlement. A true bill.

United States District Court.

Robert Watson and John R. Clay were appointed as freeholders to assist in preparing a jury list in the District Court, and came forward and qualified.

Supreme Court.

The returning board case was again before the Supreme Court yesterday, and the entire day was absorbed by Mr. T. J. Semmes in his argument in favor of the Jack Wharton board, and in reply to the argument of Mr. J. Q. A. Fellows delivered the day before. The case was continued until to-day, when Judge Dibble will close the case.

Superior District Court.

The Louisiana State Lottery Company has filed a suit in this court against E. P. Baker and others, proprietors of the store No. 66 St. Charles street, praying for a writ of injunction against said Baker and his employes, restraining them from offering for sale any lottery, policy or combination tickets, and from selling any envelopes entitling the holder thereof to a prize or blank.

The defendants are the owners of a fancy store, wherein pictures, chromos and jewelry are raffled by way of envelopes containing a number, entitling the holder thereof to such article in the store as corresponds with the number obtained by the purchaser.

Judge Hawkins granted the injunction as prayed for, upon plaintiff giving bond in the sum of $1000, conditioned as the law directs.

State of Louisiana ex rel. John Klein vs. A. Dubuclet, State Treasurer.—This is a petition for a mandamus to compel payment of various and sundry warrants drawn by the State Auditor, amounting in the aggregate to $3989. The State Treasurer is ordered to show cause on Saturday, the eighteenth instant, why the mandamus should not be made peremptory. John Ray for petitioner.

E. E. Duffy vs. Louisiana State Lottery.—This is a petition for an injunction restraining the Louisiana State Lottery Company from paying the prize won by ticket with Nos. 11, 24 and 69, or 69, 24 and 11, class No. 295, which won a prize in this lottery of $850, until the right of petitioner to an interest in said ticket be adjudicated. Braughn & Buck for petitioner.

Thirty-four State tax suits were filed in this court yesterday by the Attorney General, mainly against companies and corporations.

Second District Court.

The following is an extract of the reasons for judgment on oppositions to provisional and final accounts presented in the succession of Jean Bouvet by Widow J. Bouvet, natural tutrix of her minor children, and as such administering the estate of the deceased:

The first creditor whose debt is to be paid by preference over all other claims, charges and privileges, except expenses for sale out of the proceeds of the real estate herein, is Mrs. Van Rooten. She has the highest right and privilege, the vendor's. The cash proceeds of sale of real estate and improvements thereon sold to Adolphe Bernier amount to $1340. Hence, after deducting the amount of State and city taxes paid on said property sold, the fees and commissions of the auctioneer to effect the sale, the plan made for said sale, the fees of the experts appointed to appraise said property for the purposes of said sale, and the clerk's cost relating to said sale, the whole amounting to $220, and placed on the account, and not contested; the balance, $1120, must, in my opinion, be affected to the payment of the claim aforesaid by Mrs. Van Rooten.

There remains $1079 20, therefore, more to be distributed.

Net proceeds of sale of contents of store No. 7 Carondelet street, as per proces verbal of sale	$959 05
Net amount of bills collected by the tutrix	120 15
Total	$1079 20

Out of this fund I believe that the widow of the deceased, for herself and nine children, is entitled to receive the homestead, it having been admitted in open court that they are in necessitous circumstances.

The claim of the widow and children to the homestead was opposed on the trial of this cause on the ground that their privilege had never been recorded. It is said that it is therefore lost.

If the homestead could be considered as a privilege, there is no doubt that the failure to have it duly and properly registered would be fatal to the claimants; but the homestead is not a privilege, in the sense in which that word is used in our jurisprudence.

It was not classed in our old (Fuqua's) Civil Code among privileges. No mention was made of it in that code. It has in Ray's Revised Civil Code been interpolated, it is true, among privileges. See under article 3252. But this does not constitute the homestead a privilege.

Privilege is a right which the nature of a debt gives to a creditor, and which entitles him to be preferred before other creditors, even those who have mortgages. Civil Code, 2188.

Privileges can be claimed only for those debts to which it is expressly granted in this case. Civil Code, 3188.

