New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES

OFFICIAL JOURNAL OF NEW ORLEANS

THE COURTS.

United States Circuit Court.

The case of Alexander, an American seaman on a British vessel, praying for a writ of habeas corpus, reported briefly in the REPUBLICAN yesterday, has excited so much comment that we are authorized to devote fuller space to the matter.

This case involves a great deal of interest, as manifested in the action taken by the British consul and British shippers generally with regard to the rulings of Commissioner Weller and Commissioner Shannon on the question as to an American sailor signing articles on board a foreign vessel in a foreign port, and the effect of the contract when the parties to the same arrive in the United States. While Commissioner Weller holds that an American sailor will not be entitled to his discharge from an English vessel where the contract has been entered into bona fide between the parties, unless there is proof that the sailor has received maltreatment from the captain or officers of the ship, Commissioner Shannon holds that the right of an American sailor can not be impaired by any contract of shipping that he may have entered into in a foreign port, and that as soon as he arrives in any port of the United States his arrival operates as a discharge and annulment of his contract to serve. He also holds that an American sailor can prove his citizenship by his own oath.

As will be seen from the proceedings here, the court sustains the ground taken by Commissioner Shannon, namely, that an American citizen can prove his citizenship in the courts of his own country, by his own oath, and that the courts will go behind the written articles in order to determine the rights of the parties aggrieved.

But in addition to the above, Mr. Shannon's other important rulings are: That a consul's certificate of acknowledgment of shipment of seamen is not conclusive upon the seaman, but he may show by parole that such a certificate is incorrect, especially when under oath, a seaman does not acknowledge the signature to the shipping articles to be his.

Also, that where a seaman, a citizen of the United States, in a port other than that from which a foreign vessel commenced her voyage, having shipping articles, or articles of agreement from such port of original departure, joins such ship while upon a round voyage, he may, notwithstanding a shipment at such other port, on his arrival at a port of discharge in the United States claim his discharge from such vessel.

It may be appropriate to remark here that the department at Washington has directed inquiry to be made testing the validity of the Admiralty rulings of Commissioners J. B. Weller and H. R. Shannon, with a view to harmonize proceedings, and to establish certain rules for the government of such important cases before them. Already Mr. Beckwith has addressed himself to each, and we look forward to any light he may throw on the subject.

Although there had been no return to the writ made in this case, the relator was allowed to attend court this morning by the captain with whom he had contracted to serve. The British consul was also present and took part in the proceedings.

George Alexander, the relator, sworn—I signed this petition for habeas corpus; I was detained on board the vessel in the harbor; the vessel is called the Mary, Captain Main is master; he refused to give me my discharge; I was born in this country, in Portland, Maine; I have always resided in this country; I shipped on board of this vessel in Glasgow; I did not sign shipping articles in the port of Glasgow until after I left it.

The British consul here interrupted and said:

"With your honor's permission, I will state, on behalf of the captain, that the writ was not served until late last evening, and we had no time to obtain legal assistance. I would, therefore, ask the courtesy and consideration of the court to be allowed to object to anything being asked to the witness in relation to the shipping articles until they are produced."

The Court—Produce the articles, then; they are in possession of the captain.

Consul—As I understand, the man is here; he is not detained by the captain, and I thought the production of the articles would not be necessary.

The Court—Order the captain to produce the shipping articles; he is a British subject.

Consul—No parole evidence can be given to annul a written document.

The Court—But the witness says he did not sign the articles until after he left Glasgow. The court will go behind the articles. If the articles are not fraudulent, you must show it. Shipping articles have not the sanctity of a bond.

Witness resumed—I was bound by the articles to remain two years on board of the vessel.

Mr. Hudson, Esq., here informed the court that he would be pleased to appear for the captain in this case, and asked the court to sustain the objection to anything in relation to the shipping articles.

Witness continued—We sailed from Glasgow to Rio Janeiro, and thence to Pernambuco, thence to New Orleans; I do not know the port to which she is destined from here; how I happened to be in Glasgow when this vessel sailed was because I went across in an English vessel from New York; I was there compelled to go on board this vessel by a boarding master; he kept a sailors' boarding house; I was placed on board of the vessel against my will, and this is the first American port at which the vessel has touched.

Cross-examined by Mr. Hudson—I am an American citizen; I have no protection papers; I never had any; I have been five years going to sea, but have never left this country until this time; I was in the coasting trade; I am twenty-six years old; I know nobody in this city; I have no family; my father's name is Theophilus Morgan, and lives about twenty miles from Portland, Maine; my name is George Alexander; I am under my mother's name.

