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TREATIES AND CONVENTIONS.

A PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

Treaty between the United States of America and the Republic of Peru—Friendship, Commerce and Navigation—Concluded September 6, 1870; ratification advised by Senate, March 21, 1871; ratified by President, April 11, 1871; ratified by President of Peru, May 28, 1874; time for exchange of ratifications extended June 5, 1873; ratifications exchanged at Lima, May 28, 1874; proclaimed July 27, 1874.

[The time originally fixed for the exchange of ratifications having unavoidably elapsed, was extended by formal agreement of the parties, to November 2, 1874, within which time that ceremony took place, in the usual form.]

Whereas, a treaty of friendship, commerce and navigation, between the United States of America and the Republic of Peru, was concluded and signed by their respective plenipotentiaries at Lima on the sixth day of September, in the year eighteen hundred and seventy, the original of which treaty, being in the English and Spanish languages, is, word for word, as follows:

Treaty of friendship, commerce and navigation between the United States of America and the Republic of Peru.

The United States of America and the Republic of Peru, being equally animated with the desire to render firm and permanent the peace and friendship which have always so happily subsisted between them, and to place their commercial relations upon the most liberal basis, have resolved to fix clear and precise rules, which shall in future be religiously observed between the two nations, by means of a treaty of friendship, commerce and navigation. To attain this desirable object, the President of the United States of America has conferred full powers on Alvin P. Hovey, the accredited envoy extraordinary and minister plenipotentiary of the said State to the government of Peru; and the President of Peru has conferred like full powers upon Doctor Jose Jorge Loayza, Minister of Foreign Affairs; who, after exchanging their respective full powers, found to be in good and true form, have agreed upon and concluded the following articles:

ARTICLE I.

There shall be perfect and perpetual peace and friendship between the United States of America and the Republic of Peru, and between their respective territories, people and citizens, without distinction of persons or places.

ARTICLE II.

The United States of America and the Republic of Peru mutually agree that there shall be reciprocal liberty of commerce and navigation between their respective territories and citizens; the citizens of either republic may frequent with their vessels all the coasts, ports and places of the other, wherever foreign commerce is permitted, and reside in all parts of the territory of either, and occupy the dwellings and warehouses which they may require; and everything belonging thereto shall be respected, and shall not be subjected to any arbitrary visits or search. The said citizens shall have full liberty to trade in all parts of the territories of either, according to the rules established by the respective regulations of commerce, in all kinds of goods, merchandise, manufactures and produce not prohibited to all, and to open retail stores and shops under the same municipal and police regulations as native citizens; and they shall not in this respect be liable to any other or higher taxes or imposts than those which are or may be paid by native citizens. The citizens of either country shall also have the unrestrained right to travel in any part of the possessions of the other, and shall in all cases enjoy the same security and protection as the natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing; they shall not be called upon for any forced loan or extraordinary contribution for any military expedition, or for any public purpose whatever, nor shall they be liable to any embargo, or be detained with their vessels, cargoes, merchandise, goods or effects, without being allowed therefor a full and sufficient indemnification, which shall in all cases be agreed upon and paid in advance.

ARTICLE III.

The two high contracting parties hereby bind and engage themselves not to grant any favor, privilege or immunity whatever, in matters of commerce and navigation, to other nations, which shall not be immediately extended also to the citizens of the other contracting party, who shall enjoy the same, gratuitously if the concession shall have been gratuitous, or on giving a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ARTICLE V.

All kinds of merchandise and articles of commerce which may be lawfully imported into the ports and territories of either of the high contracting parties in national vessels may also be imported in vessels of the other party without paying other or higher duties or charges, of any kind or denomination whatever, than if the same merchandise and articles of commerce were imported in national vessels; nor shall any distinction be made in the manner of making payment of the said duties or charges. It is expressly understood that the stipulations in this and the preceding article are to their full extent applicable to the vessels, and their cargoes, belonging to either of the high contracting parties arriving in the ports and territories of the other, whether the said vessels have cleared directly from the ports of the country to which they appertain, or from the ports of any other nation.

ARTICLE VI.

No higher or other duties or charges shall be imposed or levied upon the importation into the ports and territories of either of the high contracting parties of any article, the produce, growth or manufacture of the other party than are, or shall be, payable on the like article, being the produce, growth or manufacture of any other country; nor shall any prohibition be imposed upon the importation of any article, the produce, growth or manufacture of either party into the ports or territories of the other, which shall not equally extend to all other nations.

ARTICLE VII.