The succession owes no debt, properly speaking, to the widow and children. They are not creditors of the estate. Hence they have not a privilege in the sense in which the word is used in the Civil Code and under the definition of the word quoted above. The homestead is a little bounty, as stated by Judge Spofford in the case of succession of Fouilks, 1 A., 51, which the Legislature intended to secure to the indigent widow and to her children. And it is nowhere in law called a mortgage and privilege. This bounty or portion of the estate primes all privileges, except that of the vendor. And I am of opinion that it is not necessary that it should be recorded as is required for privileges.

The successions of Levi C. Whitney and Andrew Allison have been opened in this court.

AMUSEMENTS.

Academy of Music.

The Lydia Thompson burlesquers will produce "Blue Beard" again this evening. To-morrow evening "Kenilworth" will be brought out. Grand matinee next Saturday. The Thompson company are drawing excellent houses, slightly diminished by the rain last night.

St. Charles Theatre.

There is a great deal of fun and novelty in the character sketches of William Horace Lingard at the St. Charles Theatre, that are in addition to the popular comedy of "A Life's Dream," which the Lingard company are producing with much success. Grand Lingard matinee next Saturday.

Varieties Theatre.

The engagement of Mr. Lawrence Barrett is drawing to a close. He will appear this evening, on the occasion of his only benefit, in his great character of *Richelieu*. To-morrow evening, and for the Saturday matinee, the "Duke's Motto" will be performed. Next Monday evening Miss Charlotte Cushman, the greatest actress living, in her great impersonation of *Meg Merrilies*.

Tivoli Circle.

Old John Robinson's circus, museum, menagerie and equarium at Tivoli circle continues to attract the multitudes day and night. Performances commence at twelve o'clock M. and 7:30 P. M. The equestrianism is superb, and everything about the entertainments is just what is represented. Only three days more of the circus.

OFFICIAL.

Laws of the United States Passed at the Second Session of the Forty-First Congress.

[GENERAL NATURE—No. 132.]

An act making appropriations for the repair, preservation and completion of certain public works on rivers and harbors and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums of money be and are hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, for the repair, preservation and completion of the following public works hereinafter named:

For the improvement of Du Luth harbor, Minnesota, fifty thousand dollars; provided, that no part of said sum shall be expended so as to injure the harbor of Superior city, Wisconsin.

For the improvement of Superior City harbor, Wisconsin, fifty thousand dollars.

For the improvement of Marquette harbor, Michigan, fifty thousand dollars.

For the improvement of Menomonee harbor, Michigan and Wisconsin, twenty-five thousand dollars.

For the improvement of Ahnapee harbor, Wisconsin, twenty five thousand dollars.

For the improvement of Two Rivers harbor, Wisconsin, twenty-five thousand dollars.

For the improvement of Oak Orchard harbor, New York, two thousand five hundred dollars.

For the improvement of the Monongahela river between Morgantown and New Geneva, in accordance with the plan submitted by General A. A. Humphreys in his report to the House of Representatives dated February fourteenth, eighteen hundred and seventy-two, twenty-five thousand dollars.

For the improvement of the Ohio river, and the harbors thereof, including the repair of the Cumberland dam, two hundred thousand dollars.

For the improvement of the Osage river, Missouri, twenty-five thousand dollars.

For the improvement of Currant river, Missouri, five thousand dollars.

For the continuing the work on the canal at the falls of the Ohio river, three hundred thousand dollars. And the Secretary of War is hereby directed to report to Congress, at its next session, or sooner, if practicable, the condition of said canal, and the provisions necessary to relieve the same from incumbrance, with a view to such legislation as will render the same free to commerce at the earliest practicable period, subject only to such tolls as may be necessary for the superintendence and repair thereof, which shall not, after the passage of this act, exceed five cents per ton.

For the improvement of Sheboygan harbor, Wisconsin, eighteen thousand dollars.

For the improvement of Port Washington harbor, Wisconsin, fifteen thousand dollars.

For the improvement of Kenosha harbor, Wisconsin, ten thousand dollars.

For the improvement of Chicago harbor, Illinois, ninety thousand dollars.

For the improvement of Calumet harbor, Illinois, forty thousand dollars.

For the improvement of Michigan City harbor, Indiana, fifty thousand dollars.