Re-examined—The captain refused to discharge me here, or let me go from the ship; I have been detained there; I was given to understand that I had no right to leave the vessel; I was forbidden to go ashore without permission; I have been ashore with permission; I was ashore yesterday and today; the day before yesterday I was refused permission to go ashore; yesterdao I was ashore to see an attorney; I had not special permission to go ashore on these occasions; I came ashore, I suppose, without asking permission; the reason I say I was forcibly detained on the vessel is because I can not leave her; I have, however, left her for a few hours; I am compelled to stay on the ship because the captain will not discharge me.

The court to Mr. Hudson—If you do not wish to detain him on the ship, let him go.

Mr. Hudson—He is not claiming his discharge from the ship.

The Court—If a person is in jail and told that he must stay there, he must do so. It you tell this man that he must come back to the ship or you will punish him, he is like a prisoner within walls.

Mr. Hudson—We will ask for costs this time, and take up the question of the discharge afterward.

The Court—You must detain or discharge him now. If you claim that he has been in your service and that he must not go, or you will punish him if he does not come back, he is then as much in your power when he goes ashore as if he was on board.

Mr. Hudson—If he claims his discharge in this way, without the question of wages being brought up, we will discharge him.

The Court—Let the relator be discharged, and let the question of costs come up tomorrow.

United States District Court.

William Smith vs. Steamer Royal George. Judgment was rendered for plaintiff in the sum of $201.

Supreme Court.

This court met yesterday morning and immediately adjourned, there being nothing on the docket for that day.

Superior District Court.

The Southern Paving Company instituted suit in this court, yesterday, to recover the sum of $122,888 from the city of New Orleans, alleging that they entered into a contract with the city to pave St. Charles street according to the patent known as the Nicolson patent, from Tivoli circle to Toledano street. That they have done some work and are desirous of carrying out the stipulations of their contract, but the city refuses to recognize their obligations in the premises, and refuses to allow the company to carry out their contract. Wherefore they pray for judgment for the above amount, with eight per cent interest from judicial demand. The case was fixed for hearing on the seventh of February.

State ex rel. W. W. Johnson vs. L. A. Davigneaud—Appeal prayed for by respondent was refused.

Second District Court.

The following successions have been opened in this court: Succession of Pierre Ducros; succession of Mrs. Coralie Fortier.

Fourth District Court.

In this court, in the case of Williams, Black & Co. vs. Spencer Field, Jr., and W. O. Bell, Judge Lynch has rendered the following decision:

On the first of August, 1869, Spencer Field, Jr., formed a commercial copartnership in the city of New Orleans for the purpose of dealing in coal; that copartnership continued till July 1, 1871, when it was dissolved by mutual consent. A few weeks prior to the dissolution W. O. Bell left New Orleans by steamship on a pleasure trip to New York. He drank freely during the voyage, and after his arrival in that city found himself out of funds, and applied to the plaintiffs, Williams, Black & Co., who lent him money at different times during the month of June, 1871, for the payment of which he gave a draft for the sum of $707, dated New York, June 23, 1871, payable at sight to the order of plaintiffs, drawn on the Southern Bank of New Orleans, in which, Bell said, his firm kept their account. To the draft he affixed the partnership name of "Field & Bell." The draft was presented at the bank, and payment thereof refused, on the ground that Field & Bell had no funds in the institution, whereupon the draft was protested, and this action was instituted for its amount against Field & Bell *in solido.*

There is no doubt as to the loan of the money by Williams, Black & Co. to Bell, as alleged. The only point to be determined in the case is whether any liability attached to the late firm of Field & Bell, now in liquidation for the payment of the draft given by Bell in the name of the partnership of which he was a member.

Mr. Black, one of the plaintiffs, testifies that at the time of advancing the money to Walter Bell he was very particular to ask Bell whether he was a member of the firm of Field & Bell, and whether it was to be continued. Bell replied that he was a member of the firm, and that it was to be continued without any change. Black did not know why Bell was in New York, and did not ask him why he was there. It was through Black that the money was advanced. He knew nothing of the fact as to the money being for the use of Bell individually. He did not know that Bell had no business in New York, or that he was on a drunken spree, until Bell was about leaving. He never knew the firm of Field & Bell only by reputation. He knew Bell since the latter was in the New Orleans Postoffice before the war, and their more intimate acquaintance began during the war. Black always regarded Bell highly, and thought him very reliable. There was no inquiry made by Black as to the use which Bell was to make of the money, no questions asked as to whether it was or was not to be used for the firm of Field & Bell, or that Bell made any representations of a fraudulent nature to induce the New York firm to lend him the money.