All kinds of merchandise and articles of commerce which may be lawfully exported from the ports and territories of either of the high contracting parties in national vessels, may also be exported in vessels of the other party; and they shall be subject to the same duties only, and be entitled to the same drawbacks, bounties and allowances, whether the same merchandise and articles of commerce be exported in vessels of the one party or in vessels of the other party.

ARTICLE VIII.

It is hereby declared that the stipulations of the present treaty are not to be understood as applying to the navigation and coasting trade between one port and another, situated in the territories of either contracting party, the regulation of such navigation and trade being reserved respectively by the parties according to their own separate laws. Vessels of either country shall, however, be permitted to discharge part of their cargoes at one port open to foreign commerce in the territories of either of the high contracting parties, and to proceed with the remainder of their cargo to any other port or ports of the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances; and they shall be permitted to load in like manner at different ports in the same voyage outward.

ARTICLE IX.

The Republic of Peru, desiring to increase the intercourse along its coasts by means of steam navigation, hereby engages to accord to any citizen or citizens of the United States, who may establish a line of steam vessels to navigate regularly between the different ports of entry within the Peruvian territories, the same privileges of taking in and landing freight and cargo, entering the by-ports for the purpose of receiving and landing passengers and their baggage, specie and bullion, carrying the public mails, establishing depots for coal, erecting the necessary machine and workshops for repairing and refitting the steam vessels, and all other favors enjoyed by any other association or company whatsoever. It is furthermore understood between the two high contracting parties that the steam vessels of either shall not be subject in the ports of the other party to any duties of tonnage, harbor or other similar duties whatsoever, than those that are or may be paid by any other association or company.

ARTICLE X.

For the better understanding of the preceding articles, and taking into consideration the actual state of the commercial marine of Peru, it is stipulated and agreed that every vessel belonging exclusively to a citizen or citizens of the said republic, and of which the captain is also a citizen of the same, though the construction or the crew is or may be foreign, shall be considered, for all of the objects of this treaty, as a Peruvian vessel.

ARTICLE XI.

The merchants, commanders or masters of vessels, and other citizens of either contracting party, shall be wholly free to manage their own business and affairs in all the ports and places within the jurisdiction of the other, or to commit their business and affairs to the management of any person whom they may choose to appoint as agent, factor, consignee or interpreter. They shall not be restrained in the choice of persons to act in such capacities, or be compelled to pay any salary or remuneration to any one whom they do not wish to employ. Absolute freedom shall be given, as well with respect to the consignment and sale of their merchandise and articles of commerce, as to the purchase of their returns, unloading, loading and sending off their vessels. The buyer and seller shall have full liberty to bargain together and fix the price of any merchandise or articles of commerce imported into or to be exported from the territories of either contracting party, the regulations of commerce established in the respective countries being in every case duly observed.

ARTICLE XII.

The citizens of either of the high contracting parties shall have the full power and liberty to dispose of their personal and real estate and effects of every kind and description, within the jurisdiction of the other, by sale, donation, testament or otherwise; and their heirs or representatives, being citizens of the other party, shall succeed to the said personal and real estate and effects, whether by testament or *ab intestato*, and may take possession of the same themselves of by others acting for them, and dispose of the same at their pleasure, paying such dues only as the citizens of the country wherein said estate and effects may be shall be subject to pay in like cases.

ARTICLE XIII.

If any vessel belonging to the citizens of either of the high contracting parties, should be wrecked, suffer damage, or be left derelict on or near the coasts, within the territories of the other, all assistance and protection shall be given to such vessel and her crew; and the vessel, or any part thereof, and all furniture and appurtenances belonging thereto, together with all the merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored to the owners or their agents, they paying only the expenses incurred in the preservation of the property, together with the rate of salvage which would have been payable, in like case, by national vessels; and it shall be permitted for them to unload the merchandise and effects on board, with the proper precautions to prevent their illicit introduction, without exacting in such case any duty, impost, or contribution whatever, provided the same be exported.

ARTICLE XIV.

When through stress of weather, want of water or provisions, pursuit of enemies or pirates, the vessels of one of the high contracting parties, whether of war (public or private) or of trade, or employed in fishing, shall be forced to seek shelter in the ports, rivers, bays, and dominions of the other, they shall be received and treated with humanity; sufficient time shall be allowed for the completion of repairs, and while any vessel may be undergoing them its cargo shall not unnecessarily be required to be landed, either in whole or in part; all assistance and protection shall be given to enable the vessels to procure supplies and to place them in a condition to pursue their voyage without obstacle or hindrance.