For the improvement of New Buffalo harbor, Michigan, five thousand dollars.

For payment to the Green Bay and Mississippi Canal Company, for so much of all and singular its property and rights of property in and to the line of water communication between the Wisconsin river and the mouth of the Fox river, including its locks, dams, canals, and franchises, as were under the act of Congress for the improvement of water communication between the Mississippi river and Lake Michigan by the Wisconsin and Fox rivers, approved July seventh, eighteen hundred and seventy, reported by the Secretary of War to be needed, in his communication to the House of Representatives dated March eighth, eighteen hundred and seventy-two, one hundred and forty-five thousand dollars.

For the improvement of Frankfort harbor, Michigan, ten thousand dollars.

For the improvement of Manistee harbor, Michigan, ten thousand dollars.

For the improvement of Pere Marquette harbor, Michigan, ten thousand dollars.

For the improvement of Pentwater harbor, Michigan, thirty thousand dollars.

For the improvement of White River harbor, Michigan, ten thousand dollars.

For the improvement of Muskegon harbor, Michigan, ten thousand dollars.

For the improvement of Grand Haven harbor, Michigan, fifteen thousand dollars.

For the improvement of Black Lake harbor, Michigan, ten thousand dollars.

For the improvement of Saugatuck harbor, fifteen thousand dollars.

For the improvement of South Haven harbor, Michigan, twelve thousand dollars.

For the improvement of Saint Joseph harbor, Michigan, three thousand dollars.

For the improvement of Saint Mary's river and Saint Mary's Falls canal, Michigan, three hundred thousand dollars, of which sum fifteen thousand dollars may be applied to secure the right of way.

For the improvement of Cheboygan harbor, Michigan, fifteen thousand dollars.

For the improvement of Au Sable river, Michigan, ten thousand dollars.

For the improvement of Harbor of Refuge, on Lake Huron, one hundred thousand dollars.

For the improvement of the mouth of Black river, in Saint Clair river, Michigan, fifteen thousand dollars.

For the improvement of Saint Clair flats, Michigan, four thousand dollars.

For the improvement of Toledo harbor, Ohio, fifteen thousand dollars.

For the improvement of Dunkirk harbor, New York, twenty-five thousand dollars.

For the improvement of Port Clinton harbor, Ohio, eight thousand dollars.

For the improvement of Rocky river harbor, Ohio, ten thousand dollars.

For the improvement of Maumee river above Toledo, Ohio, seven thousand dollars.

For the improvement of Monroe harbor, Michigan, ten thousand dollars.

For the improvement of Buffalo harbor, New York, seventy-five thousand dollars; and the unexpended balance heretofore appropriated for building sea-wall at Buffalo.

For the improvement of Olcott harbor, New York, ten thousand dollars.

For the improvement of Pulteneyville harbor, New York, ten thousand dollars.

For the improvement of Little Sodus harbor, New York, fifteen thousand dollars.

For the improvement of Big Sodus harbor, New York, fifteen thousand dollars.

For the improvement of Oswego harbor, New York, one hundred thousand dollars.

For the improvement of Ogdensburgh harbor, New York, ten thousand dollars.

For the improvement of Plattsburgh harbor, New York, ten thousand dollars.

For the improvement of Burlington harbor, Vermont, thirty thousand dollars.

For the improvement of Otter creek, Vermont, from Vergennes to its outlet on Lake Champlain, ten thousand dollars.

For dredge and snag boats on the upper Mississippi river, forty-two thousand dollars.

For the improvement of the Minnesota river, Minnesota, ten thousand dollars.

For the improvement of the Des Moines rapids, Mississippi river, four hundred thousand dollars.

For the improvement of the Rock Island rapids, Mississippi river, fifty thousand dollars.

For the preservation of the falls of Saint Anthony, Minnesota, and the navigation of the Mississippi river above the same, fifty thousand dollars.

For improvement of the Mississippi, Missouri and Arkansas rivers, ninety thousand dollars; for improvement of the Little Missouri river, ten thousand dollars; for improvement of the Ouachita river, in Arkansas, sixty thousand dollars; and further improvement of the Ouachita river, in Louisiana, forty thousand dollars.