Bell, in his evidence, says that he had known the plaintiffs for many years; that he used the money borrowed from them for his private expenses; that he got the money without reference to business in any shape; that no part of the amount borrowed went to the use or benefit of the firm of Field & Bell; that the firm of Field & Bell had no business in New York at that time, or at any other place outside the State of Louisiana; that the plaintiffs knew the money was not for partnership purposes, and that such question was never asked; that the money was loaned without asking questions; that he drew the draft and received all the consideration therefor. Spencer Field, Jr., says that he does not know either of the plaintiffs, and the firm had no business transactions out of the State of Louisiana; that the firm derived no benefit from the obligation sued upon; he never knew the draft was drawn until after the partnership was dissolved.

Numerous authorities were cited by the learned counsel of plaintiffs to bring home to the firm of Field & Bell the liability claimed to belong to them in this matter. If the firm be responsible, the partners, Field & Bell, are bound in solido, because it was a commercial copartnership, and Field would be liable for the whole debt.

The court knows very well the responsibility attaching to partnerships of this kind from acts done by their individual members as their representatives. There exists, however, a sine qua non to such responsibility, and it is that an obligation when contracted by one partner must, to bind the partnership, be for the partnership; that the use or indorsement of the signature of the firm by one of the parties to have effect or authority must be made in a partnership transaction. A contrary doctrine would be monstrous and subversive of all associations of this kind. That a member of a commercial firm in New Orleans could absent himself to the far distant city of New York merely to indulge in a drunken debauch, and his partner, who remained at home attending to business, should be bound to pay the cost of the alcoholic decoctions of the absentee, is a proposition which a court of justice can not sanction, and yet this is virtually what the plaintiffs claim in this suit.

It is to be regretted that Williams, Black & Co. should lose the money which they in good faith gave to Bell, but they trusted him without having taken proper precautions to ascertain, as they were bound to do, whether or not the loan was for the use of Field & Bell, and was likely to insure to their benefit. Field, an innocent party, can not be compelled to make good to the plaintiffs the money they so imprudently gave to their acquaintance, Bell. Let there be judgment dismissing plaintiffs' demand, with costs.

B. L. LYNCH, Judge.

Fifth District Court.

Mrs. Chattie Green vs. A. C. Green, her husband.—Judgment was rendered in this suit in favor of plaintiff, granting a divorce and dissolving forever the bonds of matrimony heretofore existing between them.

Meteorological and River Report.

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

Place.	Ther.	Wind.	Weather.
Cairo	47	.....	Clear.
Chicago	2	S.	Fair.
Cincinnati	20	E.	Clear.
Davenport	4	S.	Clear.
Galveston	51	S. W.	Cloudy.
Indianola	54	S. W.	Fair.
Keokuk	4	S.	Clear.
Leavenworth	6	S.	Clear.
Louisville	40	S. E.	Fair.
Memphis	39	S. W.	Clear.
Nashville	36	S. W.	Cloudy.
New Orleans	54	S. W.	Cloudy.
Omaha	15	S.	Fair.
Pittsburg	8	E.	Cloudy.
Shreveport	50	S. W.	Clear.
St. Louis	35	S. E.	Clear.
Vicksburg	56	S. W.	Cloudy.

THE RIVERS.

Stations.	Rise, Inches.	Fall, Inches.	Above low water mark. Ft.	In.
Davenport	River gorged.			
Keokuk	River gorged.			
Cairo	..	5	41	6
St. Louis	..	..	7	2
Cincinnati	..	2	14	10
Louisville	..	..	8	10
Memphis	1	..	16	4
Vicksburg	1	..	47	8
Shreveport	..	1	8	9
Nashville	..	4	12	5

The river here is twelve feet three inches below high water mark of 1871.

OFFICIAL.

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

[GENERAL NATURE—No. 1.]

An act to authorize the construction of bridges across the Ohio river, and to prescribe the dimensions of the same.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any persons or corporations, having lawful authority therefor, may hereafter erect bridges across the Ohio river, for railroad or other uses, upon compliance with the provisions and requirements of this act.