ARTICLE XV.

All vessels, merchandise and effects belonging to the citizens of either of the high contracting parties which may be captured by pirates either on the high seas or within the limits of its jurisdiction, and may be carried into or found in the rivers, roads, bays, ports or dominions of the other, shall be delivered up to the owners or their agents, they proving, in due and proper form, their rights before the competent tribunals, it being understood that the claim thereto shall be made within two years by the owner themselves, their agents, or the agents of the respective governments.

ARTICLE XVI.

The high contracting parties promise and engage to give full and perfect protection to the persons and property of the citizens of each other, of all classes and occupations, who may be dwelling or transient in the territories subject to their respective jurisdiction; they shall have free and open access to the tribunals of justice for their judicial recourse, on the same terms as are usual and customary with the natives or citizens of the country in which they may be; and they shall be at liberty to employ, in all causes, the advocates, attorneys, notories, or agents, of whatever description, whom they may think proper. The said citizens shall not be liable to imprisonment without formal commitment under a warrant signed by a legal authority, except in cases *flagrantis delicti:* and they shall in all cases be brought before a magistrate or other legal authority for examination within twenty-four hours after arrest; and if not so examined, the accused shall forthwith be discharged from custody. Said citizens, when detained in prison, shall be treated, during their imprisonment, with humanity, and no unnecessary severity shall be exercised toward them.

ARTICLE XVII.

It is likewise agreed that perfect and entire liberty of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one or the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties who may die in the territories of the other shall be buried in the usual burying grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

ARTICLE XVIII.

The citizens of the United States of America and of the Republic of Peru may sail with their vessels, with entire freedom and security, from any port to the ports or places of those who now are, or hereafter shall be, the enemies of either of the contracting parties, whoever may be the owners of the merchandise laden in the said vessels. The same citizens shall also be allowed to sail with their vessels, and to carry and traffic with their merchandises, from the ports and places of the enemies of both parties, or of one of them, without any hindrance, not only to neutral ports and places, but also from one port belonging to an enemy to another enemy's port, whether they be under the jurisdiction of one power or of several. And it is agreed that free ships shall give freedom to goods, and that everything shall be deemed free which shall be found on board the vessels belonging to the citizens of either of the contracting parties, although the whole lading, or a part thereof, should belong to the enemies of either, articles contraband of war being always excepted. The same liberty shall be extended to persons who may be on board free ships, so that said persons can not be taken out of them, even if they may be enemies of both parties, or of one of them, unless they are officers or soldiers in the actual service of the enemy. It is agreed that the stipulations in this article declaring that the flag shall cover the property shall be understood as applying to those nations only who recognize this principle; but if either of the contracting parties shall be at war with a third, and the other shall remain neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not that of others.

ARTICLE XIX.

When the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, in virtue of the preceding article, neutral property found on board enemies' vessels shall likewise be considered as enemies' property, and shall be subject to detention and confiscation, unless it shall have been put on board before the declaration of war, or, even afterward, if it were done without knowledge of such declaration; but the contracting parties agree that ignorance can not be alleged after the lapse of six months from the declaration of war; on the contrary, in those cases where the flag of the neutral does not protect enemies' property which may be found on board, the goods or merchandise of the neutral embarked in enemies' vessels shall be free.

ARTICLE XX.

The liberty of commerce and navigation stipulated for in the preceding articles shall extend to all kinds of merchandise, except the articles called contraband of war, under which name shall be comprehended:

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades, bombs, powder, matches, balls, torpedoes, and everything belonging to the use of these arms.

2. Bucklers, helmets, breastplates, coats of mail, accoutrements, and clothes made up in military form and for military use.

3. Cavalry belts and horses, with their harnesses.

4. And, generally, all offensive and defensive arms made of iron, steel, brass, copper or any other material, prepared and formed to make war by land or at sea.

ARTICLE XXI.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only shall be considered as besieged or blockaded which are actually invested or attacked by a force capable of preventing the entry of the neutral.

ARTICLE XXII.

The articles of contraband, or those before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, but the rest of the cargo and the ship shall be left free, that the owners may dispose of them as they see proper. No vessel of either of the contracting parties shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain or supercargo of said vessel will deliver up the articles of contraband to the captor, unless, indeed, the quantity of such articles be so great, or of so large bulk, that they can not be received on board the capturing vessel without great inconvenience; but in this, and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment, according to law.