For the improvement of the Mississippi river between the mouth of the Illinois river and the mouth of the Missouri river, twenty-five thousand dollars.

For the improvement of the Mississippi river between the mouth of the Missouri river and the mouth of the Merrimac river, one hundred thousand dollars.

For the improvement of the Wabash river, Indiana, commencing at its mouth, fifty thousand dollars.

For the continuation of the work now in progress on the Tennessee river, below Chattanooga, including the Muscle shoals, fifty thousand dollars.

For the improvement of the Tennessee river, between Knoxville and Chattanooga, twenty-five thousand dollars.

For the improvement of Cumberland river, in Tennessee, twenty thousand dollars.

For the improvement of the mouth of the Mississippi river, Louisiana, one hundred and fifty-five thousand dollars.

For the improvement of Tones bayou, Louisiana, twenty thousand dollars.

For the improvement of Calcasieu pass, in the State of Louisiana, fifteen thousand dollars.

For the improvement of bar in Galveston bay, ten thousand dollars, and for improvement of the harbor of Galveston, Texas, thirty-one thousand dollars.

For the improvement of Cypress bayou, near Jefferson, Texas, ten thousand dollars.

For the improvement of the Tangipahoa river, Louisiana, two thousand five hundred dollars.

For removing the raft in Red river, Louisiana, one hundred and fifty thousand dollars.

For removing the wreck of the gunboat Oregon in the Chifuncte river, Louisiana, six thousand dollars.

For dredging the bar at the mouth of the harbor of Cedar Keys, Florida, seven thousand five hundred dollars.

For dredging the bar at the mouth of Saint John's river, Florida, ten thousand dollars.

For the improvement of Mobile harbor and bay, Alabama, seventy-five thousand dollars.

For the improvement of the ship channel in Charleston harbor, South Carolina, thirty-eight thousand seven hundred dollars.

For removing obstructions in Ashepoo river, South Carolina, one thousand three hundred dollars; and the amount of the appropriation made by act of Congress approved July eleventh, eighteen hundred and seventy, for removing obstructions in Town creek, near Charleston, South Carolina, which remains unexpended, is hereby appropriated to remove wrecks obstructing navigation in Stono river, South Carolina, near Church flats.

For the improvement of Savannah harbor and river, Georgia, fifty thousand dollars.

For the improvement of the entrance to the harbor of Baltimore, in Patapsco river, and Chesapeake bay, one hundred thousand dollars.

For the improvement of the Rappahannock river, below Fredericksburg, Virginia, fifteen thousand dollars.

For the improvement of the James river, Virginia, fifty thousand dollars.

For the improvement of the Appomattox river below Petersburg, Virginia, forty thousand dollars.

For the improvement of Aquia creek, Virginia, one thousand five hundred dollars.

For the improvement of Accotink creek, Virginia, five thousand dollars.

For the improvement of the Roanoke river below Weldon, North Carolina, ten thousand dollars.

For the improvement of Cape Fear river, below Wilmington, North Carolina, one hundred thousand dollars.

For the improvement of Queenstown harbor, Maryland, six thousand dollars.

For the improvement of Worton harbor, Maryland, twelve thousand dollars.

For the improvement of Cambridge harbor, Maryland, ten thousand dollars.

For removal of rocks at New Haven harbor, Connecticut, fifteeen thousand dollars.

For the improvement of Northeast river, Maryland, ten thousand dollars.

For the improvement of Wicomico river, Maryland, five thousand dollars.

For clearing and improving the channel of the Schuylkill river from its mouth to the Chestnut street bridge, Philadelphia, Pennsylvania, forty thousand dollars, of which sum sufficient is to be used for removing the rock between Locust street and the said bridge.

For the improvement of Wilmington harbor, Delaware, ten thousand dollars.

For the repair of pier of the ice harbor at New Castle, Delaware, and for building a new pier at said harbor, twenty-seven thousand dollars.

For the improvement of Delaware river, between Trenton and Bordentown, New Jersey, ten thousand dollars.

For improvement of Cocheco river within the town of Dover, New Hampshire, ten thousand dollars.

For improvement of Black River harbor, Ohio, twenty thousand dollars.