SEC. 2. That every bridge hereafter erected across the Ohio river, above the mouth of the Big Sandy, shall have at least one span of a height of not less than ninety feet above low water, and of not less than forty feet above local highest water, measured to the bottom chord of the bridge; that every bridge hereafter erected across the Ohio river below the mouth of the Big Sandy, shall have at least one span of a height of not less than one hundred feet above low water, and of not less than forty feet above highest water, measured to the bottom chord of the bridge; that this high span shall give a clear opening of at least four hundred feet between the piers, measured at right angles to the current at every stage, and that it shall be placed over the main channel of the river used by boats during ordinary stages of water; provided, however, that any one company, lawfully authorized by the States of West Virginia and Ohio, is hereby authorized to construct a bridge across the Ohio river, from the city of Wheeling, in the State of West Virginia, to the opposite side of said river within the State of Ohio, with a span over the main channel of not less than three hundred and fifty feet in length, and in all other respects conformable and subject to the provisions of this act, so far as the same are applicable to bridges above the mouth of the Big Sandy; and provided, that in case this high span is not over the low-water channel, suitable arrangements be made elsewhere to permit the passage of single boats under the bridge at low water; that all bridges over the Ohio river below the Covington and Cincinnati suspension bridge, shall have, in addition to the high span prescribed above, a pivot draw, giving two clear openings of one hundred and sixty feet each, measured at right angles to the current at the average stage of water in the river, and located in a part of the bridge that can be safely and conveniently reached at that stage, and that said draw shall be opened promptly, upon reasonable signal, for the passage of boats whose construction shall not be such as to admit of their passage under the stationary spans of said bridge, except when trains are passing over the same; but in no case shall unnecessary delay occur in opening the said draw before or after the passage of trains.

SEC. 3. That the piers of the high span and the piers of the draw shall be built parallel with the current at that stage of the river which is most important for navigation; and that no riprap or other outside protection for imperfect foundation will be permitted in the channel-way of the high-span, or of the draw openings.

SEC. 4. That any person, company, or corporation authorized to construct a bridge across the Ohio river shall give notice, by publication for one week in newspapers having a wide circulation, in not less than two newspapers in the cities of Pittsburg, Cincinnati, and Louisville, for bridges above the mouth of the Big Sandy, and in the cities of Pittsburg, Cincinnati, Louisville, St. Louis, Memphis, and New Orleans, for bridges below the mouth of the Big Sandy, and shall submit to the Secretary of War, for his examination, a design and drawings of the bridge and piers, and a map of the location, giving, for the space of at least one mile above and one mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction of the current at all stages, and the soundings accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject by the Secretary of War; and if the Secretary of War is satisfied that the provisions of the law have been complied with in regard to location, the building of the piers may be at once commenced; but if it shall appear that the conditions prescribed by this act can not be complied with at the location where it is desired to construct the bridge, the Secretary of War shall, after considering any remonstrances filed against the building of said bridge, and furnishing copies of such remonstrances to the board of engineers provided for in this act, detail a board composed of three experienced officers of the corps of engineers, to examine the case, and may, on their recommendation, authorize such modifications in the requirements of this act, as to location and piers, as will permit the construction of the bridge; not, however, diminishing the width of the spans contemplated by this act; provided, that the free navigation of the river be not materially injured thereby.

SEC. 5. That all parties owning, occupying or operating bridges over the Ohio river shall maintain, at their own expense, from sunset to sunrise throughout the year, such lights on their bridges as may be required by the lighthouse board for the security of navigation; and all persons owning, occupying or operating any bridge over the Ohio river shall, in any event, maintain all lights on their bridge that may be necessary for the security of navigation.

SEC. 6. That any bridge constructed under this act, according to its limitations, shall be a lawful structure, and shall be recognized and known as a post route, upon which, also, no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to said bridge; and the United States shall have the right of way for postal telegraph purposes across any such bridge; and in case of any litigation arising from any obstruction or alleged obstruction to the navigation of said river, created by the construction of any bridge under this act, the cause or question arising may be tried before the district court of the United States of any State in which any portion of said obstruction or bridge touches.

SEC. 7. That the right to alter or amend this act, so as to prevent or remove all material obstructions to the navigation of said river by the future construction of bridges, is hereby expressly reserved, without any liability of the government for damages on account of the alteration or amendment of this act, or on account of the prevention or requiring the removal of any such obstructions; and if any change be made in the plan of construction of any bridge constructed under this act, during the progress of the work thereon or before the completion of such bridge, such change shall be subject to the approval of the Secretary of War; and any change in the construction, or any alteration of any such bridge that may be directed at any time by Congress, shall be made at the cost and expense of the owners thereof.