ARTICLE XXIII.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after having been warned of such blockade or investment by a commanding officer of a vessel forming part of the blockading forces, she again attempts to enter; but she shall be permitted to go to any other port or place the master or supercargo may think proper. Nor shall any vessel of either party that may have entered into such port or place before the same was actually besieged, blockaded or invested by the other, be restrained from leaving it with her cargo, nor if found therein before or after the reduction or surrender, shall such vessel or her cargo be liable to seizure, confiscation or any demand on the score of redemption or restitution, but the owners thereof shall remain in the undisturbed possession of their property. And if any vessel having thus entered the port before the blockade took place shall take on board a cargo after the blocade be established and attempt to depart, she may be warned by the blockading forces to return to the blockaded port and discharge the said cargo; and if, after after receiving such warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as in the case of a vessel attempting to enter a blockaded port after having been warned off by the blockading forces.

ARTICLE XXIV.

To prevent disorder and irregularity in visiting and examining the vessels and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a vessel of war, public or private, shall meet with a neutral of the other party, the former shall remain at the greatest distance compatible with the possibility and safety of making the visit, under the circumstances of wind and sea, and the degree of suspicion attending the vessel to be visited, and shall send one of her small boats with no more men than may be necessary to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, in respect of which the commanders of said armed vessels shall be responsible with their persons and property; for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the injuries and damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board of the examining vessel for the purpose of exhibiting the ship's papers, nor for any other purpose whatever.

ARTICLE XXV.

Both contracting parties likewise agree that when one of them shall be engaged in war the vessels of the other must be furnished with sea letters, patents or passports, in which shall be expressed the name, burden of the vessel and the name and place of residence of the owner and master, or captain thereof, in order that it may appear that the vessel really and truly belongs to citizens of the said other party. It is also agreed that such vessel, being laden, besides the said sea letters, patents or passports shall be provided with manifests or certificates containing the particulars of the cargo, and the place where it was taken on board, so that it may be known whether any part of the same consists of contraband or prohibited articles; which certificate shall be made out in the accustomed form by the authorities of the port whence the vessel sailed; without which requisites the vessel may be detained, to be adjudged by the competent tribunals, and may be declared good and legal prize, unless it shall be proved that the said defect or omission was owing to accident, or unless it shall be satisfied or supplied by testimony equivalent in the opinion of the said tribunals, for which purpose there shall be allowed a reasonable length of time to procure and present it.

ARTICLE XXVI.

The preceding stipulations relative to the visit and examination of vessels shall apply only to those which sail without convoy; for when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag they carry, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XXVII.

It is further agreed that, in all prize cases, the courts specially established for such causes in the country to which the prizes may be conducted shall alone take cognizance of them. And whenever such courts of either party shall pronounce judgment against any vessel, merchandise or property claimed by any of the citizens of the other party, the sentence of decree shall set forth the reasons or motives on which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings connected with the case, shall, if demanded, be delivered to the commander or agent of the said vessel, merchandise or property, without any excuse or delay, upon payment of the established legal fees for the same.

ARTICLE XXVIII.

Whenever one of the contracting parties shall be engaged in war with another nation, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or cooperating hostilely with the said party so at war, under pain of being treated as a pirate.

ARTICLE XXIX.

If, which is not to be expected, a rupture should at any time take place between the two contracting nations, and they should engage in war with each other, they have agreed, now for then, that the merchants, traders and other citizens of all occupations of either of the two parties residing in the cities, ports and dominions of the other shall have the privilege of remaining and continuing their trade and business therein, and shall be respected and maintained in the full and undisturbed enjoyment of their personal liberty and property so long as they conduct themselves peaceably and properly, and commit no offense against the laws. And in case their acts should render them justly suspected, and having thus forfeited this privilege the respective governments should order them to leave the country, the term of twelve months from the publication or intimation of the order therefor shall be allowed them in which to arrange and settle their affairs and remove with their families, effects and property; to which end the necessary safe conduct shall be given to them, which shall serve as a sufficient protection until they arrive at the designated port, and there embark; but this favor shall not be extended to those who shall act contrary to the established laws. It is, nevertheless, understood that the respective governments may order the persons so suspected to remove forthwith to such places in the interior as may be designated.

ARTICLE XXX.

In the event of a war, or of any interruption of friendly intercourse between the high contracting parties, the money, private debts, shares in the public funds, or in the public or private banks, or any other property whatever, belonging to the citizens of the one party in the territories of the other, shall in no case be sequestrated or confiscated.

ARTICLE XXXI.