For surveys and examinations, with a view to the improvement of rivers and harbors, one hundred and fifty thousand dollars.

SEC. 2. That the Secretary of War is hereby directed to cause examinations or surveys, or both, to be made at the following points, namely: At Keyport harbor, New Jersey; channel between Staten island and New Jersey; at Cohansey creek, New Jersey; at Bear creek, Lake Ontario, New York; at Waddington harbor, New York; for a breakwater at Rouse's point, on Lake Champlain, New York; at Port Austin and Port Crescent, Michigan; at the mouth of Pensaukie river, Wisconsin; at Waukegan harbor, Illinois; the Machias river, Maine; at Wickford harbor and Newport harbor, Rhode Island; the east side of Providence river, between Field's point and Fox point, Rhode Island; at Port Orford, Oregon; at Estero bay, San Louis, Obispo county, California; the mouths of Nomoni creek and Occoquan river, Virginia; the bay or sound from Delaware line through Worcester county to Chincoteague inlet, Virginia, with a view to an inlet at or near a place called the Hommacks; for a ship canal between the waters of Galveston bay and Saline lake, Texas; Chester river at Kent island narrows, Maryland; St. Francis river, from Greenville down, Missouri; Gasconade river, Missouri; Tombigbee river, between Fulton and Columbus, Mississippi; harbor of Cedar Keys and channel to same, Florida; Niantic river, Connecticut; the bars at the outlet of Sabine pass, Texas; the Mississippi river, between the mouth of the Missouri river and the mouth of the Ohio river; west end of the pass at and near Blo Buck point, Texas; the bar at the mouth of Sabine river, in Sabine lake, and to extend up the main channel of said river to the town of Belzora; at the mouth of the Nuches river, in Sabine lake, and to extend up the main channel of said river to the town of Boonville, at the point where the Angelica river falls into the Nuches river, and to extend up the main channel of said river to the town of Pattonia, Texas; at the mouth of the Trinity river, in Galveston bay, and to extend up the main channel of said river to the town of Magnolia, Texas; Washington harbor, North Carolina, Edenton harbor, North Carolina; mouth of Mackey's creek, North Carolina; Chippewa river, up to Chippewa falls, Wisconsin; harbor at Swanton, Vermont; harbor at Galveston, Texas; at Apalachicola river, from Chattahooche, Florida, to Apalachicola; at Chattahooche river, from Columbus, Georgia, to Chattahooche, Florida; at Flint river, from Albany, Georgia, to Chattahooche, Florida; for survey of breakwater at Milford, Connecticut; mouth of Pine river, Michigan; the harbor of San Diego, California; mouth of Grand Calumet river, Indiana; Great Kanawha river, from the great falls to the mouth, West Virginia; to complete the survey of the James river and Kanawha canal; for survey of Camden harbor, Maine; for a sea wall or breakwater at Trinidad harbor, California; of the channel and bank at entrance of Salem harbor, on Merrimack river, Massachusetts, from Haverhill to Newburyport, including Duck Hole and Currier shoals; the New river, from the mouth of Greenbrier, in West Virginia, to the lead mines, in Wythe county, Virginia; at St. Helens bar, in the Columbia river, Oregon; for survey for the removal of wrecks of gunboats, steamers and other obstructions placed in Yazoo river during the war, and for the resurvey of Savannah harbor; the Delaware river between Trenton and Easton; for the survey of the river St. Mary's, in Ohio and Indiana; for the survey of the Minnesota river above the mouth of the Yellow Medicine, Minnesota.

SEC. 3. That in the examinations or surveys of all points mentioned in the foregoing section, the Secretary of War be directed to ascertain, as far as practicable, the amount of tonnage of commercial business during the previous year at each point, together with such other facts as bear upon the question of the contemplated improvement, and that he communicate the same, together with his report of the examination or survey of such point, to Congress; provided, that so much of the amount herein appropriated for the survey of rivers and harbors as is requisite for contingencies may be used for said purpose.

Approved June 10, 1872.

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, so can be left unpaid, and shall modify such list from time to time, as the experience of 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 specially 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 cities 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 misel 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, or 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 custom-house 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 by 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 ships' articles, and whom they may deem it necessary to detain. These 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 Consu