SEC. 8. That joint resolution number ten, approved April seventh, eighteen hundred and sixty nine, authorizing the construction of a bridge over the Ohio river at Paducah, be, and the same hereby is, repealed.

SEC. 9. That the provisions of an act entitled "An act to provide for the better security of life on vessels propelled in whole or in part by steam," etc., approved February twenty-eighth, eighteen hundred and seventy-one, so far as they relate to the limitation of steam pressure of steamboats used exclusively for towing and carrying freight on the Mississippi river and its tributaries, are hereby so far modified as to substitute for such boats one hundred and fifty pounds of steam pressure in place of one hundred and ten pounds, as provided in said act for the standard pressure upon standard boilers of forty-two inches diameter, and of plates of one-quarter of an inch in thickness; and such boats may, on the written permit of the supervising inspector of the district in which such boats shall carry on their business for a period of twelve months from and after the passage of this act, be permitted to carry steam above the standard pressure of one hundred and ten pounds, but not exceeding the standard pressure of one hundred and fifty pounds to the square inch.

J. G. BLAINE,
Speaker of the House of Representatives.
SCHUYLER COLFAX,
Vice President of the United States and President of the Senate.

Approved, December 17, 1872.
U. S. GRANT.

[GENERAL NATURE—No. 2.]

An act for the reduction of officers and expenses of the internal revenue.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on the first day of July, eighteen hundred and seventy-three, or at such time prior thereto, in the districts respectively, as the Commissioner of Internal Revenue may find practicable, the offices of assessor and assistant assessor of internal revenue shall cease to exist; thereupon all duties imposed by law on assessors and assistant assessors, except as hereinafter otherwise provided, be, and the same are hereby, transferred to and imposed upon collectors of internal revenue, to be performed by them or their deputies; and that all returns and reports required by law to be made to the said assessors and assistant assessors shall be made to the said collectors, or to their deputies; and that each of said assessors shall, prior to the date aforesaid, and at the time set therefor by the Commissioner of Internal Revenue, transfer to such revenue officer as may be designated by the Commissioner of Internal Revenue for that purpose all books, papers and other property belonging to the government in his possession, or in that of any of his assistant assessors, and shall file with his final account an inventory thereof in detail, with the receipt of said revenue officer therefor; and from the time set for said transfer, his office and that of his assistants shall cease.

SEC. 2. That the Commissioner of Internal Revenue is hereby authorized and required thereafter to make the inquiries, determinations and assessments of the following taxes, to wit:

For deficiencies imposed by the provisions of section twenty of an act entitled "An act imposing taxes on distilled spirits and tobacco, and for other purposes," approved July twentieth, eighteen hundred and sixty-eight, as amended by subsequent acts.

Semi-annually, upon the deposits, capital, and circulation of each person, bank, association, company, or corporation engaged in the business of banking, imposed by the provisions of section one hundred and ten of an act entitled "An act to provide internal revenue to support the government and to pay interest on the public debt, and for other purposes," approved June thirtieth, eighteen hundred and sixty-four, as amended and supplemented by subsequent acts.

Upon articles provided for in section five, and in the first proviso of section fourteen of an act entitled "An act to amend existing laws relating to internal revenue, and for other purposes," approved March second, eighteen hundred and sixty-seven.

Upon tobacco, snuff and cigars, provided for in section sixty of an act entitled "An act imposing taxes on distilled spirits and tobacco, and for other purposes," approved July twentieth, eighteen hundred and sixty-eight, as amended by section thirty-one of an act entitled "An act to reduce duties on imports and to reduce internal taxes, and for other purposes," approved June sixth, eighteen hundred and seventy-two.

Upon legacies and successions, and of all other internal revenue taxes liable to be assessed, or accruing under the provisions of former acts; and the said Commissioner shall certify such assessments, when made, to the proper collectors, respectively, who shall proceed to collect and account for taxes so certified in the same manner as assessments on lists are now collected and accounted for.