The high contracting parties desiring to avoid all inequality in their public communications and official intercourse, agree to grant to their envoys, ministers, charges d'affaires, and other diplomatic agents, the same favors, privileges, immunities and exemptions that those of the most favored nation do or shall enjoy, it being understood that the favors, privileges, immunities and exemptions granted by the one party to the envoys, ministers, charges d'affaires, or other diplomatic agents of the other party, or to those of any other nation, shall be reciprocally granted and extended to those of both the high contracting parties respectively.

ARTICLE XXXII.

To protect more effectually the commerce and navigation of their respective citizens, The United States of America and the Republic of Peru agree to admit and receive mutually consuls and vice consuls in all their ports open to foreign commerce, who shall enjoy, within their respective consular districts, all the rights, privileges and immunities of the consuls and vice consuls of the most favored nation; but to enjoy the rights, prerogatives and immunities which belong to them in virtue of their public character, the consuls and vice consuls shall, before exercising their official functions, exhibit to the government to which they are accredited their commissions or patents in due form, in order to receive their exequatur; after receiving which they shall be acknowledged in their official characters by the authorities, magistrates and inhabitants of the district in which they reside. The high contracting parties nevertheless remain at liberty to except those ports and places where the admission and residence of consuls and vice consuls may not seem to be convenient; provided, that the refusal to admit them shall likewise extend to those of all nations.

ARTICLE XXXIII.

The consuls, vice consuls, their officers and persons employed in their consulates, shall be exempt from all public service, and from all kinds of taxes, imposts and contributions, except those which they shall be lawfully held to pay on account of their property or commerce, and to which the citizens and other inhabitants of the country in which they reside are subject, they being, in other respects, subject to the laws of the respective countries. The archives and papers of the consulates shall be inviolably respected; and no person, magistrate or other public authority shall, under any pretext, interfere with or seize them.

ARTICLE XXXIV.

The consuls and vice consuls shall have power to require the assistance of the public authorities of the country in which they reside for the arrest, detention and custody of deserters from the vessels of war or merchant vessels of their nation; and where the deserters claimed shall belong to a merchant vessel, the consuls or vice consuls must address themselves to the competent authority and demand the deserters in writing, proving by the ship's roll or other public document that the individuals claimed are a part of the crew of the vessel from which it is alleged that they have deserted; but should the individuals claimed form a part of the crew of a vessel of war, the word of honor of a commissioned officer attached to the said vessel shall be sufficient to identify the deserters; and when the demand of the consuls or vice consuls shall, in either case, be so proved, the delivery of the deserters shall not be refused. The said deserters, when arrested, shall be delivered to the consuls or vice consuls, or, at the request of these, shall be put in the public prisons, and maintained at the expense of those who reclaim them, to be delivered to the vessels to which they belong or sent to others of the same nation; but if the said deserters should not be so delivered or sent within the term of two months, to be counted from the day of their arrest, they shall be set at liberty, and shall not be again apprehended for the same cause. The high contracting parties agree that it shall not be lawful for any public authority or other person within their respective dominions to harbor or protect such deserters.

ARTICLE XXXV.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form, as soon hereafter as may be mutually convenient, a consular convention, which shall declare specially the powers and immunities of the consuls and vice consuls of the respective parties.

ARTICLE XXXVI.

Until the conclusion of a consular convention, the high contracting parties agree that in the absence of the legal heirs and representatives the consuls or vice consuls of either party shall be ex-officio the executors or administrators of the citizens of their nation who may die within their consular jurisdictions, and of their countrymen dying at sea whose property may be brought within their district. The said consuls or vice consuls shall call in a justice of the peace or some other judicial authority to assist in taking an inventory of the effects and property left by the deceased, after which the said effects shall remain in the hands of the said consuls or vice consuls, who shall be authorized to sell immediately such of the effects or property as may be of a perishable nature, and to dispose of the remainder according to the instructions of their respective governments. And where the deceased has been engaged in commerce or other business the consuls or vice consuls shall hold the effects and property so remaining until the expiration of twelve calendar months, during which time the creditors, if any, of the deceased shall have the right to present their claims and demands against the said effects and property; and all questions arising out of such claims or demands shall be decided by the laws of the country wherein the said citizens may have died. It is understood, nevertheless, that if no claim or demand shall have been made against the effects and property of an individual so deceased the consuls or vice consuls, at the expiration of the twelve calendar months, may close the estate and dispose of the effects and property in accordance with the instructions from their own governments.

ARTICLE XXXVII.