SEC. 3. That all special taxes imposed by law, accruing after April thirty, eighteen hundred and seventy three, including the tax on stills, or worms, shall be paid by stamps denoting the tax, and the Commissioner of Internal Revenue is hereby authorized and required to procure appropriate stamps for the payment of such taxes; and the provisions of section twenty-six and one hundred and one of an act entitled, "An act imposing taxes on distilled spirits and tobacco, and for other purposes," approved July twentieth, eighteen hundred and sixty-eight, and all other provisions of law relating to the preparation and issue of stamps for distilled spirits, fermented liquors, tobacco and cigars, so far as applicable, are hereby extended, so as to include such stamps, and the Commissioner of Internal Revenue shall have authority to make all needful rules and regulations relative thereto. Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax, except tobacco peddlers, shall place and keep conspicuously in his establishment or place of business all stamps denoting the payment of said special tax; and any person who shall, through negligence, fail to so place and keep said stamp shall, upon conviction, be sentenced to pay a penalty equal to the special tax for which his business rendered him liable, and the costs of prosecution; but in no case shall said penalty be less than ten dollars. And where the failure to comply with the foregoing provision of law shall be through willful neglect or refusal, then the penalty shall be double the amount above prescribed; provided, that nothing contained in this section shall change, or in any way affect the liability of any person for exercising or carrying on any trade, business or profession, or doing any act for the exercising, carrying on or doing of which a special tax is imposed by law, without the payment thereof.

SEC. 4. That each collector of internal revenue shall, under regulations of the Commissioner of Internal Revenue, place and keep conspicuously in his office, for public inspection, an alphabetical list of the names of all persons who shall have paid special taxes within his district, and shall state thereon the time, place and business for which such special taxes have been paid.

SEC. 5. That section one hundred and ten of an act entitled "An act to provide internal revenue to support the government, to pay interest on the public debt, and for other purposes," approved June thirtieth, eighteen hundred and sixty-four, as subsequently amended, be so amended that the returns therein required to be made shall be made and rendered semi-annually on the first day of December and the first day of June, in duplicate; one copy of which shall be transmitted to the collector of the proper district, and one copy to the Commissioner of Internal Revenue.

SEC. 6. That the act entitled "An act imposing taxes on distilled spirits and tobacco, and for other purposes," approved July twentieth, eighteen hundred and sixty-eight, as amended by subsequent acts, be further amended as follows, to wit:

That section five be amended so that the duplicate statement therein required to be retained by the assistant assessor of the district shall, from and after the time when the office of said assistant assessor shall cease, be transmitted by the collector to the Commissioner of Internal Revenue.

That section nineteen be amended so that one of the duplicate returns therein required to be sent to the assistant assessor of the district shall, from and after the time when the office of said assistant assessor shall cease, be transmitted by the collector to the Commissioner of Internal Revenue.

That section twenty-eight be so amended that all of the additional commission of one-half of one per centum therein allowed shall be paid to the collector receiving the tax on all spirits produced after the office of the assessor shall cease under the provisions of this act; provided, that the total net compensation of collectors as now fixed by law shall not be thereby increased.

That section fifty-nine be so amended that in case any peddler refuses to exhibit a proper certificate from the collector of his or her district, and fails to show cause why the property seized shall not be forfeited, proceedings for its forfeiture shall be taken and had under the general provisions of the internal revenue laws relating to forfeitures.

That the provisions of section one hundred and three be extended and made applicable to the provisions of this act.

SEC. 7. That section forty three of an act entitled "An act to reduce duties on imports and to reduce internal taxes, and for other purposes," approved June sixth, eighteen hundred and seventy-two, be, and the same is hereby, repealed.

SEC. 8. That the Commissioner of Internal Revenue shall, under the direction of the Secretary of the Treasury, require that each collector of internal revenue shall, before entering upon the duties prescribed by this act, give additional bond, conditioned that said collector shall faithfully perform the duties of his office according to the provisions of existing laws or of laws hereafter enacted.

SEC. 9. That the Commissioner of Internal Revenue be, and hereby is, authorized to designate one of the heads of division as chief clerk of the bureau without additional compensation.

Approved December 24, 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, or can be left unpaid, and shall modify such list from time to time, as the exigencies of its foreign postal service may require.

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

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

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

ARTICLE VII.

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

ARTICLE VIII.

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

ARTICLE IX.

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

ARTICLE X.

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

ARTICLE XI.

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

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

ARTICLE XII.

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

ARTICLE XIII.

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

ARTICLE XIV.

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

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

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

U. S. GRANT.

By the President:
HAMILTON FISH,
Secretary of State.
WASHINGTON, May 9, 1871.

A PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

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

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

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

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

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

ARTICLE I.

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

ARTICLE II.

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

ARTICLE III.

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

ARTICLE IV.

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

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

ARTICLE V.

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

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