As a consequence of the principles of equality herein established, in virtue of which the citizens of each one of the high contracting parties enjoy in the territory of the other the same rights as natives, and receive from the respective governments the same protection in their persons and property, it is declared that only in case that such protection should be denied, on account of the fact that the claims preferred have not been promptly attended to by the legal authorities, or that manifest injustice has been done by such authorities, and after all the legal means have been exhausted, then alone shall diplomatic intervention take place.

ARTICLE XXXVIII.

The United States of America and the Republic of Peru, desiring to make as durable as possible the relations established between the two parties in virtue of this treaty of friendship, commerce and navigation, declare solemnly and agree as follows:

First—The present treaty shall remain in force for the term of ten years from the day of the exchange of the ratifications thereof, and further until the end of one year after either of the high contracting parties shall have given notice to the other of its intention to terminate the same, each of them reserving to itself the right of giving such notice to the other at the end of the said term of ten years. And it is hereby agreed between the parties that, on the expiration of one year after such notice shall have been received by either of them from the other party, as above mentioned, this treaty shall altogether cease and terminate.

Second—If any citizen or citizens of either party shall infringe any of the articles of this treaty, such citizen or citizens shall be held personally responsible thereto, and the harmony and good understanding between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender or offenders, or to sanction such violation, under pain of rendering itself liable for the consequences thereof.

Third—Should, unfortunately, any of the provisions contained in the present treaty be violated or infringed in any other manner whatever, it is expressly stipulated and agreed that neither of the contracting parties shall order or authorize any act of reprizals, nor declare nor make war against the other on complaint of injuries or damages resulting therefrom until the party considering itself aggrieved shall first have presented to the other a statement or representation of such injuries or damages, verified by competent proofs, and demanded redress and satisfaction, and the same shall have been either refused or unreasonably delayed.

Fourth—Nothing contained in this treaty shall, however, be construed to operate contrary to former and existing public treaties with other nations or sovereigns.

The present treaty of friendship, commerce and navigation shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Peru, with the approbation of the Congress thereof, and the ratifications shall be exchanged at Washington or Lima within eighteen months from the date of the signature hereof, or sooner, if possible.

In faith whereof we, the plenipotentiaries of the United States of America and of the Republic of Peru, have signed and sealed these presents.

Done at the city of Lima, in duplicate, English and Spanish, this the sixth day of September, in the year of our Lord one thousand eight hundred and seventy.

ALVIN P. HOVEY.
JOSE J. LOAYZA.

And whereas the said treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Lima on the twenty-eighth day of May last.

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, have caused the said treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this twenty-seventh day of July, in the year of our Lord one thousand eight hundred and seventy-four, and in the ninety-ninth of the independence of the United States of America. U. S. GRANT.

By the President:
HAMILTON FISH,
Secretary of State.

OFFICIAL.

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

[GENERAL NATURE—No. 80.]

An act conferring jurisdiction upon the criminal court of the District of Columbia, 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 criminal court of the District of Columbia shall have jurisdiction of all crimes and misdemeanors committed in said District, not lawfully triable in any other court, and which are required by law to be prosecuted by indictment or information.

SEC. 2. That the provisions of the thirty-third section of the judiciary act of seventeen hundred and eighty-nine shall apply to courts created by act of Congress in the District of Columbia.

Approved June 22, 1874.

[GENERAL NATURE—No. 86.]

An act to constitute Montgomery, in the State of Alabama, a port of delivery.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Montgomery, in the State of Alabama, shall be, and is hereby constituted a port of delivery, within the collection district of Mobile; and there shall be appointed a deputy collector of customs, to reside at said port, who shall receive a salary, to be determined by the Secretary of the Treasury, not exceeding one thousand five hundred dollars per annum.

Approved June 22, 1874.

TAX COLLECTORS' SALES.

TAX COLLECTOR'S SALE—No. 307.

STATE OF LOUISIANA—PARISH OF ORLEANS—Second District, City of New Orleans.

STATE OF LOUISIANA VS. A LOT OF GROUND fronting on Bourbon street, in square No. 69; assessed in the name of Mrs. M. E. O. Carr.

STATE TAX COLLECTOR'S OFFICE, No. 201 Canal street, New Orleans, January 10, 1875.

BY VIRTUE OF THE POWER IN ME VESTED by the act of the Legislature of this State, No. 47 of 1873, approved March 14, 1873, I will proceed to sell at public auction, at my office, No. 201 Canal street, in the said Second District of this city, on FRIDAY, January 22, 1875, at twelve o'clock M., the following described property, to wit—

A CERTAIN LOT OF GROUND, in square No. 69, bounded by Bourbon, Customhouse, Bienville and Dauphine streets, fronting on Bourbon street, measuring 32 by 128 feet.

Said property having been seized by me to satisfy a debt due the State of Louisiana for taxes upon said property for the year 1873, amounting to one hundred and eighty-eight dollars and fifty cents, together with all costs, penalties and charges.

At said sale the property will not be adjudicated unless the bid is for a sufficient amount to satisfy the aforesaid claim, together with the penalties thereon, and all costs and charges which may have accrued.

The purchaser at this sale will be put in immediate possession, but the owner has the right to redeem within six months upon the payment to the purchaser of the purchase price, and all costs and charges, together with fifty per cent additional upon the purchase price.

Terms—Cash on the spot.

H. H. HARRIS,
State Tax Collector, Second District, City of New Orleans. jal0 15 22

TAX COLLECTOR'S SALE—No. 305.

STATE OF LOUISIANA—PARISH OF ORLEANS—Second District, City of New Orleans.

STATE OF LOUISIANA VS. A LOT OF GROUND fronting on Royal street, in square No. 50; assessed in the name of F. Sancho.

STATE TAX COLLECTOR'S OFFICE, No. 201 Canal street, New Orleans, January 10, 1875.

BY VIRTUE OF THE POWER IN ME VESTED by the act of the Legislature of this State, No. 47 of 1873, approved March 14, 1873, I will proceed to sell at public auction, at my office, No. 201 Canal street, in the said Second District of this city, on FRIDAY, January 22, 1875, at twelve o'clock M., the following described property, to wit—

A CERTAIN LOT OF GROUND, in square No. 50, bounded by Royal, Ursulines, Hospital and Chartres streets, fronting on Royal street, measuring 25 by 160 feet.

Said property having been seized by me to satisfy a debt due the State of Louisiana for taxes upon said property for the year 1873, amounting to one hundred and forty five dollars, together with all costs, penalties and charges.

At said sale the property will not be adjudicated unless the bid is for a sufficient amount to satisfy the aforesaid claim, together with the penalties thereon, and all costs and charges which may have accrued.

The purchaser at this sale will be put in immediate possession, but the owner has the right to redeem within six months upon the payment to the purchaser of the purchase price, and all costs and charges, together with fifty per cent additional upon the purchase price.

Terms—Cash on the spot.

H. H. HARRIS,
State Tax Collector, Second District, City of New Orleans. jal0 15 22

TAX COLLECTOR'S SALE—No. 300.

STATE OF LOUISIANA—PARISH OF ORLEANS—Second District, City of New Orleans.

STATE OF LOUISIANA VS. A LOT OF GROUND fronting on Chartres street, in square No. 41; assessed in the name of E. G. Marmiche.

STATE TAX COLLECTOR'S OFFICE, No. 201 Canal street, New Orleans, January 10, 1875.

BY VIRTUE OF THE POWER IN ME VESTED by the act of the Legislature of this State, No. 47 of 1873, approved March 14, 1873, I will proceed to sell at public auction, at my office No. 201 Canal street, in the said Second District of this city, on FRIDAY, January 22, 1875, at twelve o'clock M., the following described property to wit—

A CERTAIN LOT OF GROUND, in square No. 41, bounded by Chartres, Toulouse, St. Louis and Royal streets, fronting on Chartres street, measuring 64 by 95 feet.

Said property having been seized by me to satisfy a debt due the State of Louisiana for taxes upon said property for the year 1873, amounting to two hundred and ninety dollars, together with all costs, penalties and charges.

At said sale the property will not be adjudicated unless the bid is for a sufficient amount to satisfy the aforesaid claim, together with the penalties thereon, and all costs and charges which may have accrued.

The purchaser at this sale will be put in immediate possession, but the owner has the right to redeem within six months upon the payment to the purchaser of the purchase price, and all costs and charges, together with fifty per cent additional upon the purchase price.

Terms—Cash on the spot.

H. H. HARRIS,
State Tax Collector, Second District, City of New Orleans. jal0 15 22

TAX COLLECTORS' SALES.

TAX COLLECTOR'S SALE—No. 298.

STATE OF LOUISIANA—PARISH OF ORLEANS—Second District, City of New Orleans.

STATE OF LOUISIANA VS. A LOT OF GROUND fronting on St. Peter street, in square No. 100; assessed in the name of E. G. Marmiche.

STATE TAX COLLECTOR'S OFFICE, No. 201 Canal street, New Orleans, January 10, 1875.

BY VIRTUE OF THE POWER IN ME VESTED by the act of the Legislature of this State, No. 47 of 1873, approved March 14, 1873, I will proceed to sell at public auction, at my office, No. 201 Canal street, in the said Second District of this city, on FRIDAY, January 22, 1875, at twelve o'clock M., the following described property, to wit—

A CERTAIN LOT OF GROUND, in square No. 100, bounded by St. Peter, Toulouse, Burgundy and Rampart streets, fronting on St. Peter street, measuring 36 by 113 feet.

Said property having been seized by me to satisfy a debt due the State of Louisiana for taxes upon said property for the year 1873, amounting to one hundred and thirty dollars and fifty cents, together with all costs, penalties and charges.

At said sale the property will not be adjudicated unless the bid is for a sufficient amount to satisfy the aforesaid claim, together with the penalties thereon, and all costs and charges which may have accrued.

The purchaser at this sale will be put in immediate possession, but the owner has the right to redeem within six months upon the payment to the purchaser of the purchase price, and all costs and charges, together with fifty per cent additional upon the purchase price.

Terms—Cash on the spot.

H. H. HARRIS,
State Tax Collector, Second District, City of New Orleans. jal0 15 22

TAX COLLECTOR'S SALE—No. 302.

STATE OF LOUISIANA—PARISH OF ORLEANS—Second District, City of New Orleans.

STATE OF LOUISIANA VS. A LOT OF GROUND fronting on Rampart street, in square No. 97; assessed in the name of E. P. Marmiche.

STATE TAX COLLECTOR'S OFFICE, No. 201 Canal street, New Orleans, January 10, 1875.

BY VIRTUE OF THE POWER IN ME VESTED by the act of the Legislature of this State, No. 47 of 1873, approved March 14, 1873, I will proceed to sell at public auction, at my office No. 201 Canal street, in the said Second District of this city, on FRIDAY, January 22, 1875, at twelve o'clock M., the following described property, to wit—

A CERTAIN LOT OF GROUND, in square No 97, bounded by Rampart, Conti, Bienville and Burgundy streets, fronting on Rampart street, measuring 21 by 102 feet.

Said property having been seized by me to satisfy a debt due the State of Louisiana for taxes upon said property for the year 1873, amounting to one hundred and forty-five dollars, together with all costs, penalties and charges.

At said sale the property will not be adjudicated unless the bid is for a sufficient amount to satisfy the aforesaid claim, together with the penalties thereon, and all costs and charges which may have accrued.

The purchaser at this sale will be put in immediate possession, but the owner has the right to redeem within six months upon the payment to the purchaser of the purchase price, and all costs and charges, together with fifty per cent additional upon the purchase price.

Terms—Cash on the spot.

H. H. HARRIS,
State Tax Collector, Second District, City of New Orleans. jal0 15 22

TAX COLLECTOR'S SALE—No. 299.

STATE OF LOUISIANA PARISH OF ORLEANS—Second District, City of New Orleans.

STATE OF LOUISIANA VS. A LOT OF GROUND fronting on St. Peter street, in square No. 100; assessed in the name of E. G. Marmiche.

STATE TAX COLLECTOR'S OFFICE, No. 201 Canal street, New Orleans, January 10, 1875.

BY VIRTUE OF THE POWER IN ME VESTED by the act of the Legislature of this State, No. 47 of 1873, approved March 14, 1873, I will proceed to sell at public auction, at my office, No. 201 Canal street, in the said Second District of this city, on FRIDAY, January 22, 1875, at twelve o'clock M., the following described property, to wit—

A CERTAIN LOT OF GROUND, in square No. 100, bounded by St. Peter, Toulouse, Burgundy and Rampart streets, fronting on St. Peter street, measuring 37 by 207 feet.

Said property having been seized by me to satisfy a debt due the State of Louisiana for taxes upon said property for the year 1873, amounting to eighty-seven dollars, together with all costs, penalties and charges.

At said sale the property will not be adjudicated unless the bids is for a sufficient amount to satisfy the aforesaid claim, together with the penalties thereon, and all costs and charges which may have accrued.

The purchaser at this sale will be put in immediate possession, but the owner has the right to redeem within six months upon the payment to the purchaser of the purchase price, and all costs and charges, together with fifty per cent additional upon the purchase price.

Terms—Cash on the spot.

H. H. HARRIS,
State Tax Collector, Second District, City of New Orleans. jal0 15 22

TAX COLLECTORS' SALES.

TAX COLLECTOR'S SALE—No. 313.

STATE OF LOUISI